

July 6, 2023

The Regular July meeting of the Danville City Council was held on July 6, 2023, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Absent: L.G. "Larry" Campbell Jr. (1).

Staff Members present were: City Manager Ken F. Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield, Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Sherman M. Saunders gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Presentation: Treasurer's Department Accreditation
Presented by: Sheila Williamson-Branch

Mayor Jones recognized Shelia Williamson-Branch and invited her to the podium. Ms. Williamson-Branch stated that her goal has always been to make sure the Treasurer's Office runs smoothly and efficiently, and indicated that everyone in her office was now certified. The office received this accreditation from the Treasurer's Association on June 20, 2023, at the annual conference this year. Ms. Williamson-Branch discussed the Treasurer's Association, the process of getting certified and receiving accreditation. Mayor Jones thanked Ms. Williamson-Branch and all of her staff for the work they do.

MEETING MINUTES

Upon Motion by Council Member Buckner and second by Council Member Whittle, Minutes from Regular Council Meeting held on June 6, 2023, were approved as presented. Draft copies of the Minutes had been distributed prior to the meeting.

APPOINTMENTS

Vice Mayor Miller **moved** for adoption of the following Appointment Resolutions:

Resolution 2023-07.01 - A Resolution Reappointing Stephen Daniel as a Member of the Airport Commission.

Resolution 2023-07.02 - A Resolution Reappointing Robert Jiranek as a Member of the Airport Commission.

Resolution 2023-07.03 - A Resolution Reappointing Michael Sheetz as a member of the Dan River Alcohol Safety Action Program.

Resolution 2023-07.04 - A Resolution Reappointing Ernestine Payne as a Member of the Danville Community College Board

Resolution 2023-07.05 - A Resolution Reappointing Tammy Warren as a Member of the Danville

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Community Policy and Management Team.

Resolution 2023-07.06 - A Resolution Reappointing Jerome Holman as a Member of the Danville Community Policy and Management Team.

Resolution 2023-07.07 - A Resolution Reappointing Geary Davis as a member of the Danville Pittsylvania Community Services Board.

Resolution 2023-07.08 - A Resolution Appointing Pamela Saunders as a Member of the Danville Pittsylvania Community Services Board.

Resolution 2023-07.09 - A Resolution Reappointing Helm Dobbins as a Member of the Danville Utility Commission.

Resolution 2023-07.10 - A Resolution Reappointing Vanessa Cain as a Member of the Danville Utility Commission.

Resolution 2023-07.11 - A Resolution Reappointing Dr. Gary P. Miller as a Member of the Danville Utility Commission.

Resolution 2023-07.12 - A Resolution Appointing John Ranson to the Planning Commission.

Resolution 2023-07.13 - A Resolution Reappointing Cynthia-Pruitt Rhodes as a member of the Social Services Advisory Board.

Resolution 2023-07.14 - A Resolution Appointing Debra Hairston as a Member of the Transportation Advisory Committee.

Resolution 2023-07.15 - A Resolution Appointing Rhonda Spraggins as a Member of the Transportation Advisory Committee.

The Motion was **seconded** by Council Member Mayo and carried by the following vote:

VOTE: 8-0-1
AYE: Buckner, Hood, Jones, Mayo, Miller,
Saunders, Vogler, and Whittle (8)
NAY: None (0)
ABSENT: Campbell (1)

NEW BUSINESS

CONSIDERATION OF A SPECIAL USE PERMIT AT 162 HOWELAND CIRCLE TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 162 Howeland Circle. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2023 and June 29, 2023. No one present desired to be heard and the Public Hearing was closed.

Council Member Vogler **moved** for adoption of an Ordinance entitled:

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ORDINANCE NO. 2023-07.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00118, FILED BY KATIE NEWCOMB, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 23539 (162 HOWELAND CIRCLE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

The Motion was **seconded** by Council Member Buckner and carried by the following vote:

VOTE: 8-0-1
AYE: Buckner, Hood, Jones, Mayo, Miller,
Saunders, Vogler, and Whittle (8)
NAY: None (0)
ABSENT: Campbell (1)

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION AT 122 BENEFIELD STREET TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 122 Benefield Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2023 and June 29, 2023. No one present desired to be heard and the Public Hearing was closed.

Council Member Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2023-07.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00164, FILED BY CHARLES WALKER, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 01417 (122 BENEFIELD STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

The Motion was **seconded** by Council Member Mayo and carried by the following vote:

VOTE: 8-0-1
AYE: Buckner, Hood, Jones, Mayo, Miller,
Saunders, Vogler, and Whittle (8)
NAY: None (0)
ABSENT: Campbell (1)

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION AT 491 WEST MAIN STREET TO ALLOW A DUPLEX

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 491 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2023 and June 29, 2023.

Mayor Jones recognized Thomas and Susan Akins, 485 West Main Street, who spoke to Council about the property located at 491 West Main Street including concerns there was no off-street parking and the issues that may arise if changed to a duplex.

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Mayor Jones asked Director of Planning Renee Burton to come to the podium and give any remarks regarding the property. Ms. Burton noted that West Main Street was a congested area and that parking was a concern for individuals living there. It was public parking and a spot cannot be guaranteed for anyone in front of their home.

Mayor Jones recognized Tim Rogers, 499 West Main Street, who expressed concern to Council about parking, the amount of vehicles in the area, speeding, and an incident where there was a football game on West Main with footballs being bounced off of cars at 3:00 am. He also expressed concerns over property tax values decreasing and how that will affect neighbors. Mayor Jones asked City Manager Ken Larking if changing this to a duplex would harm the tax assessed value, and Mr. Larking noted that would be better directed to a tax assessor.

Mayor Jones recognized Sonya Wolen, 419 Avondale Drive, who reminded Council that out of those asked, only six people were in favor and eleven were opposed to this passing. She asked Council what it would take for adjacent landowners to effectively block a decision of the Planning Commission because the Planning Commission passes everything. Mayor Jones noted that the Planning Commission was appointed by Council and that Council does not always approve everything that the Planning Commission suggested, and reviewed the process with Ms. Wolen.

No one further desired to be heard and the Public Hearing was closed.

Council Member Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2023-07.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00173, FILED BY KELLY RIDDLE, ON BEHALF OF NICHOLAS R. PRESTON, REQUESTING A SPECIAL USE PERMIT TO OPERATE A DUPLEX AT PARCEL ID 22549 (491 WEST MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 1.

The Motion was **seconded** by Council Member Mayo.

Mayor Jones recognized Council Member Vogler who questioned the possibility of permit and designated parking for individuals at a specific property; was that something that can be looked into. Ms. Burton stated that in the late 80's there was a parking by permit system that did not go well and was removed; it has not been looked into since. Mr. Vogler asked Ms. Burton to explain, from a staff perspective, why this was being recommended for Council approval, and she explained that from a staff perspective, they were looking the structure itself, it was an extremely large structure, being able to handle two individual units within that one property. That was how staff viewed it, and it was a viable use of the property. There were other duplexes in the area so it was not something out of character. Mr. Vogler stated there was a lot that had to be weighed and having a housing shortage was one of those, as well as the citizens, staff, and Planning Commission suggestions. Council Member Whittle asked about compact, angled parking with the bicycle lane there, can some of that apply on West Main, and Ms. Burton stated that could be looked into, but would need some research. Council Member Buckner noted that seventeen letters went out and eleven people were opposed to this proposal. That says a lot about the people in that area that would be affected, and it was a no for him. Vice Mayor Miller noted there was a housing shortage, but people throw up apartments and were not obligated to provide parking and then it turns into a "free for all" with parking. In his opinion, when a developer decides to do something like this they also need to provide parking for the occupants or a reasonable number of people; Council needs to do a better job mandating parking to be provided. Mayor Jones noted

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if the people who make these requests, if they could first establish a relationship with the community, and form a partnership with Averett who may have been able to share other parking around campus for those students staying on the property. That was the reason he was voting no tonight. When eleven out of seventeen people in a community say that they have a problem and people show up to voice their concerns over the property and footballs being bounced off vehicles at 3:00 a.m., there was a concern.

The Motion **FAILED** by the following vote:

VOTE: 2-6-1
AYE: Hood, Saunders (2)
NAY: Buckner, Jones, Mayo, Miller, Vogler, and Whittle (6)
ABSENT: Campbell (1)

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION AT 1224 WEST MAIN STREET TO ALLOW A MIXED-USE DEVELOPMENT

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1224 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2023 and June 29, 2023.

Council Member Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2023-07.04

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00169, FILED BY ALLEN STONE REQUESTING A SPECIAL USE PERMIT TO ALLOW A MIXED-USE DEVELOPMENT WITH RESIDENTIAL USE ON THE UPPER LEVEL(S) AND COMMERCIAL USE ON THE STREET LEVEL AT PARCEL ID 56046 (1224 WEST MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.X. SECTION C ITEM 2.

The Motion was **seconded** by Council Member Whittle and carried by the following vote:

VOTE: 8-0-1
AYE: Buckner, Hood, Jones, Mayo, Miller, Saunders, Vogler, and Whittle (8)
NAY: None (0)
ABSENT: Campbell (1)

CONSIDERATION OF A REQUEST TO AMEND CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, SPECIFICALLY TO AMEND ARTICLE 2 SECTION P ITEM 8, TO AMEND THE HEIGHT AND SIZE OF A FLAG POLE

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 22, 2023 and June 29, 2023. No one present desired to be heard and the public hearing was closed.

Council Member Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2023-07.05

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AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 2, SECTION P, ITEM 8, TO AMEND THE HEIGHT AND SIZE OF A FLAGPOLE.

The Motion was **seconded** by Council Member Mayo.

Council Member Vogler questioned if this was only for new flagpoles or did it apply to all flagpoles in the City, and Mr. Larking stated that this was typically for new flagpoles, but if there were flagpoles currently out of compliance it would not impact the City's ability to regulate those as well. Mr. Vogler asked if a structure had to be on the property for a flagpole to be placed, and Mr. Larking stated that currently, and after this ordinance, in order to place a flagpole on property without a structure citizens would have to apply for a special use permit. A letter will be sent to those individuals who were out of compliance with the zoning code. Council Member Whittle asked about those who have flagpoles in yards, and Mr. Larking stated that this does not apply to any home or business that has a flagpole, and Ms. Burton noted that was correct. If someone was looking to erect a new flagpole on their property with the primary structure, there were certain regulations in the code. As far as setbacks, it must be equal to the height of the pole, so if the pole were to fall over, it doesn't fall over onto someone else's property causing damage. Mr. Whittle questioned if the ones that were in the fields without a residence were going to get a letter and Mr. Larking stated if they currently do not have a special use permit, they currently are not in compliance and will continue to not be in compliance after this ordinance was adopted; they need to get a special use permit. Mr. Vogler questioned if the City sent a letter to someone who has a flagpole that was not in compliance, and the citizen ignores the letter, what happens and City Attorney Clarke Whitfield noted that anyone out of compliance with the zoning ordinance could have a zoning violation taken out and will have to go through General District Court.

The **Motion** was carried by the following vote:

VOTE: 8-0-1
AYE: Buckner, Hood, Jones, Mayo, Miller,
Saunders, Vogler, and Whittle (8)
NAY: None (0)
ABSENT: Campbell (1)

COMMUNICATIONS

City Manager Ken Larking noted the storm that came through the community on Sunday caused a lot of damage. He thanked utilities, public works, fire, police, and all other departments that worked together to restore power, clean up fallen trees, and start storm cleanup as soon as possible. Multiple crews were called in through mutual aid agreements with North and South Carolina, and he thanked everyone who was involved in those efforts.

The Deputy City Manager, City Attorney, and the City Clerk did not have anything this evening.

Council Member Vogler noted several concerns citizens have brought up to him including hotels not allowing local citizens to stay; this was an issue when there were power outages and such happening. He asked if there was something, outreach wise, that can be done to partner with hotels to allow citizens to stay there. Mayor Jones asked if the Economic Development Department could look into it, and Mr. Larking noted it would be looked into. Mr. Vogler inquired about security at the train station, doors being locked and people not being able to go through the

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lobby; that could be a safety concern. Mr. Larking noted that will be looked into as well. Mr. Vogler inquired about targeting certain areas for utilities to be moved underground that have power outages more often than others, and Mr. Larking stated that he would get more information from Jason Grey regarding that. Mr. Vogler stated Council and everyone did a phenomenal job looking after employees during the budget process; when will Council be able to do the same for retiree bonuses, and Mr. Larking explained that a raise for retirees was done last year due to rising cost of living. There were several factors that have to be taken into account when looking at doing these raises; he would send the policy out to Council.

Council Member Whittle noted that staff did a fantastic job during the outages and that was appreciated. He asked who operated the inside of the train station, and Mr. Larking stated that the building was owned by the City and leased to the science center.

Council Member Buckner stated City staff and each department, they did an amazing job over the weekend, and thanked them for their dedication to the citizens; the Parks and Recreation staff have a long road ahead of them with the damage to Ballou Park. The 4th of July celebration was phenomenal this year; it just seems to get better and better. Citizens can text "events" to 24541 and receive updates of what was going on with Parks and Recreation in the City.

Council Member Hood thanked all City workers and partners, and also thanked Council Member Whittle for opening his home to those in need during the storm. Mr. Hood gave a shout out to House of Fashion for their City Lights event this past Saturday and also to Tia Johnson and the community for a successful community field day; almost 200 youth and adults participated. DRHA will be hosting a free youth camp July 10 with transportation included, this Friday will be the DRHA block party concert at the SCLS building on Chatham Avenue at 5pm, and today marks the Stayhood Foundation's one year anniversary. Designer Eats will host a "Feed the Streets" free event at Dan Daniel Park on July 16 from 2pm to 6pm with free food and bouncy houses for the youth. Cazelle and Company, Stayhood Foundation, and Occasions on the Go were accepting donations for a school supply drive from July 5 to July 15. Happy Birthday to Mrs. Ruth Yarbrough who turned 100 and watches every Council meeting.

Council Member Mayo noted that there was a lot going on in Danville with events and ribbon cuttings, the Police Department youth graduation, the Nelly concert on Saturday, but the highlight for him was the Langston class reunion the past Saturday. There was something happening every weekend; Danville was on the move.

Council Member Miller noted that the event at Dan Daniel park was a great event, and thanked all the utility crews and Danville's that came out and helped restore power. Dr. Miller thanked public works for getting up all the debris and brush for picking up items on the curb. Kudos to everyone.

Council Member Saunders thanked Sheila Williamson-Branch for everything she and her staff do for the City every day, and thanked City staff, other partners, volunteers, and everyone who came together to help with the storm cleanup efforts. Mr. Saunders thanked Council Member Whittle for opening his home during this time as well. Danville was growing and they were thankful for that. Ethnicity should not matter when looking at who was moving into areas; parking was an issue, it will probably become more of a problem, and was not sure what can be done for that. There was so much to do in this city; he visited River District Golf Social with some friends and it was an excellent experience.

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Mayor Jones thanked everyone who attended the meeting tonight. Nichol Crews at the Virginia Department of Veteran Services has done an amazing job; it is a beautiful place. Mayor Jones noted he met recently with Ed Owens the mayor of South Boston, and with the mayor of Martinsville. Everyone was excited about what is going on in Danville. Tomorrow there will be the City versus County basketball game at Westover Christian Academy and doors will open at 5:45pm. Laws changed on July 1 and the one he was really excited about was a new school bullying law that went into effect stating that the principal has 24 hours to contact the parents. There was no reason why kids should be bullied. Mayor Jones noted he appreciated anyone who is reaching out and being involved with the youth.

Meeting was adjourned at 9:06pm.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK