

August 1, 2023

The Regular August meeting of the Danville City Council was held on August 1, 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, L.G. "Larry" Campbell Jr., 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 (9).

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**

Vice Mayor Gary P. Miller gave the Invocation followed by the Pledge of Allegiance.

### **MEETING MINUTES**

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

### **NEW BUSINESS**

### **CONSIDERATION OF VACATING A RIGHT OF WAY AT ANN BYRD COURT AND HARRAWAY LANE**

Mayor Jones opened the floor for a Public Hearing regarding Vacating a Right of Way. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 18, 2023 and July 25, 2023.

Mayor Jones recognized John Stiltner with Landmark Development who spoke to Council about vacating the right of way on Seeland Drive for the Seeland Valley Apartments. He was available to answer any questions regarding the project; Council had no questions for Mr. Stiltner. 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. 2023-08.01**

AN ORDINANCE VACATING APPROXIMATELY 1.42 ACRES OF UNIMPROVED PUBLIC RIGHT-OF-WAY IDENTIFIED AS ANN BYRD COURT AND HARRAWAY LANE.

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

|          |                                                                        |
|----------|------------------------------------------------------------------------|
| VOTE:    | 7-0-2                                                                  |
| AYE:     | Buckner, Campbell, Mayo, Miller, Saunders,<br>Vogler, and Whittle, (7) |
| NAY:     | None (0)                                                               |
| ABSTAIN: | Hood and Jones (2)                                                     |

August 1, 2023

**CONSIDERATION OF A SPECIAL USE PERMIT AT 252 LIPTON LANE (PARCEL 56147) TO ALLOW SHORT TERM RENTAL AS PRINCIPAL USE**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 252 Lipton Lane. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 18, 2023 and July 25, 2023.

Mayor Jones recognized Quincy Poteat, North Carolina, who noted he was the owner of the property and stated that would like to turn it into an Airbnb. 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. 2023-08.02**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00182, FILED BY SOLLERTIS ENTERPRISES, LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT TERM RENTAL AT PARCEL ID 56147 (252 LIPTON LANE) IN ACCORDANCE WITH ARTICLE 3.E, SECTION C, ITEM 29

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

Council Member Vogler noted that the Planning Commission approved this with a vote of 5-0. There were twenty-seven notices sent out to surrounding property owners and out of the twenty-seven notices only five were opposed; staff was recommending approval for this as well and Director of Planning Renee Burton stated that was correct.

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

VOTE: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

**CONSIDERATION OF A SPECIAL USE PERMIT AT 54 GLEN OAK DRIVE (PARCEL 55396) TO ALLOW SHORT TERM RENTAL AS PRINCIPAL USE**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 54 Glen Oak Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 18, 2023 and July 25, 2023.

Mayor Jones recognized Misty and Derek Adams, 117 Woodstock Way, who were requesting a special use permit for 54 Glen Oak Drive. No one further desired to be heard and the Public Hearing was closed.

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

**ORDINANCE NO. 2023-08.03**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00189, FILED BY DM WOODSTOCK ENTERPRISES, LLC, REQUESTING A SPECIAL USE PERMIT TO

August 1, 2023

OPERATE A SHORT TERM RENTAL AT PARCEL ID 55396 (54 GLEN OAK DRIVE) 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: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

**CONSIDERATION OF A SPECIAL USE PERMIT AT 21 ASHLAWN DRIVE (PARCEL 53030) TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 21 Ashlawn Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 18, 2023 and July 25, 2023.

Mayor Jones recognized Jennifer Durham, who noted she was applying for the special use permit for Ashlawn Drive. No one further desired to be heard and the Public Hearing was closed.

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

**ORDINANCE NO. 2023-08.04**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00195, FILED BY FORTUITOUS INVESTMENTS, LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT2 OF 591 TERM RENTAL AT PARCEL ID 53030 (21 ASHLAWN DRIVE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

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

Council Member Vogler stated that out of the forty-one notices that went out only four were opposed, with unanimous approval from the Planning Commission, and Ms. Burton noted that was correct. Vice Mayor Miller asked if short-term rental was up to thirty days and Ms. Burton stated that was correct, greater than eighteen hours and less than thirty days.

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

VOTE: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

**CONSIDERATION OF A SPECIAL USE PERMIT AT 162 COLLEGE AVENUE (PARCEL 21264) TO ALLOW SHORT TERM RENTAL AS PRINCIPAL USE**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 162 College Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 18, 2023 and July 25, 2023.

August 1, 2023

Mayor Jones recognized Edric San Miguel, applicant and homeowner of 162 College Avenue. Mr. San Miguel explained he moved to Danville in January as he had been assigned to work there in the foreseeable future at the casino as a project manager. By early May he had purchased the property with plans to renovate and revitalize the home, and eventually utilize the extra bedrooms to host families and professionals traveling to Danville, while he resides there. To do so, he was advised by Zoning that a special use permit was required, even if the home was his primary residence. When he stood before the Planning Commission on July 10<sup>th</sup>, he was informed of the concerns from his neighbors with regard to turning his home into a short term rental. While some concerns were typical due to the perceived nature of short term rentals, others were specific to the location and existing issues, such as parking. Letters were sent to neighbors along College Avenue to give them a better understanding of his intentions and address their concerns. Mr. San Miguel reviewed portions of his letter, and noted he wanted to take advantage of the extra bedrooms by hosting traveling guests and families while he lived there. Mr. San Miguel noted he listed the home as a three bedroom with a maximum occupancy of six adults on Airbnb and Vrbo. He noted he realized this was premature as the entire permit process had not yet been completed, however, the permitting process was neither cheap nor easy. He had to be sure that he himself felt safe in what he was doing and could cater to the right demographics of guests to invite in his home. He noted that no guests have brought more than two cars. He plans to enforce a maximum guest and two car parking capacity as he greets his guests when they check in. Mr. San Miguel discussed other plans and arrangements for this property, and suggestions for the street itself.

Mayor Jones recognized the following citizens who noted their opposition to this ordinance:

David Gluhareff – 119 College Avenue.  
Helen Harris – 172 Stratford Place.  
Nancy Scism – 156 College Avenue.  
Ralph Hawkins – 166 College Avenue.  
Judith Tuberville – 157 College Avenue.  
Pierce Tuberville – 157 College Avenue.  
Delores Tate – Did not give address.  
Don Scism – 156 College Avenue.  
Haley Walters – 150 Stratford Place.  
Kurt Rustin – 670 Park Avenue.

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. 2023-08.05**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00196, FILED BY EDRIC M. SAN MIGUEL, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT TERM RENTAL AT PARCEL ID 21264 (162 COLLEGE DRIVE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

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

Council Member Vogler thanked the speakers for coming, and Mr. San Miguel for coming as well, and noted this was approved by the Planning Commission in a 3-2 vote; fifty-three notices were sent out and twenty came back in opposition which was a high amount. He understood Mr. San Miguel when he said he bought the home and was living there and renting out rooms. From his

August 1, 2023

understanding, he was just here for a couple years while he was working on the project; he was here by himself but bought a five bedroom house. It seemed to him that it was bought with the intention of it being an Airbnb in the first place. His concern also, not just now, and what would happen in the two years Mr. San Miguel was here, but in the two years after that if he was gone, there would be an Airbnb in the neighborhood that does not have any kind of local connection or oversight. He was not against Airbnbs, but believes they have to be in the right locations and right circumstances involved. Mr. Vogler stated that he would vote no. Vice Mayor Miller noted he was not opposed to Airbnbs, but this was a tough location with the parking and basically a one-way street. The major concern was that a precedent was set that the City allows someone to do something, then ask for forgiveness later. Most communities have regulations like this and maybe the owner did not realize he had to go through the process. Most communities have Airbnbs, they knew a person had to get permission, zoning has to be approved before the facility was opened; that wasn't done in this case at the time that a permit was needed; but like most localities Danville has those regulations. Dr. Miller noted he was afraid if they allow this, it was going to open the floodgates for other people to do this and then come to Council later for permission; he was opposed to this as well. Council Member Saunders noted that it was always good when people come to the City to live and invest here; Danville was a great City and it was growing. Housing was an issue they were trying to address. He appreciated people coming in and people who have been here that put forth the effort to invest in the City and make it a wonderful place. At the same time, there were people who have been here to help Danville grow, and think they deserve some respect as well. He appreciated people coming in, and appreciated the investment, and appreciated the people who have been here awhile to make Danville what it was today. Mayor Jones thanked Mr. San Miguel for choosing Danville. One of the things he has shared often and Council has shared often, this Council believes in community, and those people that speak in the community. They often tell people to go to the neighbors and see them, and hear from everyone. Mayor Jones noted he cannot vote for this because the people that spoke, care about their community and that was why they spoke. To everyone here, thank you for coming out and speaking for your community.

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

VOTE: 9-0  
AYE: None  
NAY: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)

**CONSIDERATION OF A SPECIAL USE PERMIT AT 81 ASHLAWN DRIVE (PARCEL 50056) TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 162 College Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 18, 2023 and July 25, 2023. No one present desired to be heard.

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

**ORDINANCE NO. 2023-08.06**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00200, FILED BY BONITA CHESTNUT, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT TERM RENTAL AT PARCEL ID 50056 (81 ASHLAWN DRIVE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

August 1, 2023

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

Council Member Vogler noted that this was approved by the Planning Commission in a 5-0 vote, fifty-eight notices were sent out, and only one came back in opposition.

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

VOTE: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

**CONSIDERATION OF A SPECIAL USE PERMIT AT 145 BENEFIELD STREET (PARCEL 00398) TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 145 Benefield Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 18, 2023 and July 25, 2023. No one present desired to be heard.

Mayor Jones recognized Charlene Clements, 254 Guilford Street who noted she was here tonight to represent Felix Hamelett. No one further desired to be heard, and the Public Hearing was closed.

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

**ORDINANCE NO. 2023-08.07**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00201, FILED BY FELIX HAMELETT, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT TERM RENTAL AT PARCEL ID 00398 (145 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: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

**CONSIDERATION OF A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON STEWART AND AIKEN STREETS**

Mayor Jones opened the floor for a Public Hearing regarding a Planned Unit Development. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 18, 2023 and July 25, 2023. No one present desired to be heard.

Mayor Jones recognized Steven Gould, SOVA Legal, representing the applicants for this project, who gave a brief presentation to Council. Mr. Gould noted they came before Council last year for an initial presentation and approval for a planned unit development on Stewart Street, for one hundred sixty-two market rate units with high end finishes. The plan envisioned two hundred and thirty-one parking spaces spread across more than 6.5 acres. Resident access was from West

August 1, 2023

Main Street only, which was something that generated a significant amount of discussion. Mr. Gould stated that the applicants have acquired additional parcels down Stewart Street toward Watson that have allowed them to expand the original concept, and at the same time, address some of the concerns neighbors had brought last year. Applicants were requesting Council to amend the approval granted last year to incorporate these new parcels and have an updated development plan. Mr. Gould reviewed the updated site plan which runs from West Main all the way down to Watson Street on the right. Previously the plan was spread across six buildings, now that has increased to eleven. There was an increase in units going from one hundred sixty-two units to one hundred ninety-five units; the parking has increased significantly by sixty-two parking spaces, nearly two spaces for each unit added and allows the average number of spaces per unit to increase from 1.4 to 1.5; city code requires one space per unit. The project footprint has grown by nearly 2.5 acres and at the same time, the density of the project has decreased. The residents will continue to have primary access from West Main Street, but they will have gated access from Watson Street. The applicants have made a commitment to making an investment to place stormwater infrastructure there underground; there were some concerns raised in the past about drainage onto parcels on Montague; they believe this will help to address that. The design of the structures will be complimentary to the buildings that exist in the neighborhood, and were consistent with material requirements that the Planning Department had included in their recommendations.

Mayor Jones recognized Steve Heatherly, Market President of SOVAH Health, who spoke in support of the project.

Mayor Jones recognized Don Aungst, CFO Averett University, who also spoke in favor of the project.

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. 2023-08.08**

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00202, FILED BY SOUTHERN VIRGINIA LEGAL, PLLC, ON BEHALF OF CWC HOLDINGS, LLC, STEWART STREET HOLDINGS, LLC, BIG TIME RENTALS, LLC AND ELIZABETH AND KEITH WALDEN REQUESTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON STEWART AND AIKEN STREETS IN ACCORDANCE WITH ARTICLE 17., ENTITLED "PLANNED UNIT DEVELOPMENTS" OF CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID #S 20596, 20597, 25672, 22841, 24958, 25085, 25226, 22099, 25069, 25070, 25074, 20420, 20421, 20422, 25542, 25073, 23886, 23561, 22924, 24974, 21173, 20425, 20651, 21700, 22332, 24715, 22331, 24714, 25213, 25072, 24045, 23985, 24984, 25098, 22104, 22103, 22513, 24649, 24358, 24359, 21117, 25088, 20424, 25087, 20418, 25086, 25090, AND 25089.

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

Council Member Vogler noted this was approved a year ago but a concern at that time was that it was a dead end, that has been opened up, and gated at the back end, which he believed addressed a concern. The project has expanded and become less dense, and more spread out which was better; Mr. Vogler noted he was in favor of it. Vice Mayor Miller discussed the student residency program at the hospital and noted this project was needed. Dr. Miller noted he was

August 1, 2023

glad there was a back exit, but his concern was that a traffic light still needed to be put up. Mayor Jones thanked Mr. Gould for the presentation and asked what the next step would be if this was passed, and Mr. Gould noted the next step would be a negotiation of a written agreement with the City to allow everything to proceed. The plan was to move as quickly as possible to get this project opened in the second quarter of 2025.

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

VOTE: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

**CONSIDERATION OF A MORAL OBLIGATION FROM THE CITY OF DANVILLE, VIRGINIA TO AMERICAN NATIONAL BANK**

Vice Mayor Miller **moved** for adoption of a Resolution entitled:

**RESOLUTION NO. 2023-08.01**

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A MORAL OBLIGATION AGREEMENT BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND AMERICAN NATIONAL BANK, A VIRGINIA BANKING CORPORATION.

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

VOTE: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler, and Whittle (9)  
NAY: None (0)

**CONSIDERATION OF A MORAL OBLIGATION FROM THE CITY OF DANVILLE, VIRGINIA TO AMERICAN NATIONAL BANK**

Council Member Buckner **moved** for adoption of a Resolution entitled:

**RESOLUTION NO. 2023-08.02**

A RESOLUTION AUTHORIZING AND APPROVING THE EXECUTION OF A MORAL OBLIGATION AGREEMENT BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND AMERICAN NATIONAL BANK, A VIRGINIA BANKING CORPORATION.

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

VOTE: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

August 1, 2023

### **CONSIDERATION OF APPROVING THE UPDATED EMERGENCY OPERATIONS PLAN**

Council Member Buckner **moved** for adoption of a Resolution entitled:

#### **RESOLUTION NO. 2023-08.03**

A RESOLUTION APPROVING AN UPDATED EMERGENCY OPERATIONS PLAN FOR THE CITY OF DANVILLE, VIRGINIA.

The Motion was **seconded** by Vice Mayor Miller and carried by the following vote:

VOTE: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

### **CONSIDERATION OF AMENDING DANVILLE CITY CODE REGARDING UNPERMITTED CAMPING**

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

#### **ORDINANCE NO. 2023-08.09**

AN ORDINANCE TO ADD SECTION 23-9.1 ENTITLED "UNPERMITTED CAMPING ON CITY PROPERTY" TO CHAPTER 23, ENTITLED "OFFENSES - MISCELLANEOUS" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA.

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

Council Member Campbell asked the City Manager to explain what this consisted of. Mr. Larking noted that currently there were certain places that the City allowed camping; usually in a park with a permit. There have been situations where people were camping overnight on public property, sometimes adjacent to the Riverwalk Trail, sometimes close by, overnight, which wasn't permitted. Technically, when this happens, they were trespassing and the only enforcement measure the City had to prevent that from occurring, was to ask them to leave and charge them with trespassing. This ordinance provides for a police officer to explain they were not allowed to camp there. If they were there and if it was a situation where the person was homeless, the officer will get their information, and provide them with information about services they can take advantage of for whatever situation they were in, and then hopefully they comply. If not, they can be charged with a misdemeanor which was a much lessor offense. Mr. Larking noted other cities in Virginia have adopted very similar ordinances; Roanoke and Bristol have adopted them and found success in them. In conjunction with what the City was doing here, which they believed was a lighter touch to dealing with this issue, the City was working with various providers to try to come up with a plan to assist people who were experiencing homelessness. They have met with DRHA about a plan they have and a request for funding from the City, to help people with immediate needs regarding housing. The City has adopted a plan, and there were some recommendations in it, which was included in the agenda packet; staff will be coming to Council later with some of those recommendations to see what they were willing to do in this area. Mr. Larking noted it was a very complicated issue and there was no one approach on how to solve it. The City wanted to be proactive in dealing with this issue; there has to be some rules in places. Danville was a compassionate city, the police department operates very carefully with the community and they

August 1, 2023

will try to help people get the services they need, but they do have to establish some rules for people to go by, and that was the purpose of the ordinance.

Council Member Buckner asked if camping on public property was going to be considered a crime and make it more harsh, or was this to criminalize people for being homeless; Mr. Larking noted their goal was not to criminalize people for being homeless, their goal was to help people. The first step in the process was to provide them with resources for whatever situation they were dealing with. Currently, if someone was camping on property where it was not allowed, they can be asked to leave, and if they don't leave they can be charged with trespassing; that currently exists. Council Member Vogler noted this issue has only become worse in Danville, but it was not unique to Danville. Charlottesville named their number one priority to address the rampant homelessness and aggressive panhandling. It was happening in other places and they want people in the community to feel safe. Mr. Vogler noted he was not sure what Council was voting on tonight was a perfect solution, but does think it was a step in the right direction; for Council to continue to do nothing was not a solution. What Council was voting on would be helpful, it would help people in the community feel safe again.

Council Member Mayo noted they do not want to put someone in jeopardy of being penalized harshly; they need to know who was homeless and what was causing them to be homeless. This way they can be helped, especially if it was mental health or substance related. Council Member Saunders noted that they were fortunate to have a caring city that cares about people. With growth comes opportunities to make things better. Funds have been given to House of Hope and others to help people in those positions. Mayor Jones thanked Larissa Dietrich for everything she was doing to help. Part of this was getting people in contact with the services they need. Danville was rich in resources, but the pride of a person sometimes keeps them from asking for help. They have to do something to steer these individuals in the direction they need to get help.

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

VOTE: 8-1  
AYE: Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (8)  
NAY: Buckner(1)

Mayor Jones recognized Jude Swanson, Director of House of Hope homeless shelter, who spoke to Council about the ordinance. He reviewed the numbers in relation to how many homeless individuals have been served at the House of Hope. Mr. Swanson stated this ordinance was at best, mis-timed, and at worst, ineffective and misdirected. In his conversations with business owners downtown, the issue was often loitering and panhandling. If they take someone's sleeping arrangement and move them elsewhere, that doesn't address that issue or address the root causes of why they were there in the first place. Mr. Swanson discussed the work of the consultant on homelessness, and in those considerations, an ordinance on public camping was not mentioned. There was talk of day shelters, having a dedicated city employee who would work exclusively on homelessness and things like that. Mayor Jones thanked Mr. Swanson for all that he does in his work and asked if any further conversation had taken place with the board of directors for House of Hope to be open 24 hours a day. Mr. Swanson noted that mainly had to do with funding because they cannot currently afford to operate 24/7 at House of Hope. Mayor Jones asked what was needed from the community to operate a day shelter, and Mr. Swanson noted that House of Hope was not physically set up to be a day shelter. That was first and foremost what he thought would help a lot with homelessness. Council Member Saunders asked for Mr. Swanson to repeat the numbers he presented, and discussed several issues he has been

August 1, 2023

contacted with related to homelessness; the problem was escalating. Council Member Whittle asked if Pastor Ferrell had a day center above the shelter, and Mr. Swanson explained it was a church where they could go during the day but not a day center. A day shelter offers a concentrated environment where they were connected to resources within the community. Mr. Vogler thanked Mr. Swanson for coming and for everything he does. With more funding would House of Hope be able to be a day center, and Mr. Swanson noted that while more funding would be amazing, House of Hope was still not set up to be a day center. Distance and proximity close to House of Hope was important to consider when looking to build a day center.

Mayor Jones recognized Jennifer Canada, a community health worker with the REACH program, who spoke to Council about the homeless issue, and working with people out on the streets.

Mayor Jones recognized Reverend Ferrell who spoke to Council about the services that were provided at the church above House of Hope before it was closed. The current church was open during the day for people to come in, and they were readily available to help; there was space at 625 Shelton Street.

#### **BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE FOR UTILITY REVENUE BONDS**

Upon **Motion** by Council Member Buckner and **second** by Council Member Mayo an Ordinance entitled:

#### **ORDINANCE NO. 2023-08.10**

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR THE PROCEEDS FROM THE SALE OF UTILITY REVENUE BONDS AND APPROPRIATING SAME.

was presented by its **First Reading**, as required by City Charter, to lie over before final adoption.

#### **COMMUNICATIONS FROM VISITORS**

Mayor Jones recognized Bernardo Wiley, a Pittsylvania County resident, who spoke to Council concerning the safety of children in Danville related to attending sporting events where aluminum bleachers were present. Mr. Wiley noted that during an Otterbots game a one-year-old child fell through the bleachers 8'3" to the cement. He came to bring attention to this dangerous environment for children, and asked that a safety assessment been done throughout the City and all the bleachers be checked. Council Member Vogler thanked Mr. Wiley for bringing this to Council's attention. Mr. Vogler noted he brought this up several months ago about this stadium, and the City Manager was in the process of the beginning stages of significant upgrades to that stadium as a whole.

#### **COMMUNICATIONS**

City Manager Ken Larking noted that the blue shirts Council was wearing were the new Visit Soti shirts. This was from the new Tourism Division of Economic Development, and a collaboration with Pittsylvania County. More information can be found on social media like Facebook, Instagram, and Twitter. Shirts, hats, and various items can be purchased at the Visitor's Center. Mr. Larking noted there will be a kickoff meeting for the stadium study on August 30 at 10:30am at the City Auditorium if Council Members would like to sign up to attend, two at a time. The VML

August 1, 2023

conference in Norfolk is October 8-10; please let staff know if they were planning to attend so that rooms can be reserved.

There were no communications from the Deputy City Manager, City Attorney, or City Clerk.

Council Member Mayo noted it was an interesting meeting tonight and speaking on homelessness there was a lot that can be talked about. He wanted to add the fact that incarcerated individuals also have issues with securing housing once released. Mr. Mayo thanked Mr. Swanson for talking about the day center; it was a great idea for Danville. He has also seen one stop centers where people can get assistance right away. Danville has a lot of services, and they need to continue to get that out to people who need them; he receives weekly calls from people in this situation.

Vice Mayor Miller noted that Dr. Chrome passed away recently and will be sorely missed. The battery storage project saved Danville \$1.2M dollars in charges during peak times during the first year of operation.

Council Member Whittle noted they were the city of churches and if each church could assist two homeless people then it should help.

Council Member Hood gave a shout out to the citizens of Danville for showing they were proactive and involved in the community. A shout out to DRHA staff and board members, Jude Swanson, and Reverend Ferrell. Some form of photo ID was needed to stay at the homeless shelter and there may be people who need IDs; if the City can start a program to help those who do not have an ID get one, that may help.

Mayor Jones thanked everyone for attending tonight.

### **CLOSED MEETING**

At 9:06 p.m., Vice Mayor Miller **moved** that this meeting of the City Council of the City of Danville, Virginia be recessed and that Council immediately reconvene in a Closed Meeting for the following purposes: discussion or consideration of the acquisition and/or disposition of real property for a public purpose where discussion in an open meeting would adversely impact the bargaining position of the City as permitted by Subsection (A)(3) of Section 2.2-3711 of the Code of Virginia, 1950 as amended, and more specifically to consider a discussion regarding the sale and/or potential purchase of a specific parcel of property for use by prospective industrial, commercial, and mixed use projects looking to locate in the City, and an Economic Development discussion and update concerning a prospective business or industry where no previous announcement has been made and/or the expansion of an existing business or industry where no previous announcement has been made as permitted by Subsection (A)(5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended and more specifically to consider an update on multiple prospective commercial, mixed use, hospitality, and industrial projects considering locating within the City and/or locating within the region in cooperation with the City's regional partners, and discussion or consideration of the investment of public funds where competition or bargaining was involved, where if made public initially, the financial interest of the governmental unit would be adversely affected as permitted by Subsection (A)(6) of Section 2.2-3711 of the Code of Virginia, 1950, as amended.

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

VOTE: 9-0

August 1, 2023

AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

Upon unanimous vote at 9:24 p.m., Council reconvened in open session and Vice Mayor Miller **moved** for adoption of the following Resolution:

**CERTIFICATE OF CLOSED MEETING**

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements of Virginia Law under Section 2.2-3711 were heard, discussed or considered, and (ii) only such public business matters as were identified in the Motion by which the Closed Meeting was convened were heard, discussed or considered by the Committee.

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

VOTE: 9-0  
AYE: Buckner, Campbell, Hood, Jones, Mayo,  
Miller, Saunders, Vogler and Whittle (9)  
NAY: None

MEETING ADJOURNED AT 9:25 P.M.

APPROVED:

s/Alonzo L. Jones  
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC  
CITY CLERK