

December 5, 2023

The Regular December meeting of the Danville City Council was held on December 5, 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 Miller gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Presentation: Certificate of Recognition – Big Brothers Big Sisters

Presented to: Patricia Daniel, CEO of Big Brothers Big Sisters

Mayor Jones recognized Ms. Daniel who stated it was an honor to be recognized by the City of Danville for such an achievement. Ms. Daniel recognized former mayor John Gilstrap, who was on the board of directors for Big Brothers Big Sisters for 29 years, gave a shout out to Chief Coffey, who was a big brother, and Bryant Hood who was on the board of directors. Other board members present included Steven Gould and Gerald Kelly. She closed by stating "always remember it takes a big to be a little". Council thanked Ms. Daniel for the work that she and so many others do for the youth in the community.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding Budget Items on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023. No one present desired to be heard and the Public Hearing was closed.

Council Member Campbell **moved** for adoption of the following Consent Agenda items:

Consideration of Approval of Minutes from Regular Council Meeting held on November 9, 2023.
Draft copies of the Minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2024 Budget Appropriation Ordinance for USDA Grant Funds for Food Services at W. W. Moore, Jr. Detention Home.

An Ordinance entitled, Ordinance No. 2023-11.10, an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance for a Federal Grant in the Amount of Approximately \$54,118 to Aid the Food Service Operations at W. W. Moore, Jr. Detention Home and Appropriating Same.

Amending the Fiscal Year 2024 Budget Appropriation for Virginia Juvenile Community Crime Control Act Funding

An Ordinance entitled: Ordinance No. 2023-11.11, an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the

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Amount of \$86,999 and a Local Share of \$39,830, for a Total Appropriation of \$126,829, to provide for the Electronic Monitoring and Outreach Detention Programs, Online Intervention Programs, and Pro-Social Skills Programs for the City of Danville at the W. W. Moore Jr. Detention Home and Appropriating Same.

Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Revenues to Fund Various Expenditures

An Ordinance entitled: Ordinance No. 2023-11.12, an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Revenues from Interest Income, Sales Taxes, and Meals Taxes to Fund Various Expenditures, an Appropriation in the Amount of \$3,000,000 and Appropriating the Same.

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

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

NEW BUSINESS

Council Member Buckner **Moved** to **POSTPONE** New Business Items A through I for an indefinite amount of time.

City Manager, Ken Larking, stated these items were being tabled for future consideration after changes were made to the processes in place to make things more efficient for the applicants and other people involved in the process.

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

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

Items A – I – Postponed:

Consideration of a Special Use Permit Application, filed by Deidre Carter, Requesting a Special Use Permit at 350 Hermitage Drive to Allow Short-Term Rental as Principal Use.

ORDINANCE NO. 2023-12.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00348, FILED BY DEIDRE CARTER, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 51905 (350 HERMITAGE DRIVE) IN ACCORDANCE WITH ARTICLE 3.C., SECTION C, ITEM 29.

Postponed

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Consideration of a Special Use Permit Application filed by Preferred Management Group Requesting a Special Use Permit at 212 A&B, 214 A&B, and 216 A&B Jefferson Avenue (Parcel 24689) to Allow Short-Term Rental as Principal Use.

ORDINANCE NO. 2023-12.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00351, FILED BY PREFERRED MANAGEMENT GROUP, REQUESTING A SPECIAL USE PERMIT TO ALLOW A SHORT-TERM RENTAL AS PRINCIPAL USE AT PARCEL ID 24689 (212 A&B, 214 A&B AND 216 A&B JEFFERSON AVENUE) IN ACCORDANCE WITH ARTICLE 3.G., SECTION C, ITEM 26.

Postponed

Consideration of a Special Use Permit Application filed by Mahesh Srinivasaiah Requesting a Special Use Permit at 820 Green Street to Allow Short-Term Rental as Principal Use

ORDINANCE NO. 2023-12.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00355, FILED BY MAHESH SRINIVASIAH, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 22409 (820 GREEN STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

Postponed

Consideration of a Special Use Permit Application filed by DM Woodstock Requesting a Special Use Permit at 232 Avalon Drive to Allow Short-Term Rental as Principal Use

ORDINANCE NO. 2023-12.04

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00364, FILED BY DM WOODSTOCK, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 71105 (232 AVALON DRIVE) IN ACCORDANCE WITH ARTICLE 3.C., SECTION C, ITEM 29.

Postponed

Consideration of a Special Use Permit Application filed by Polly Taylor Requesting a Special Use Permit at 129 Stokesland Avenue to Allow Short-Term Rental as Principal Use

ORDINANCE NO. 2023-12.05

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00371, FILED BY PREFERRED POLLY W. TAYLOR, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 56898 (129 STOKESLAND AVENUE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

Postponed

Consideration of a Special Use Permit Application filed by Wasi Bin Saleem Requesting a Special Use Permit at 242 Lipton Lane to Allow Short-Term Rental as Principal Use.

ORDINANCE NO. 2023.06

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An Ordinance Granting Special Use Permit Application PZ23-00374, filed by Wasi Bin Saleem, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 56149 (242 Lipton Lane) in Accordance with Article 3.E., Section C, Item 29.

Postponed

Consideration of a Special Use Permit Application filed by Jarrod Motley Requesting a Special Use Permit to Allow Short-Term Rental as Principal Use at 249 Parkland Drive.

ORDINANCE NO. 2023-12.07

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00377, FILED BY JARROD MOTLEY, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 56844 (249 PARKLAND DRIVE) IN ACCORDANCE WITH

Postponed

Consideration of Remanding Special Use Permit Application filed by Elaine Ratcliffe Requesting a Special Use Permit at 316 Starmont Drive (Parcel 00850) to Allow Short-Term Rental as Principal Use Back to the Planning Commission.

CONSIDERATION OF A REMANDING SPECIAL USE PERMIT APPLICATION FILED BY ELAINE RATCLIFFE REQUESTING A SPECIAL USE PERMIT AT 316 STARMONT DRIVE (PARCEL 00850) TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE.

Postponed

Consideration of a Special Use Permit Application filed by Tony & Anissa Howerton Requesting a Special Use Permit at 1540 Claiborne Street to Allow Short-Term Rental as Principal Use

ORDINANCE NO. 2023-12.08

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00380, FILED BY TONY AND ANISSA HOWERTON, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 02911 (1540 CLAIBORNE STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

Postponed

CONSIDERATION OF A DENYING A SPECIAL USE PERMIT APPLICATION FILED BY CHARLES MOTLEY TO CONVERT A SINGLE-FAMILY DETACHED DWELLING TO A DUPLEX AT 305 GIRARD STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 305 Girard Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023 and December 5, 2023. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2023-12.01

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PZ23- 00280, FILED BY CHARLES MOTLEY, REQUESTING A SPECIAL USE PERMIT IN ACCORDANCE WITH

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ARTICLE 3.E., SECTION C, ITEM 1 TO CONVERT A SINGLE-FAMILY DWELLING TO A DUPLEX AT PARCEL ID 02281 (305 GIRARD STREET).

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

Council Member Saunders noted there were at least three attempts to have them attend a meeting regarding this and wanted to know if the applicant ever gave a reason as to why they did not show. Director of Planning Renee Burton stated that the last attempt was by email and the applicant stated "with respect, it is not worth my trip to come to Danville to get the Commission's approval". Therefore, the Commission decided to vote to deny.

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY KELLY REAL ESTATE REQUESTING A SPECIAL USE PERMIT TO CONVERT A SINGLE-FAMILY DETACHED DWELLING TO A DUPLEX AT 411 WEST MAIN STREET.

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 411 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023 and December 5, 2023.

Mayor Jones recognized Dave Gluhareff, 119 College Avenue, who noted his opposition to this ordinance due to parking, the property not being managed well and was afraid it would get worse. He does not know what would happen if this became a duplex. There were Averett students living there, with music blasting at two in the morning waking them up.

Mayor Jones recognized Gerald Kelly who explained that he purchased 411 West Main Street because it had been on the market for a while and did not sell as a residence. He has been working with Averett to grow their campus. He stated that to put six people in the home it must be rezoned as a duplex. In the past, the home was a duplex because there are still two meters and at some point, it was converted back into residential. Mr. Kelly noted he purchased the house next door because it was in the city alley and he would be able to park the cars at that house off the street. Averett was renting this property and will be taking over the maintenance.

Mayor Jones recognized Don Scism, 156 College Avenue, who stated that the only access to the properties was onto College Avenue, none of the driveways go onto West Main. Directly across were Averett's offices, with four cars on the corner and two in the back. Mr. Scism noted the City or someone was going to have to solve this problem and have the cars come out on West Main.

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

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

ORDINANCE NO. 2023-12.09

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AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00375, FILED BY KELLY REAL ESTATE, REQUESTING A SPECIAL USE PERMIT TO CONVERT A SINGLE-FAMILY DWELLING TO A DUPLEX AT PARCEL ID 24051 (411 WEST MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 2.

The Motion was **seconded** by Vice Mayor Miller.

Vice Mayor Miller asked Ms. Burton if the Planning Commission had any issues with this ordinance. Ms. Burton stated a few individuals from the neighborhood came and spoke, and the vote was 4-2. There were thirty-seven notices sent, twelve were opposed and six were unopposed.

Council Member Buckner asked if a property went from a duplex to a single family that it could not revert, was that correct, and Ms. Burton noted in this particular case it would have a special use permit to be a duplex and could convert back if they chose; the underlying or base zoning was single family zoning. This would not be considered spot zoning.

Council Member Vogler noted he was trying to be consistent with what Council did. Averett was growing, and there weren't enough places in Danville for people to live; this particular issue checks those two boxes. He understands there might be some concerns being worked through and hoped that would continue. The Planning Commission approved this and he hasn't seen anything really standing out to make him not want to approve this based on what he has heard tonight.

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY JERAMY NICHOLS ON BEHALF OF OLD OAK PROPERTIES, LLC, REQUESTING A SPECIAL USE PERMIT AT 823 INDUSTRIAL AVENUE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 823 Industrial Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023 and December 5, 2023.

Mayor Jones recognized Jeramy Nichols, 127 Southland Court, who introduced himself to Council and explained the building was at 823 Industrial Avenue; it was a large warehouse. They have storage, cabinet work, and the gentlemen who was to rent from him takes golf carts, buys them in bulk, fixes them up and resells them.

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

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

ORDINANCE NO. NO. 2023-12.10

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00376, FILED BY JERAMY NICHOLS ON BEHALF OF OLD OAK PROPERTIES, LLC , REQUESTING A SPECIAL

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USE PERMIT TO ALLOW A USE PERMITTED BY RIGHT OR SPECIAL USE PERMIT IN THE HR-C DISTRICT (AUTOMOBILE AND LIGHT VEHICLE DEALERSHIPS AND RETAIL SALES ESTABLISHMENTS (WITH SERVICE AND REPAIR FACILITIES AS AN ANCILLARY USE, WITH COMPLETELY ENCLOSED SERVICE FACILITIES AND SCREENED OUTDOOR STORAGE OF REPAIR VEHICLES) AT PARCEL ID 24094 (823 INDUSTRIAL AVENUE) IN ACCORDANCE WITH ARTICLE 3.O., SECTION C, ITEM 15.

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

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

CONSIDERATION OF REZONING APPLICATION FILED BY AVERETT UNIVERSITY REQUESTING REZONING AT 419 WEST MAIN STREET TO REZONE FROM OT-R OLD TOWN RESIDENTIAL TO TO-C TRANSITIONAL OFFICE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 823 Industrial Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023 and December 5, 2023.

Mayor Jones recognized Don Aungst, Averett's Chief Financial and Operating Officer, who stated that Averett first acquired the building they thought they were going to put the President there for temporary offices. They renovated her former suite and backed her space into a welcome center for admission's families when they arrive. There were three staff people who work there, the President and two assistants. No one further desired to be heard and the public hearing was closed.

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

ORDINANCE NO. 2023-12.11

AN ORDINANCE REZONING FROM OT-R, OLD TOWN RESIDENTIAL TO "CONDITIONAL" TO-C, TRANSITIONAL OFFICE COMMERCIAL PARCEL ID 22383 (419 WEST MAIN STREET).

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY CCKW, LLC REQUESTING A SPECIAL USE PERMIT TO ALLOW ATTACHED RESIDENTIAL DWELLINGS ON PARCELS LOCATED ON MONUMENT, SHELTON, CABELL, AND FRANKLIN STREETS

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 823 Industrial Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023 and December 5, 2023.

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Mayor Jones recognized Steven Gould, representing the applicants, CCKW LLC, who shared a power point presentation with Council regarding the parcels and the vision for the Monument Berryman plan. In December of last year, the City issued a RFP for redevelopment of parcels in this area. In February, CCKW submitted a proposal to construct a mix of apartments and town homes. Two months ago, a community meeting was held to receive input and ideas from neighbors and one item that was brought up in those meetings has been incorporated into the plans. The project includes properties already owned by DRHA or a company that was affiliated with CCKW. No one was required or expected to sell their home or any property they have for this proposal to come to life. Mr. Gould reviewed plans and noted there were six projects along Shelton, Monument, Cabell, Beauregard and Franklin Streets that were part of this proposal with sixty apartments across three buildings, and also thirty townhomes across five different sites. This would result in the addition of two hundred new bedrooms in this area of town and there was an emphasis of blending this new construction with the existing building in and around the community. There were twelve items before Council recommended by the Planning staff; for the majority of those there was full support from CCKW and they have been discussed with Ms. Burton. CCKW does request a change to Item No. 4 to reduce the minimum masonry requirement. It was 45% in the document with Council, they would ask that that be reduced to 35%, and that would maintain the consistency with the brick aesthetic of the River District while also acknowledging that construction and materials costs were significant. Their estimate was that a 10% difference here would save approximately \$4,000 per townhome. Alternatively, if Council was not interested in reducing that number, they would ask that the conditions for the PUD be changed so that the Director of Planning and Zoning would have the ability at the final stage of design approval to go under that 45% if the Director believed that was appropriate under the circumstances.

Mayor Jones recognized Robin Wilson, Cabell Street, who stated she agreed with this project, everything looked beautiful, and asked what type of people will be moving into these locations, will they be retired people or families. The schools were already overcrowded so where were these children going to go to school.

No one further desired to be heard and the public hearing was closed.

Council Member Vogler noted the request the attorney made, if Council wanted to do that, how do they change it. City Attorney Clarke Whitfield explained they would read what was before them, say they would grant the exception, and Council authorizes the reduction from 45% to 35% for masonry.

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

ORDINANCE NO. 2023-12.12

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00388, FILED BY CCKW, LLC REQUESTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON MONUMENT, SHELTON, CABELL AND FRANKLIN 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 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, 21602, 24048, 20749, 21228, 22594, 25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082, and to reduce the masonry requirement to 35%.

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

Mayor Jones asked the City Manager to address Mrs. Wilson's concerns. Mr. Gould stated the individuals living there would be a mixture of professionals, singles, and families. Mayor Jones referred to Johnson and Langston being renovated to include more room for students. Mrs. Wilson stated her questions were answered. Council Member Vogler stated this project was mentioned at the Virginia Housing Commission meeting earlier in the day. The City needs housing with more families moving into the area, and asked what was the timeline for this project, and Mr. Gould noted they planned to start in early 2024 and have the project completed in 18 to 24 months. Council Member Saunders stated he appreciated Steven Gould and CCKW, LLC for what they were doing in Danville. This project will help to improve the City's housing. Vice Mayor Miller asked if the reduction in masonry would affect the quality or structural integrity of the building, and Mr. Gould stated that it would not.

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

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

CONSIDERATION OF A CODE AMENDMENT REQUEST TO AMEND CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, VIRGINIA REGARDING SHORT-TERM RENTALS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023 and December 5, 2023. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-12.13

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 Y, ENTITLED "SHORT TERM RENTALS".

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

Council Member Vogler stated at one point, these changes were going to include eliminating the accessory use, was that being taken out or was it included. City Manager Ken Larking stated that was not included so it can still have a short-term rental as an accessory use without going through the special use permit process. Parking regulations have also been taken out.

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 (0)

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CONSIDERATION OF A REQUEST TO AMEND CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, MORE SPECIFICALLY, TO AMEND ARTICLE 15 SECTION B, ENTITLED "DEFINITIONS"

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023 and December 5, 2023. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-12.14

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 15, ENTITLED "DEFINITIONS", SECTION B, ENTITLED "DEFINITIONS".

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

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

CONSIDERATION OF A REQUEST TO AMEND CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, MORE SPECIFICALLY, TO AMEND ARTICLE 2 SECTION Y ENTITLED "SHORT-TERM RENTALS" TO LIMIT THE NUMBER OF SHORT TERM RENTALS

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023 and December 5, 2023.

Mayor Jones recognized Dr. Michael Evans who noted he operates two short-term rentals in Danville and has worked closely with Ms. Burton over the past six months to give feedback and develop policies. This was one item that was not discussed in the focus group and would suggest Council may want to add a clause that this get revisited maybe annually or some other time. Danville was growing, the casino has created a lot of buzz, there has been a lot of short-term rentals and as the City continue to grow, 1% may not be the right answer; there needs to be some flexibility before it was finalized.

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

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

ORDINANCE NO. 2023-12.15

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 Y., ITEM 3.

The Motion was **seconded** by Vice Mayor Miller.

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Council Member Vogler noted what they were about to vote on doesn't even say 1%, it was locked in at 150 units, which was based off of roughly 1% of the housing stock in Danville. In the meetings leading up to this, the thing he pointed out was, if the City locks itself into a fixed number, and 200, 300, 400 houses were built over the next few years, they were not accounting for that with this number. Mr. Vogler noted his suggestion would be that they make it a percentage of the housing in the City so that as Danville grows, that 150 may go up to 170; it would be based off of housing in the City.

Vice Mayor Miller noted he also had a problem with the fixed number and how it was regulated; if they were only checking once a year and ten or fifteen Airbnbs go out of business this year, do people have to wait until January 1st to apply for an Airbnb. He believed it ought to be a percent and looked at more often.

Council Member Saunders noted these were growing pains, it was a good thing to grow, and it was new. The City Manager and staff will be looking at this, and asked the City Attorney anything they want to amend and change in the future, can Council do that, and Mr. Whitfield noted they could.

Council Member Buckner stated he thought the Council should take more time and fix this detail, he was fine with everything else it represented. Ms. Burton has done a great job with that but thinks Council should table this for tonight and have a little bit deeper conversations about it, and find out ways to have this number set. Mr. Vogler noted he would be fine with tabling this because he could not vote for it the way that it was, and understands what Mr. Saunders was saying. Mr. Vogler stated he would suggest they do a percentage, or have further discussion; if Council votes on it the way it was now, he would vote no. Vice Mayor Miller noted his agreement with Mr. Vogler, he could not vote for it if it was set at 150; if it needed to be tabled and discussed further, they could.

Council Member Whittle stated he did not want to take a chance of discouraging Air BnB's, and does not know if a fixed number would do that. Mr. Whittle thanked staff for their work on this. Mr. Buckner noted staff has been very diligent to get to this point, but they have 150 operating right now and probably another 150 out there; Council shouldn't cap it just yet until they know exactly what they were dealing with.

Council Member Buckner made a **Motion to Postpone** this Item for an indefinite period. The Motion was seconded by Vice Mayor Miller and carried by the following vote:

VOTE: 6-3
AYE: Buckner, Campbell, Hood, Miller, Vogler, and Whittle (6)
NAY: Jones, Mayo, Saunders (3)

CONSIDERATION OF A REQUEST TO AMEND CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, MORE SPECIFICALLY, TO AMEND ARTICLE 3.X SECTION H, TO AMEND THE DEFINITION FOR "HERBAL WELLNESS SHOP" AND "VAPE SHOP"

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 28, 2023 and December 5, 2023. No one present desired to be heard and the Public Hearing was closed.

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

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ORDINANCE NO. 2023-12.16

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 3.X ENTITLED "WEST MAIN STREET CORRIDOR OVERLAY", SECTION H., ENTITLED "PROHIBITED USES".

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

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

REVIEW OF THE FINAL DRAFT OF THE CITY OF DANVILLE PRESERVATION PLAN.

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

RESOLUTION NO. 2023-12.02

A RESOLUTION APPROVING PRESERVATION DANVILLE 2023, A PRESERVATION PLAN FOR THE CITY OF DANVILLE, DATED AUGUST 2023.

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

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

CONSIDERATION OF APPROVAL TO RELEASE THREE BLANKET EASEMENTS ON PARCELS IN PITTSYLVANIA COUNTY FOR A PROSPECTIVE DOMINION ENERGY SOLAR FARM

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

RESOLUTION NO. 2023-12.03

A RESOLUTION AUTHORIZING THE ABANDONMENT OF THREE CITY BLANKET EASEMENTS ACROSS PROPERTY IN PITTSYLVANIA COUNTY.

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

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

December 5, 2023

CONSIDERATION OF A RESOLUTION APPROVING AND AUTHORIZING A REAL ESTATE PURCHASE AGREEMENT FOR APPROXIMATELY 44.335 ACRES OF LAND LOCATED ON STINSON DRIVE

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

RESOLUTION NO. 2023-12.04

A RESOLUTION APPROVING AND AUTHORIZING A REAL ESTATE PURCHASE AGREEMENT FOR APPROXIMATELY 44.335 ACRES OF LAND LOCATED ON STINSON DRIVE BY AND BETWEEN THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA AND THE CITY OF DANVILLE VIRGINIA.

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

Council Member Whittle asked what was being done with the property, and Mr. Larking explained this property was adjacent to the Angler's Park biking trail and will be an access point for people to get on and off the trails. It also connects two of the City's parks. The topography of the land was unusable for building.

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 (0)

CONSIDERATION OF AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE FOR THE 2022 ASSISTANCE TO FIRE FIGHTERS GRANT IN THE AMOUNT OF \$83,740 WITH LOCAL FUNDING OF \$8,374

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

ORDINANCE NO. 2023-12.17

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$83,740.22 AND A LOCAL SHARE IN THE AMOUNT OF \$8,374.03 FOR AN AIR COMPRESSOR/CASCADE/FILL STATION FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$92,114.25 AND APPROPRIATING SAME.

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

COMMUNICATIONS

City Manager Ken Larking acknowledged the work of Deputy City Manager Earl Reynolds, and all those in the City who have been working on the blight eradication program. A school choice option guide for Danville Public Schools has been sent out to the public and it was great for parents to know they have options when it comes to their children's education.

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

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Council Member Saunders noted his appreciation of staff and the citizens for everything they do to make the community better. He thanked Renee Burton for always being prepared and doing her job so well. DCC has a cyber security program and graduated nineteen students last night. He thanked Council members, his wife, and board members who attended last night and for their contributions to the program.

Council Member Vogler wished his mother a very Happy Birthday. This Saturday from 7 a.m. to 11 a.m. was the annual Kiwanis Club Pancake Breakfast. If anyone was interested in attending, to contact him. The rail bridge over the s-curves on Riverside Drive were owned by Norfolk Southern, what was the process for reaching out to them; the condition of that bridge was getting horrible. Mr. Vogler also requested an update soon on the digital billboards being brought to the City, and Mr. Larking stated he would get back with him on those.

Council Member Whittle stated the city was playing catch-up and moving ahead, and city staff was doing a fantastic job. Mr. Whittle noted he was at the Pittsylvania County meeting, and they recognized their firefighters for the job done at Northpointe and they also recognized City firefighters who were there. He asked that everyone keep his mother in their prayers and wished everyone a Merry Christmas.

Council Member Buckner thanked everyone for coming out tonight and being engaged with what was going on in the City and thanked everyone for coming out to the Christmas parade.

Council Member Campbell spoke on the Climate Change Action Project being done by George Mason University; Danville was part of this project. Sessions will begin February 2024 at the PLAN Danville office. The condition of the city armory was not good, and a study needs to be done for improvements.

Council Member Hood acknowledged the citizens of Danville for holding the Council accountable and for trusting their decision making; they were there for the betterment of the city.

Council Member Mayo thanked Mr. Gould for the presentation, and congratulations to Pat Daniel. The Christmas parade was outstanding, the turnout was astronomical, and everyone had a lot of fun. The DCC cyber security program was a very important program and to see those seventeen students be awarded for their accomplishments was phenomenal. Seeing Danville grow was amazing.

Vice Mayor Miller noted that Earl Reynolds barely makes any comments at the meetings but behind the scenes he was dynamite. Dr. Miller noted he remembered all the meetings they had about blight, and he put all this together showing the City where they needed to concentrate to eradicate blight and to see the culmination of this project has just been amazing over the past few years. Mr. Reynolds was a driving factor and thanked him for what he has done. The Christmas tree lighting last weekend was a great event, and the cybersecurity program at DCC was a great addition. Dr. Miller asked everyone to keep Council Member Whittle's mother in their prayers.

Mayor Jones stated that it was wonderful for Council Member Whittle's mother to see both of her sons making a difference, one in Danville and one in Pittsylvania County; Council was praying for her. Mayor Jones gave a shout out to Mark Aron for the superb job he does for River City TV, and thanked the Rotary Club for everything they do for the City and the Christmas parade. The Harry Johnson Holiday Classic had to be tweaked; some tough decisions had to be made like stopping the classic for two years until G.W. was finished. Dr. Hairston said no, let's keep the momentum going, so it will be held at Bonner.

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Council Member Vogler stated that the dates of the classic will be December 27, 28, and 29. There was a Facebook page for updates and tournament information, just search Harry Johnson Holiday Classic. Council Member Mayo stated there are six boys teams, four girls teams, and middle school teams that will be playing. This took the whole community and committee to get together and it was going to be a great event as always. Mayor Jones added that in 2024 the Council had also put a lot of money into splash parks. They would like to do something where the splash parks can be turned on all at the same time, and asked Parks and Recreation to think about that. Mayor Jones thanked Council for everything they do for the community and thanked all the citizens for believing in Council; the best was yet to come.

Meeting Adjourned at 8:52 p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK