

April 2, 2024

The Regular April meeting of the Danville City Council was held on April 2, 2024, 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

Council Member J. Lee Vogler, Jr. gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: Fair Housing Month

Presented to: Members of the Fair Housing Board

Mayor Jones recognized Fair Housing Board members Jasmine Lipscomb, Michelle Vaden and Keisha Walker. Board Member Hampton Wilkins stated that everyone should abide by fair housing, it was not an obligation, it was the law; fair housing was alive in Danville. Director of Housing Susan McCullough thanked Council for the Proclamation.

Presentation: Ballou Park Reforestation Project

Presented by: Corey Riedel, Virginia Cooperative Extension

Corey Riedel addressed Council regarding the deforestation across the United States, due to development in cities to accommodate growth, housing needs, and retail space. He discussed the key roles that trees play in the environment and their importance. On April 19 from 4 p.m. to 6 p.m. at Ballou Park there will be a tree planting project kickoff. This event was open to the public and everyone was invited to come out and plant a tree. In response to Council Member Whittle, Mr. Riedel noted in the park specifically they lost a lot of trees mostly because those trees were 100 plus years old; some were lost to old age, and some were knocked down by storms. They needed to be removed and new trees planted. Council Members thanked Mr. Riedel for his presentation and recognized the partners involved in the tree planting project.

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 March 26, 2024. 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 March 5, 2024.

Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for the Fiscal Year 2024 Comprehensive Services Act Appropriation

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An Ordinance entitled, Ordinance No. 2024-03.09, An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Appropriating Comprehensive Services Act Funds and Providing Local Matching Funds for a Total Amount of \$5,309,442 and Appropriating Same.

Consideration of Amending the Fiscal Year 2024 Budget Appropriation for Community Development Block Grant and HOME Grant Programs

An Ordinance entitled, Ordinance No. 2024-03.10, an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Projects to Improve the Danville Community Financed with Community Development Block Grant, Home Investment Partnership Funds from the U.S. Department of Housing and Urban Development, and Estimated Program Income.

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY RMC LLC FOR WAIVER FOR INCREASE IN BUILDING HEIGHTS TO OVER 50 FEET AT 1080 RIVERSIDE DRIVE (PARCEL 02176)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1080 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 19, 2024 and March 26, 2024.

Mayor Jones recognized Ryan Gatewood, L&D Professionals, 110 Exchange Street, Suite B, who addressed Council on behalf of his client RMC Investments LLC. They were asking for an exemption for the maximum height for the HR-C zoning. They have a hotel that was proposed to be fifty-three feet tall which was three feet over the maximum height restriction.

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. 2024-04.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00090, FILED BY RMC INVESTMENTS LLC, REQUESTING A SPECIAL USE PERMIT TO GRANT A WAIVER FOR AN INCREASE IN BUILDING HEIGHT OVER 50' AT PARCEL IS 02176 (1080 RIVERSIDE DRIVE) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 20.

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

Vice Mayor Miller asked if the client was aware of the height restrictions before building the hotel, and Mr. Gatewood stated they were aware of the height restrictions, but the extra height was to get another floor on the hotel, for the fifth floor.

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Council Member Vogler stated he was not a fan of restricting height on buildings. It was understood there must be restrictions in certain situations such as around the airport but was not sure why the City was trying to restrict the height on development. It seemed anti-development to him and hoped as they move forward, they roll back some of the old regulations the City has. Council Member Saunders asked the City Attorney if there were restrictions on billboards and sign height, and City Attorney Clarke Whitfield stated that there were height restrictions on those as well.

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 AMENDING CHAPTER 41 ENTITLED “ZONING ORDINANCE” OF THE CITY OF DANVILLE, 1986 AS AMENDED, SPECIFICALLY, TO AMEND ARTICLE 3.1 SECTION C ITEM 10

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 March 19, 2024 and March 26, 2024. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2024-04.02

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.I, SECTION C, ITEM 10.

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 SPECIAL USE PERMIT TO ALLOW COMMERCIAL RECREATION FACILITIES AT 1010 PINEY FOREST ROAD (PARCEL 57737)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1010 Piney Forest Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 19, 2024 and March 26, 2024.

Mayor Jones recognized Kisha Chaney, owner of the 1010 Restaurant, who explained her restaurant was open Wednesday thru Saturday, and every other Sunday, from 11:00 a.m. to 8:00 p.m. There was a lounge where she liked to bring in live bands and would like to be able to charge people at the door to come in and listen to the bands; some people came who did not want to eat or drink but wanted to listen to the music. The live bands will be hopefully on Friday and Saturday nights starting at 9:00 pm and end at 1:00 a.m.

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

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

ORDINANCE NO. 2024-04.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00054, FILED BY KISHA CHANEY, REQUESTING A SPECIAL USE PERMIT FOR AN INDOOR COMMERCIAL RECREATION FACILITY IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4, OF CHAPTER 41., ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL IS 57737.

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 SPECIAL USE PERMIT APPLICATION TO ALLOW A COMMERCIAL KENNEL AT 630 NORTH MAIN STREET (PARCEL 02231)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 630 North Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 19, 2024 and March 26, 2024.

Mayor Jones recognized Jaclyn Davis who stated she was there to request a Special Use Permit to open her dog grooming salon at 630 North Main Street. 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. 2024-04.04

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00081, FILED BY JACLYN DAVIS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A COMMERCIAL KENNEL IN ACCORDANCE WITH ARTICLE 3.K, SECTION C, ITEM 22 OF CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID 02231.

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

Vice Mayor Miller asked if this was to board or groom dogs, and Ms. Davis stated this was just for grooming. There will be no boarding, daycare, or overnight stays.

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

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

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ABSTAIN: Buckner (1)

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION TO ALLOW A COMMERCIAL RECREATION FACILITY ON THE MAIN AND LOWER LEVELS AT 401 MAIN STREET (PARCEL 24072)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 401 Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 19, 2024 and March 26, 2024. 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. 2024-04.05

AN ORDINANCE GRANTING A SPECIAL USE PERMIT APPLICATION PZ24-00091, FILED BY RICHARD MORRIS ARCHITECTURE LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE AN INDOOR COMMERCIAL RECREATION FACILITY AT PARCEL 24072 (401 MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.K, SECTION C, ITEM 5.

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

Council Member Vogler asked for an explanation of this for citizens watching, and Director of Planning, Renee Burton stated the plan was for residential units on the upper floor, an eatery or food hall on the street level, and an entertainment venue on the lower level. Mr. Vogler noted this space has been empty for a while and Ms. Burton noted she believed it was a bank prior to this, the old Carter's Bank.

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 APPROVING OR DENYING A REZONING APPLICATION FILED BY JUAN LOPEZ TO REZONE PARCEL 70961 FROM T-R THRESHOLD RESIDENTIAL TO NT-R NEOTRADITIONAL RESIDENTIAL

Council Member Buckner **Moved to Postpone** Item F for an indefinite amount of time.

ORDINANCE NO. 2024-04.06

AN ORDINANCE REZONING FROM T-R THRESHOLD RESIDENTIAL TO NT-R NEO-TRADITIONAL RESIDENTIAL PARCEL IS 70961 (LONGVIEW AVENUE); **OR**

RESOLUTION NO. 2024-04-01

A RESOLUTION MAINTAINING PARCEL IS 70961 IN THE T-R THRESHOLD RESIDENTIAL ZONING DISTRICT.

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The Motion to Postpone was **seconded** by Council Member Vogler 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 SPECIAL USE PERMIT APPLICATION FILED BY RIVERMONT DANVILLE, LLC TO ALLOW A WAIVER OF MAXIMUM FLOOR AREA RATIO AT 403 SPRING STREET (PARCELS 21690 AND 20432)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 403 Spring Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 19, 2024 and March 26, 2024.

Mayor Jones recognized Charles Davidson, who appeared on behalf of the project, and stated he also had the architect for the project with him. Council Member Vogler asked for a brief summary of what they were asking for. Mr. Davidson explained they were asking for an increased FAR for the garage; the property currently has an FAR of 3, they were asking for a FAR of 4.6 in order to construct a six story parking garage for 432 parking spaces. Mr. Larking noted the FAR was actually 4.8. 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. 2024-04.07

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00093, FILED BY RIVERMONT DANVILLE LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM FLOOR AREA RATIO AT PARCEL IDS 21690 AND 20432 (403 SPRING STREET) IN ACCORDANCE WITH ARTICLE 3.K SECTION C ITEM 19.

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)

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY CULTURE RESTAURANT AND GRILL TO ALLOW COMMERCIAL RECREATION FACILITIES AT 510 SPRING STREET (PARCEL 20586)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 510 Spring Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 19, 2024 and March 26, 2024. 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. 2024-04.08

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AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00094, FILED BY CULTURE RESTAURANT AND GRILL, REQUESTING A SPECIAL USE PERMIT TO OPERATE AN INDOOR COMMERCIAL RECREATION FACILITY AT PARCEL IDS 20586 (510 SPRING STREET) IN ACCORDANCE WITH ARTICLE 3.K, SECTION C, ITEM 5.

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

Council Member Vogler asked if this was so they could have a cover charge, and City Manager Ken Larking stated that was correct; they have live music and would like to be able to charge.

The Motion was carried the following vote:

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY CCKW, LLC TO AMEND AN EXISTING PLANNED UNIT DEVELOPMENT TO REMOVE PARCEL 22082 AND TO INCLUDE PARCEL 25236 (FRANKLIN STREET)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at Franklin Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 19, 2024 and March 26, 2024.

Mayor Jones recognized Steven Gould with PLDR Law, who explained this was the project on Monument Street. From the meeting at the end of last year, under the prior iteration of this plan, there was going to be a driveway splitting two existing homes. There was a hope they would be able to find a solution that would avoid having to do that. Mr. Gould noted through collaboration with city staff, DRHA and CCKW, they were able to move some parcels around to avoid having to split those existing homes with a driveway. By adding another parcel, not only can they avoid splitting those two residences with the driveway, they can increase by four, the number of townhomes that will be part of this 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. 2024-04.09

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.

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

VOTE: 9-0

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

CONSIDERATION OF AMENDING SECTION 2-5 OF THE DANVILLE CITY CODE PERTAINING TO THE CITY SEAL

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

ORDINANCE NO. 2024-04.10

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 2 ENTITLED "ADMINISTRATION, ARTICLE 1. – ENTITLED "IN GENERAL" SECTION 2-5 ENTITLED "CITY SEAL GENERALLY" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo, Miller,
Saunders and Vogler (8)
NAY: Whittle (1)

COMMUNICATIONS FROM VISITORS

Mayor Jones called for Pernell Valentine; Mr. Valentine was not in attendance.

Mayor Jones recognized Charles Haynesworth III, 548 West Main Street, who addressed Council and staff regarding his home that he had been renting out and then used as an Air BnB, and about the proposed \$500 inspection fee for short term rentals.

COMMUNICATIONS

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

City Attorney Clarke Whitfield reminded Council with the last ordinance they voted on, that the new city seal will go into effect starting tomorrow.

Council Member Hood welcomed back the honorable Council Member Sherman Saunders.

Council Member Mayo welcomed the Chief back, and thanked everyone who came out tonight to the meeting. On April 17th from 5:30 pm to 8:30 pm there will be a Family Reunification workshop hosted by the Virginia Department of Corrections and DCC's TARE project at the Foundation Building of DCC. For more information or to RSVP by April 12, please contact Barry Mayo at 434-799-8429.

Vice Mayor Miller noted he attended the community Easter event held by Parks and Recreation, it had multiple sponsors with at least 300 kids showing up for the Easter egg hunt; there was a lot going on in the city and that was wonderful. Dr. Miller spoke about several ribbon cuttings that have taken place in the city, and reminded people how important it was to get vaccinated.

Council Member Saunders thanked everyone for the continued thoughts and prayers. Mr. Saunders noted they all have a very important role to play as members of this body serving the

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community and thanked Vice Mayor Miller, he was everywhere, including the ribbon cutting for Movement Bank. Mr. Saunders thanked Council Member Mayo for everything he did in the community, especially with ex-offenders and thanked the police department as well. It was really great to be back.

Council Member Vogler welcomed back Council Member Saunders; Council was much better when he was there and were glad to have him back. Mr. Vogler reminded citizens that Racin' and Tastin' was this Friday, and encouraged everyone to come out; there will be music, food, and good times. Mr. Vogler thanked Mr. Haynesworth for coming tonight and making some valid points that Council needed clarification on. T-ball will be starting next week in the city; if anyone had a child that was 8 to 10-years-old, contact Parks and Rec to get them signed up at 434-799-5214.

Council Member Whittle welcomed Council Member Saunders back, noted he worked with True Steps on Cabell Street and commended Mr. Mayo for the work he was doing. Mr. Whittle stated that Parks and Rec has had some wonderful events in the community.

Council Member Buckner welcomed Council Member Saunders home, and thanked everyone for coming out tonight.

Council Member Campbell welcomed Council Member Saunders back, and reminded citizens about the Procurement Fair; it was an opportunity for those who want to pursue city and state contracts. It will be on April 10 from 8:30 am to 12:00 pm or 1:30 pm to 5:00 pm at the Institute.

Mayor Jones wished City Manager Ken Larking a happy birthday, welcomed Council Member Saunders back and thanked his wife Sandy for taking such good care of him. Mayor Jones thanked the Fair Housing Team for all that they do, and thanked Arnold Hendrix for taking over for Mark Aron tonight, and to the city attorney for everything he does, for his support, for taking calls, and just being here for Council.

The meeting was adjourned at 8:04 pm.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK