

May 7, 2024

The Regular May meeting of the Danville City Council was held on May 7, 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 Saunders gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: Historic Preservation Month
Presented to: Renee Burton, Division Director of Planning

Director of Community Development, Ken Gillie, accepted the Historic Preservation Month Proclamation on behalf of Renee Burton, Division Director of Planning, and introduced Sonja Ingram, Executive Director of the Danville Museum of Fine Arts and History, who thanked the city and Council for all their support of historic preservation over the years. Ms. Ingram also thanked them for being an advocate for historic tax credits and advocating for districts such as Almagro and downtown. Ms. Sarah Latham, President of the Historical Society, also thanked Council and commented on the revitalization of Danville.

Proclamation: Make Danville Shine
Presented to: Susan McCulloch, Division Director of Housing and Development

Ken Gillie, Director of Community Development, accepted the Make Danville Shine proclamation on behalf of Susan McCulloch, noting this was the twelfth year of Make Danville Shine; the kickoff was Saturday at the Community Market. They would like, during the month of May, to make the city a better place, for citizens to get out, clean up, fix up, do what they can to make Danville a better place than it was before. More information can be found on the City's website.

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 April 30, 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 April 2, 2024. Draft copies of the minutes had been distributed prior to the meeting.

Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Anticipating the Proceeds from the Issuance of Utility Revenue Bonds

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An Ordinance entitled, Ordinance No. 2024-04.13, Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for the Proceeds from the Sale of Utility Revenue Bonds and Appropriating Same.

Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Anticipating the Proceeds from the Issuance of General Obligation Bonds.

An Ordinance entitled, Ordinance No. 2024-04.14, an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Anticipating the Proceeds from the Issuance of Bonds and Appropriating Same for Anticipated Expenditures.

Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for a Recreation Enrichment Program in the Amount of \$326,615.

An Ordinance entitled, Ordinance No. 2024-04.15, an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for Funds in the Amount of \$64,447 for a Recreation Enrichment Program and the Local In-Kind Share of \$262,168 for a Total Appropriation of \$326,615 and Appropriation of 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

CONSIDERATION OF DENYING A SPECIAL USE PERMIT APPLICATION FILED BY JANET REED TO ALLOW A GROUP HOME AT 18 SELMA AVENUE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 18 Selma Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024 and April 30, 2024.

Mayor Jones recognized Janet Reed, applicant, who noted she was trying to obtain a special use permit to open a group home at 18 Selma Avenue. Ms. Reed explained it was a four-bedroom house, supervised 24 hours with staff, cameras, and locked windows and doors. Ms. Reed stated at the beginning of the process she did not know she was in violation; she heard she could have three clients, but not four. She was not told she could only have a certain amount.

Mayor Jones recognized Barry Regan, 10 Selma Avenue, who stated that on February 12, 2024, his home cameras caught a nude man standing in front of his house, making noises; he was there for seven minutes in eighteen-degree weather. Police had to be called to take that man to the hospital because he apparently had been off his medication. If this hadn't happened and authorities hadn't become involved, they wouldn't be here tonight. Ms. Reed has been running this home since October without a license. Mr. Regan noted at the Planning Commission meeting, Ms. Regan stated she has been doing this for twenty years and didn't know she had to have a license to run a group home.

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Mayor Jones recognized Dana Regan, 10 Selma Avenue, who stated at the Planning Commission meeting, Ms. Reed had indicated she was going to open a house across the street. Four days later, on the 15th, while she was still in violation with the Planning Commission, she opened a second house across the street. Last Thursday, one of the residents trespassed on her property standing in front of the door of her greenhouse while Mrs. Regan was in the greenhouse. Another young man was found on her property, trespassing. Ms. Reed was not supervising these residents; this was a problem and Mrs. Regan does not feel safe in her own space.

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

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

RESOLUTION NO. 2024-05.01

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PZ24-00064, FILED BY JANET REED, REQUESTING A SPECIAL USE PERMIT TO ALLOW A GROUP HOME IN ACCORDANCE WITH ARTICLE 3.E, SECTION C., ITEM 9 OF THE DANVILLE ZONING ORDINANCE AT PARCEL ID 55273 (18 SELMA AVENUE).

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

Council Member Vogler asked if Ms. Reed had multiple group homes in the city, and Ms. Reed stated she does, but she was told she was in violation at that particular home, they told her she could have three. That was the reason why she acquired another home, to move three to another location; she has two homes in the City and six clients. Mr. Vogler asked Ken Gillie, in general, if a citizen suspects someone was operating a group home illegally or in a place that it is not zoned for, what was the process, or what penalties were involved. Mr. Gillie stated that the first step was to contact Community Development so an investigation can begin; they will check with Social Services, check for business licenses, certificates of occupancy, and local and state agencies. In this case, they were doing a rental inspection because it was in a rental inspection district. It was still not in compliance; they were here today asking for a special use permit, which was one of the steps to try to bring themselves into compliance. Council Member Vogler asked if both homes were out of compliance and Mr. Gillie responded that both homes were not in compliance.

Council Member Mayo asked Ms. Reed how long she has been living in the home and Ms. Reed stated she has been in the home six months; she was not presently licensed; when she found out she was in violation she was trying to get licensed. Mayor Jones asked if Council tabled this, will it give Ms. Reed more time to get where she needs to be. Mr. Gillie stated there were a lot of violations; at this point, until Council makes a decision, he cannot proceed with any additional violations; they could work with her to resolve those issues. If Council denies this, the applicant has a certain period of time that would allow her the opportunity to try and address this. If it was tabled, she can work on it, and continue to operate during that time and there was nothing the City can do to make her do anything. The City's goal was to bring it into compliance. In this case there were a lot of things that needed to be done before compliance could be obtained; tabling may give her time to do it, but she has had a few months and those items have not been addressed yet.

Council Member Campbell stated the applicant said she did not know, during the time of her not knowing was there no documentation, and Mr. Gillie stated he became involved in January when staff did the inspection. At that point, they notified her of what needed to be done, she did apply for the special use permit, but there was also a certificate of occupancy inspection, and those items haven't been done. Working with Social Services to obtain a license, that portion was still in

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process; that was why staff was not recommending approval of it, there were things that needed to be done before it can operate.

Council Member Saunders asked about concerns on how she was handling the supervision of the residents. Ms. Reed stated since that incident more staff have been hired, cameras have been installed, and locks have been put into place, with 24 hour care. Council Member Mayo noted on his residential home, the home needed to be licensed by the state, not the city, what was baffling was that Social Services was sending these clients with mental disabilities to a non-licensed home. Mr. Saunders asked if she was regulated by the state and Ms. Reed responded that she was not, and Mr. Saunders asked if the state said anything about noncompliance and Ms. Reed stated they had not.

After further discussion, 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 CARL NORTON TO ALLOW RETAIL SALES AT 108 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 108 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024, and April 30, 2024.

Mayor Jones recognized Carl Norton, owner of 108 West Main Street, who noted it was currently zoned commercial warehouse; it had been a doctor's office, real estate office, medical sales and IT sales office. They have done a full restoration and want to open it as retail space. After meeting with the Zoning Administrator, it was discovered that the property did not have retail zoning. There was parking in the rear and the other surrounding properties were zoned commercial. 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. 2024-05.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00097, FILED BY CARL NORTON, REQUESTING A SPECIAL USE PERMIT TO ALLOW RETAIL SALES, LIMITED TO INDOOR DISPLAY AND STORAGE IN ACCORDANCE WITH ARTICLE 3.I, SECTION C., ITEM 10 OF CHAPTER 41., ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID 26034.

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)

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CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY CHRIS KOONTZ FOR A WAIVER OF SIDE YARD REQUIREMENT FOR ACCESSORY USES AT 136 GATEWOOD AVENUE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 136 Gatewood Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024, and April 30, 2024.

Mayor Jones recognized Christopher Koontz, 136 Gatewood Avenue, who addressed Council stating he did not know there were zoning codes prior to putting the building on the only level part of his property. 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. 2024-05.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00131, FILED BY CHRIS KOONTZ, REQUESTING A SPECIAL USE PERMIT TO GRANT A WAIVER OF SIDE YARD REQUIREMENT FOR ACCESSORY USES AT PARCEL ID 57476 (136 GATEWOOD AVENUE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 20.

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 REZONING APPLICATION TO REZONE 533 PINEY FOREST ROAD FROM PS-C PLANNED SHOPPING CENTER COMMERCIAL TO HR-C HIGHWAY RETAIL COMMERCIAL

Mayor Jones opened the floor for a Public Hearing regarding rezoning 533 Piney Forest Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024, and April 30, 2024.

Mayor Jones recognized Steven Gould, an attorney with PLDR law representing the applicants, who noted there were three inherited parcels. The outer two were currently zoned HR-C, the middle one, which had an unoccupied residence on it, was zoned PS-C. The owners want to change the zoning of that parcel so all were HR-C; that would allow the parcels to be consolidated. If the owners wanted to sell the parcels later, it would be easier for them to do that. 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. 2024-05.03

AN ORDINANCE REZONING FROM PS-C PLANNED SHOPPING CENTER COMMERCIAL TO HR-C HIGHWAY RETAIL COMMERCIAL PARCEL ID 56964 (533 PINEY FOREST ROAD).

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

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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 FHC HOLDINGS LLC TO ALLOW USES PERMITTED BY RIGHT AND BY SPECIAL USE PERMIT AT 874 CAHILL COURT

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 874 Cahill Court. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024, and April 30, 2024.

Mayor Jones recognized Steven Gould, PLDR Law, representing the applicants; the request was to allow this parcel, which was zoned LED-I, to be able to engage in the activities that were allowed by right or by special use permit in the HR-C designation. The goal was to have contractor offices and some retail sales. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2024-05.04

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00134, FILED BY FHC HOLDINGS LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW USES PERMITTED BY RIGHT AND SPECIAL USE PERMIT IN THE HR-C DISTRICT AT PARCEL ID 23207 (874 CAHILL COURT) IN ACCORDANCE WITH ARTICLE 3.O., SECTION C., ITEM 15.

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 REZONING APPLICATION FILED BY DAVID MCLAUGHLIN TO REZONE 221 SOUTH MAIN STREET FROM OT-R OLD TOWN RESIDENTIAL TO TO-C TRANSITIONAL OFFICE

Mayor Jones opened the floor for a Public Hearing regarding Rezoning at 221 South Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024, and April 30, 2024.

Mayor Jones recognized David McLaughlin, owner of DL McLaughlin Funeral Service located at 221 South Main Street. Mr. McLaughlin stated when they acquired the building, it was with the intent to continue as a funeral home provider. Because there was no operation of a practicing funeral home for the past two years, they had to go through the rezoning process. 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. 2024-05.05

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AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL TO TO-C TRANSITIONAL OFFICE COMMERCIAL PARCEL IDS 24101 AND 25694 (221 SOUTH MAIN STREET).

The Motion was **seconded** by Council Member Vogler 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 DEWBERRY TO ALLOW A WAIVER OF YARD REQUIREMENTS AT 424 AIRPORT DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 424 Airport Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024, and April 30, 2024.

Mayor Jones recognized Tim Lasley, from Dewberry Associates, along with his colleague Sara Hall, who were seeking approval for a waiver of yard requirement for the set back on the front yard. By right, they were allowed fifty yards, and they were asking for that to be reduced to twenty feet. They went before the Planning Commission, and it was approved unanimously. The building itself will be a facility serving both DCC and Averett University's aeronautics programs. 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. 2024-05.06

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00137, FILED BY DEWBERRY, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF YARD REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3.O., SECTION C., ITEM 25 OF CHAPTER 41., ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID 76366.

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

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

CONSIDERATION OF A CODE AMENDMENT REQUEST TO AMEND CHAPTER 41 ENTITLED "ZONING ORDINANCE" SPECIFICALLY, ARTICLE 3.X SECTION H TO CREATE ITEM 19 "CAR WASH"

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 April 23, 2024, and April 30, 2024. No one present desired to be heard and the Public Hearing was closed.

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

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ORDINANCE NO. 2024-05.07

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3.X., SECTION H, TO CREATE ITEM 19 "CAR WASH".

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 WAIVER OF LOT FRONTAGE REQUIREMENTS ON A PUBLIC STREET AND WAIVER OF REQUIREMENTS FOR PUBLIC WATER AT 201 LITTLE RIVER ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 201 Little River Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024, and April 30, 2024.

Mayor Jones recognized Henry Leggett who stated he had a parcel of land on Westover Drive, approximately 135 acres; he was trying to separate out three acres, not changing the zoning. A family member wants to put a single-family dwelling on it. 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. 2024-05.08

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00152, FILED BY HENRY LEGGETT, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF REQUIREMENTS FOR LOT FRONTAGE ON A PUBLIC STREET AND CONNECTION TO PUBLIC SERVICES AT PARCEL ID 70874 (201 LITTLE RIVER ROAD) IN ACCORDANCE WITH ARTICLE 3.A, SECTION C, ITEMS 18 AND 19.

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 AN APPEAL BY ARRG PROPERTIES OF THE RIVER DISTRICT DESIGN COMMISSION'S DETERMINATION TO DENY A REQUEST TO DEMOLISH 601 LYNN STREET

Mayor Jones opened the floor for a Public Hearing regarding an Appeal by ARRG Properties. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024, and April 30, 2024.

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Mayor Jones recognized Austin Bond, ARRG Properties, who handed out current floor plans of 601 Lynn Street to Council. Mr. Bond noted that property was one they have been studying for about five years; they hired an architect and a professional engineer to find a modern use for this warehouse. The layout of the building, specifically the lack of windows, the floor heights, the number of columns and column location, and depth of the building prohibit redevelopment. Mr. Bond noted the River District Guidelines specifically mentioned this building being problematic for viable modern use. This was one of the last remaining and biggest buildings in the district that has not been revitalized and it was due to those limitations. It was a vacant building taking up a very large parcel that they would like to use for housing. They would like to deconstruct the structure and build new construction adding 125 units that provide modern amenities, while keeping in mind it was an historic district and they need to respect that overall appeal.

Mayor Jones recognized Adam Jones, Vice Chair of River District Design Commission, who explained this issue came in front of the Commission twice, most recently in March; it was a 4-1 vote to deny the deconstruction of 601 Lynn Street.

Mayor Jones recognized Sonya Ingram who stated that the developers applied for a demolition permit for an historical and contributing building in the tobacco warehouse district. This has gone before RDDC twice and has been denied twice.

Mayor Jones recognized Ron Ford, who stated he has been involved in the River District since about 2011 building buildings downtown. For this building, there was no way they could efficiently build the building as is. They have a plan to have the building taken down piece by piece and revitalized elsewhere. The building will go to rot if something was not done with it.

Mayor Jones recognized Leslie Frost, 802 Green Street, who spoke to Council about her decision to move here based on the historical preservation in Danville.

Mayor Jones recognized Brian Hale, 808 Green Street, who spoke in opposition due to the building's historical value.

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. 2024-05.09

AN ORDINANCE REVERSING THE RIVER DISTRICT DESIGN COMMISSION DECISION TO DENY A CERTIFICATE OF APPROPRIATENESS TO DEMOLISH THE STRUCTURE LOCATED AT 601 LYNN STREET.

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

Council Member Vogler asked how long the building has been vacant, and Adam Jones stated twenty years. Mr. Vogler noted other projects had a plan of what they could be, in recent history has there been a plan for this building as it currently exists; if they used historic tax credits they cannot make major alternations to it. Historic tax credits allowed those other projects to happen. Mr. Gillie noted in the late 1970s early 1980s there was a study done for that entire area; that plan did have some conceptual layouts for this building, that was before historic tax credits. It was just things that could be done with large buildings of that size. The application for tax credits, asking

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for windows, he was not sure if the current owners have tried to go that route; usually tax credits were not approved if there major changes, but that was up to a board in Richmond to decide. Mr. Vogler noted what was seen tonight, was not what was originally presented the first time it was denied and Mr. Jones stated when it first came to RDDC the schematics and renderings looked nothing like what was being shown tonight; it was a major improvement. Council Member Vogler stated the main concern was what was going to happen if Council does not approve this because it seemed like it will just sit there like it has over the last 20 years.

Council Member Buckner noted this building has been listed on Loop Net, which was an advertising tool realtors and property owners used to advertise properties internationally, and in response to Mr. Buckner Mr. Bond noted up until two weeks ago they had no offers and then had one but they thought it was for a space in the building, not the entire building. Mr. Buckner noted this building held a lot of historic value but there was no good use for it anymore. Mr. Buckner stated at the last VML meeting, a tour was taken of the Old West Free Mason Area of Norfolk and the work that was done tearing down and integrating new construction with historic buildings. The City was running out of housing, and he thought the City should incorporate more new housing that fits in with the current historic aesthetic.

Vice Mayor Miller asked about taking the building down and reconstructing elsewhere. Mr. Ford stated there was a company in North Carolina that takes buildings down and resells the materials for other projects like homes and buildings. There was not enough current material in the building to reuse in the building proposed. Council Member Campbell stated it was disturbing because guidelines were put into place by Council to the RDDC to keep the River District looking a certain way. Should there be a timetable based on how long the building has been unoccupied before it can be redeveloped and was it fair to the Commission they appointed. Council Member Saunders noted the RDDC voted twice for the building not to be disturbed. If the building was not torn down what was the plan for it and were there any concerns about further safety and deterioration of the building. Mr. Jones stated that this was not an easy decision and there wasn't an answer as to what will happen to the building if it stays. As the building sits there then additional deterioration will occur as with any building that was not maintained. Council Member Whittle asked if the historic tax credits were not given because windows had to be in every bedroom, and Mr. Bond stated that historic tax credits would not be given because placing windows in the building would cause too much of an adjustment to the building and if pillars were taken out it was considered too much material being removed to qualify for tax credits.

The Motion was carried the following vote:

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

CONSIDERATION OF AN ORDINANCE AMENDING ARTICLE IV, ENTITLED "REAL ESTATE AND MOBILE HOME TAX EXEMPTION AND DEFERRAL FOR CERTAIN ELDERLY AND DISABLED PERSONS," OF CHAPTER 37, ENTITLED "TAXATION," OF THE DANVILLE CITY CODE TO ALLOW FOR REVISIONS TO THE REAL ESTATE EXEMPTION AND DEFERRAL PROGRAM

Mayor Jones opened the floor for a Public Hearing regarding a Real Estate Tax Exemption. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 23, 2024, and May 4, 2024. No one presented desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2024-05.10

AN ORDINANCE AMENDING ARTICLE IV, ENTITLED "REAL ESTATE AND MOBILE HOME TAX EXEMPTION AND DEFERRAL FOR CERTAIN ELDERLY AND DISABLED PERSONS," OF CHAPTER 37, ENTITLED "TAXATION," OF THE DANVILLE CITY CODE TO ALLOW FOR REVISIONS TO THE REAL ESTATE EXEMPTION AND DEFERRAL PROGRAM.

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

CONSIDERATION OF THE FISCAL YEAR 2025 DANVILLE PUBLIC SCHOOLS BUDGET

Mayor Jones opened the floor for a Public Hearing regarding the Danville Public Schools Budget. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 30, 2024, and May 4, 2024.

Mayor Jones recognized Danville Public Schools Superintendent Dr. Hairston who thanked Council for their continued support of Danville Public Schools and introduced School Board and staff members in attendance with her. Dr. Hairston reviewed the budget and explained the continued need for services for both students and employees. No one further desired to be heard and the Public Hearing was closed.

Upon **Motion** by Council Member Campbell and **second** by Council Member Whittle, a Resolution entitled:

RESOLUTION NO. 2024-05.03

A RESOLUTION APPROVING THE BUDGET OF THE SCHOOL BOARD OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2025.

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

CONSIDERATION OF FEE CHANGES EFFECTIVE JULY 1, 2024

Mayor Jones opened the floor for a Public Hearing regarding Fee Changes. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 30, 2024 and May 7, 2024.

Mayor Jones recognized Martha Ray, 131 Canterbury Road, who questioned why short-term rentals were being singled out for fees that were higher than any inspection fees. Ms. Ray explained the process she went through to establish a short-term rental and only asked that the rules be the same for all rentals.

Mayor Jones recognized Charles Haynsworth, 548 West Main Street, who spoke to Council about concerns regarding fees for short-term rentals and how these fees will be imposed. No one further desired to be heard and the Public Hearing was closed.

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

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ORDINANCE NO. 2024-05.11

AN ORDINANCE AMENDING AND ESTABLISHING AND INCREASING CERTAIN FEES OF THE CITY OF DANVILLE EFFECTIVE JULY 1, 2024, EXCEPT WHERE OTHERWISE STATED.

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

Council Member Campbell asked the City Manager to elaborate on some of the complaints heard tonight, and City Manager Ken Larking stated there was a program to inspect short-term rentals that were currently not charged for, and the upcoming budget recommends a fee to help cover the cost of administering this program. Council Member Vogler asked about the personal property taxes being charged to Air BnB's, and Mr. Larking explained that the Commissioner of Revenue stated that if someone was operating a business then the furniture in those places was taxable. Council Member Buckner mentioned concerns for the fees of Air BnB's only and those in rental inspection zones, and Mr. Larking stated that in rental inspection zones those areas were concentrated in one area where Air BnB's were spread out in multiple locations.

CONSIDERATION OF A PERSONAL PROPERTY TAX DECREASE

Mayor Jones opened the floor for a Public Hearing regarding a Personal Property Tax Decrease. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 30, 2024 and May 7, 2024. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2024-05.12

AN ORDINANCE AMENDING AND REORDAINING SECTION 37-30 OF THE DANVILLE CITY CODE TO DECREASE THE PERSONAL PROPERTY TAX FROM \$3.60 PER \$100 OF ASSESSED VALUE TO \$3.45 PER \$100 OF ASSESSED VALUE EFFECTIVE JANUARY 1, 2025.

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

CONSIDERATION OF A TRANSIENT LODGERS OCCUPANCY TAX INCREASE

Mayor Jones opened the floor for a Public Hearing regarding a Transient Lodgers Occupancy Tax Increase. Notice of the Public Hearing was published in the *Danville Register & Bee* on April 30, 2024 and May 7, 2024. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2024-05.13

AN ORDINANCE AMENDING AND REORDAINING SECTION 37-97 OF THE DANVILLE CITY CODE TO INCREASE THE PER DAY ROOM OCCUPANCY TAX FROM \$2.00 TO \$3.00 EFFECTIVE JULY 1, 2024.

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

May 7, 2024

CONSIDERATION OF AUTHORIZING AND APPROVING A WEST PIEDMONT WORKFORCE AGREEMENT

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

RESOLUTION NO. 2024-05.04

A RESOLUTION APPROVING THE WEST PIEDMONT WORKFORCE INNOVATION AND OPPORTUNITY ACT CONSORTIUM AGREEMENT BETWEEN THE JURISDICTIONS IN THE WEST PIEDMONT WORKFORCE INVESTMENT AREA.

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

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

CONSIDERATION OF A RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTY TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO CONVEY SUCH PROPERTY TO THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS

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

RESOLUTION NO. 2024-05.05

A RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTY TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO CONVEY SUCH PROPERTY TO THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.

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 THE RELEASE OF LIENS AND TAXES AGAINST PARCEL 22973 LEE STREET TO FACILITATE ITS TRANSFER TO THE DEPARTMENT OF VETERANS AFFAIRS.

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

RESOLUTION NO. 2024-05.06

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #22973 LEE STREET, TO FACILITATE ITS DONATION TO THE DEPARTMENT OF VETERANS AFFAIRS.

May 7, 2024

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 APPROVAL OF A FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DANVILLE, VIRGINIA AND CAESARS ENTERTAINMENT

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

RESOLUTION NO. 2024-05.07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE VIRGINIA FORMALLY APPROVING AN AMENDED AND RESTATED CASINO RESORT DEVELOPMENT AGREEMENT BY AND AMONG THE CITY OF DANVILLE, THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA, CAESARS VIRGINIA, LLC, AND CAESARS ENTERTAINMENT, INC.

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

Council Member Campbell asked the City Manager to explain this resolution to the citizens. Mr. Larking stated this was an amended agreement to address some concerns that both Caesar's and the City have, and reviewed and explained the changes from the original agreement. Council Member Vogler asked Chris Albrecht, Caesars Virginia General Manager, if national events were still being held in the event venue, and Mr. Albrecht stated the City was still getting Caesars entertainment. In the long run they were planning to deliver more, because a multipurpose space allowed them to do more in a singular space like concerts, comedy shows, boxing events, poker tournaments, and world-class meetings. Council Member Saunders asked about an amphitheater, and Mr. Larking stated that an outdoor amphitheater was being considered near the smokestacks but that was not in the current agreement. Mr. Saunders reminded everyone that the citizens voted to have this establishment come to Danville. Unexpected things happen, just like building a house. Caesars has been very straightforward with the city from day one, the City Manager was on top of this, and they were going to make sure everything was going to be just as planned. Vice Mayor Miller stated that originally there were going to be 300 hotel rooms, that changed to 500 hotel rooms, and now the number was back down to 320 hotel rooms. Mr. Albrecht stated that changes have been made throughout the process along with cost estimations. A lot of adjustments were made to the project and that was where the 320 hotel rooms were settled on. Council Member Whittle questioned the changes that have been made to the language of the agreement regarding gross or net revenue. Mr. Larking stated this was a request made by him because the definition needed to mirror what was in the state code. Mr. Vogler asked the City Attorney if he had looked at these changes, and Mr. Whitfield stated that he reviewed the changes, two independent lawyers who specialized in casino law reviewed the changes, as well as the committee for the casino; it has been thoroughly looked over.

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

VOTE: 8-1
AYE: Buckner, Campbell, Hood, Jones, Mayo, Miller,

May 7, 2024

NAY: Saunders, Vogler (8)
 Whittle (1)

**CONSIDERATION OF AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION
ORDINANCE FOR THE VICTIM WITNESS GRANT PROGRAM**

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

ORDINANCE NO. 2024-05.14

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE STATE FOR A VICTIM WITNESS PROGRAM IN THE AMOUNT OF \$164,687, WITH A LOCAL MATCH OF \$2,000 FOR A TOTAL OF \$166,687, AND APPROPRIATING SAME.

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

**CONSIDERATION OF AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION
ORDINANCE FOR A DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT FOR
SCHOOL RESOURCE OFFICERS**

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

ORDINANCE NO. 2024-05.15

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT CRIMINAL JUSTICE SERVICES FISCAL YEAR 2024 SCHOOL RESOURCE OFFICER GRANT PROGRAM IN THE AMOUNT OF \$88,117 AND A LOCAL SHARE IN THE AMOUNT OF \$29,749 FOR A TOTAL APPROPRIATION OF \$117,866 AND APPROPRIATING SAME.

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

**CONSIDERATION OF AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION
ORDINANCE BY INCREASING REVENUES TO FUND CAPITAL PROJECTS**

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

ORDINANCE NO. 2024-05.16

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM BUSINESS OCCUPANCY LICENSE TAXES TO FUND CAPITAL PROJECTS AN APPROPRIATION IN THE AMOUNT OF \$600,000 AND APPROPRIATING THE SAME.

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

May 7, 2024

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized David Wesolowski, 626 9th Street Richmond, VA, who spoke to Council on behalf of Best Friends Animal Society and how they assist and educate animal shelters on being no kill shelters. The organization was reaching out to help Danville become a no kill shelter.

COMMUNICATIONS

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

Vice Mayor Miller noted it was National Nurses' Week, and thanked the nurses for the work they do. Dr. Miller noted a young girl from Galileo set a five-minute record and was certified on the new GW track; kudos to Council for voting on that, and spoke about the new homes being built by Habitat for Humanity.

Council Member Vogler wished all the teachers and staff a happy Teacher Appreciation Week and Happy Nurses' Week to all the nurses across the area.

Council Member Whittle stated that Habitat was a great operation.

Council Member Buckner noted on June 8, the Danville Museum of Fine Arts and History was hosting a Museum Meets Margaritaville event at the Community Market with food, drinks, and door prizes. Mr. Buckner congratulated his wife Jessica on receiving her doctorate from ODU this past weekend.

Council Member Campbell noted to the River District Design Commission about looking at amending some of the by-laws, so items can be looked at more constructively at buildings that have been up for a long time.

Mayor Jones wished all the nurses and teachers a happy appreciation week, and happy early Mother's Day to all the mothers.

The meeting was adjourned at 10:08 pm.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK