

July 2, 2024

The Regular July meeting of the Danville City Council was held on July 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, Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (7). Virtual: Vice Mayor Gary P. Miller (1). Absent: L.G. "Larry" Campbell Jr. (1). *Madison J.R. Whittle entered the meeting at 7:04 p.m.*

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.

Mayor Jones announced to Council that Vice Mayor Miller was out of town at the beach on a pre-planned vacation. Pursuant to Resolution No. 2024-06.01, and the Council's policy on electronic participation in City Council meetings from remote locations, Vice Mayor Miller has requested to participate remotely.

Council Member Buckner **moved** for Vice Mayor Miller to participate remotely in tonight's council meeting. The Motion was **seconded** by Council Member Vogler and carried the following vote:

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

Vice Mayor Miller noted he was participating from 632 Caswell Beach Road, Caswell Beach, North Carolina.

Mayor Jones noted the agenda needed to be amended to add Item L under New Business, a Resolution proclaiming July 5th as a holiday, and closing the public offices of the City.

Council Member Mayo **moved** to add New Business Item L to the agenda, the Motion was **seconded** by Council Member Buckner and carried by the following vote:

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Vogler gave the Invocation followed by the Pledge of Allegiance.

CONSENT AGENDA

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

Approval of Minutes from Regular Council Meeting and Regular Work Session held on June 4, 2024.

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Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for a State Aviation Grant for Engineering Services to Complete Obstruction Analysis

Ordinance No. 2024-06.10, Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for Additional State Aviation Funding for the Purpose of Completing Obstruction Survey Analysis in the Amount of \$52,058 Plus Local Share in the Amount of \$5,785 to be Provided by a Transfer from Undesignated Capital Improvement Funds and Appropriating Same.

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

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

NEW BUSINESS

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY K & M REALTY GROUP LLC TO ALLOW COMMERCIAL RECREATION FACILITIES AT 218 POPLAR STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 218 Poplar Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2024, and June 25, 2024.

Mayor Jones recognized Lakeshia Lee Curtis, with K&M Realty, 218 Poplar Street, who was there to answer any questions. 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. 2024-07.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00180, FILED BY K & M REALTY GROUP, LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN INDOOR COMMERCIAL RECREATION FACILITY AT PARCEL 20818 (218 POPLAR STREET) IN ACCORDANCE WITH ARTICLE 3.M., SECTION C., ITEM 4.

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY BLACKSTONE BUILDING GROUP LLC FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit for a Planned Unit Development. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2024, and June 25, 2024.

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Mayor Jones recognized Rick Myers, Blackstone Building Group, representing the Vandola Crescent Project. 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. 2024-07.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00185, FILED BY BLACKSTONE BUILDING GROUP LLC, REQUESTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT IN ACCORDANCE WITH ARTICLE 17., OF CHAPTER 41., ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL IDS 77925, 71143, 77922, 77921, 71138, 77920, 77919, 77918, AND 77608.

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

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

CONSIDERATION OF A REZONING APPLICATION FILED BY 1076 SCHOOLFIELD, LLC TO REZONE 916 WEST MAIN STREET FROM M-I INDUSTRIAL MANUFACTURING TO HR-C HIGHWAY RETAIL COMMERCIAL

Mayor Jones opened the floor for a Public Hearing regarding a a Rezoning Application at 916 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2024, and June 25, 2024.

Mayor Jones recognized Stephen Gould, PLDR Law, representing the applicant, noting this was a request to rezone the parcel from Industrial to Highway Retail – Commercial which allows a more expansive number of by right uses. The goal was to rehabilitate the structure on the property as an eatery and would ask that Council approve the rezoning. 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. 2024-07.03

AN ORDINANCE REZONING FROM M-I INDUSTRIAL MANUFACTURING TO HR-C HIGHWAY RETAIL COMMERCIAL PARCEL ID 60452 (916 WEST MAIN STREET).

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

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

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CONSIDERATION OF REZONING APPLICATION FILED BY 1076 SCHOOLFIELD, LLC TO REZONE 1076 WEST MAIN STREET FROM M-I INDUSTRIAL MANUFACTURING TO HR-C HIGHWAY RETAIL COMMERCIAL

Mayor Jones opened the floor for a Public Hearing regarding a Rezoning Application at 1076 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2024, and June 25, 2024.

Mayor Jones recognized Stephen Gould, PLDR Law representing the applicant and noted this property was across from the 916 West Main Property. The goal was to move the zoning from Industrial to Highway Retail Commercial, and the intended use of the structure was conversion into a boutique hotel, which would be allowed by right under the HR-C designation. 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. 2024-07.04

AN ORDINANCE REZONING FROM M-I INDUSTRIAL MANUFACTURING TO HR-C HIGHWAY RETAIL COMMERCIAL PARCEL ID 60570 (1076 WEST MAIN STREET).

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY DAVID MCLAUGHLIN FOR WAIVER TO MAXIMUM SIGN AREA AT 221 SOUTH MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 221 South Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2024, and June 25, 2024.

Mayor Jones recognized David McLaughlin, 221 South Main Street, who stated they intended to move forward with the opening, they have experienced a small situation and asked for consideration to be granted. 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. 2024-07.05

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00230, FILED BY DAVID MCLAUGHLIN, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER TO THE MAXIMUM SIGN AREA AT PARCEL 24101 (221 SOUTH MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.I., SECTION C., ITEM 25.

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY CURTIS ALLEN WHITE FOR AUTOMOBILE SALVAGE YARD AT 2025 SOUTH BOSTON ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 2025 South Boston Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2024, and June 25, 2024.

Mayor Jones recognized Carey Wood, Lewisburg, NC who noted they were a professional recovery business; they had to be listed as a salvage yard because that was the only way it could be listed. She was available to answer any questions.

Mayor Jones recognized Peyton Sellars, who noted he owned the property directly adjoining this property. His concern was not the type of business, but coming into the City, seeing an All-America City sign and then a salvage yard. The way it was presented, it could be a salvage yard with 100 cars; it was a 2.09 acre lot, most of it lies along the creek bank directly in front of the Tabernacle Church. Mr. Sellars asked about the number of cars allowed, the setbacks and guidelines, asked Council to think about if it needed to be pushed back a month to figure out more offsets or barriers, or maybe another lot not on a main thoroughfare coming into the City that would suit their business just as well.

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

Council Member Saunders noted they appreciated everyone who was investing in the City, that he would like more information, to pull it from the agenda and maybe discuss this in the interim.

Council Member Saunders **Moved to Postpone** an Ordinance entitled:

ORDINANCE NO. 2024-07.06

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00228, FILED BY CURTIS ALLEN WHITE, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN AUTOMOBILE SALVAGE YARD AT PARCEL 77307 (2025 SOUTH BOSTON ROAD) IN ACCORDANCE WITH ARTICLE 3.M., SECTION C., ITEM 31.

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

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

Mayor Jones asked the City Attorney to explain this action to the applicant and Mr. Whitfield stated that Council asked for more time; they were not approving it or disapproving it, they were giving

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themselves the opportunity to consider it between now and another meeting and do a formal vote at a future meeting.

CONSIDERATION OF A REZONING APPLICATION FILED BY SCOTT LOFTIS TO REZONE 660 ARNETT BOULEVARD FROM M-R MULTIFAMILY RESIDENTIAL TO HR-C HIGHWAY RETAIL COMMERCIAL

Mayor Jones opened the floor for a Public Hearing regarding a Rezoning Application for 660 Arnett Boulevard. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2024, and June 25, 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. 2024-07.07

AN ORDINANCE REZONING FROM M-R MULTI-FAMILY RESIDENTIAL TO HR-C HIGHWAY RETAIL COMMERCIAL PARCEL ID# 02300 (600 ARNETT BOULEVARD).

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

Mr. Whittle questioned if this was to clean up the ordinance, it was already a car wash, and Director of Planning Renee Burton stated that was correct, it was currently a legal, non-conforming car wash in a multi-family residential zoning classification. With the rezoning to highway retail commercial, it now has the ability to operate in a legal conforming manner.

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

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

CONSIDERATION OF A REZONING APPLICATION FILED BY WALDEN FRANCE AMERICAN LEGION POST 29 TO REZONE 627 AND 629 MONROE STREET FROM OT-R OLD TOWN RESIDENTIAL TO M-R MULTIFAMILY RESIDENTIAL

Mayor Jones opened the floor for a Public Hearing regarding a Rezoning Application for 627 and 629 Monroe Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 18, 2024, and June 25, 2024.

Mayor Jones recognized Henry Motley, Commander of Post 29 on Monroe Street, along with members of the Post. Mr. Motley noted they were asking for support of a multi-family home; their purpose, as the American Legion, was service to veterans in the community, trying to help them through different avenues. Their goal was to use the multifamily homes for low-income housing for veterans.

Mayor Jones recognized Cheryl Davis, from Post 29, who spoke about a back-to-school community event on July 20 at 619 Monroe Street from 10 am to 3 pm. They will be giving away 300 bookbags; the event was for the entire family with games, door prizes, and other give-a-ways.

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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. 2024-07.08

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL TO M-R MULTI-FAMILY RESIDENTIAL PARCEL ID 22747 (627 AND 629 MONROE STREET).

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

Council Member Saunders stated he was very pleased to see the American Legion Post in chambers tonight; they do a lot in the community.

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

VOTE: 6-0-1-2
AYE: Buckner, Hood, Mayo, Miller,
Vogler and Whittle (6)
NAY: None (0)
ABSENT: Campbell (1)
ABSTAIN: Jones, Saunders (2)

CONSIDERATION OF AUTHORIZING AND APPROVING THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER CO.

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

RESOLUTION NO. 2024-07.01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA AUTHORIZING AND APPROVING THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER CO. AND DIRECTING THE CITY ATTORNEY AND/OR THE CITY'S OUTSIDE COUNSEL TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENT.

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

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

CONSIDERATION OF INCREASING AND ESTABLISHING THE ANNUAL SALARIES OF THE MAYOR AND COUNCIL

Mayor Jones opened the floor for a Public Hearing regarding Increasing the Annual Salaries of Council. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 25, 2024. No one present desired to be heard and the public hearing was closed.

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

ORDINANCE NO. 2024-07.09

AN ORDINANCE INCREASING AND ESTABLISHING THE ANNUAL SALARIES OF THE MAYOR AND COUNCIL

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

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

**CONSIDERATION OF AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION
ORDINANCE FOR AN AIRPORT MAINTENANCE GRANT**

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

ORDINANCE NO. 2024-07.10

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE DEPARTMENT OF AVIATION MAINTENANCE GRANT FUNDS RELATED TO THE MAINTENANCE OF CERTAIN AIRPORT PROPERTIES IN THE AMOUNT OF \$64,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$46,000 FOR A TOTAL APPROPRIATION OF \$110,000 AND APPROPRIATING THE SAME.

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

**CONSIDERATION OF PROCLAIMING FRIDAY, JULY 5, 2024, AS A HOLIDAY AND CLOSING
THE PUBLIC OFFICES OF THE CITY**

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

RESOLUTION NO. 2024-07.02

A RESOLUTION PROCLAIMING FRIDAY, JULY 5, 2024 AS A HOLIDAY AND CLOSING THE PUBLIC OFFICES OF THE CITY.

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

Council Member Saunders stated that once again Council was telling their employees that Council appreciated what they do every day, they were doing it well.

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

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

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NAY: None (0)
ABSENT: Campbell (1)

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized George Williams, 164 Buckhorn Drive, who spoke to Council about DAHS and noted he was asking for a no kill shelter to be a reality in Danville.

Ray Barbour – Did not appear.

COMMUNICATIONS

City Manager Ken Larking noted on behalf of the employees of the City, he would like to thank City Council for their action this evening to add July 5th as a holiday; it will be very much appreciated in the city workforce. Mr. Larking wished Council a happy July 4th.

Deputy City Manager Earl Reynolds, and Council, sang Happy Birthday to Council Member Mayo.

City Attorney Clarke Whitfield thanked Council for the extra day off, and wished everyone a happy, jubilant, and safe July 4th.

There were no communications from the City Clerk.

Council Member Saunders thanked all of Council for what was being done in the city, and thanked all citizens for coming out, voicing their concerns, and their support. Mr. Saunders thanked everyone at American Legion Post 29, and Happy Birthday to Mr. Mayo.

Council Member Vogler thanked everyone who came out tonight, watching online, or on tv, thanked all of the city employees for everything they do every day, and wanted to give a special shout out to all the employees that have to work on holidays such as public safety, utility workers, and others. Mr. Vogler wished citizens a Happy Independence Day, and noted there will be fireworks at the Otterbots game on Wednesday night, fireworks downtown on Thursday, and again at the Otterbots game on Friday. Mr. Vogler noted he was very blessed to live in this great nation.

Council Member Whittle wished everyone a nice July 4th.

Council Member Buckner thanked everyone at Post 29 for what they were going to be doing with those houses; there was a need for housing in the City and definitely a need for affordable housing especially for those not as well off as others. Mr. Buckner wished everyone a Happy July 4th, thanked the City employees, and thanked all the military families and friends that gave them the right to celebrate.

Council Member Hood gave a special shout out to Post 29 for all they do, to the city employees for the diligent work they do throughout the city, and to police, fire, and rescue who work throughout the holiday. Mr. Hood noted he would like to acknowledge the awesome employees at the Danville Visitors Center; for more information on the Visitor Center, go to VisitSosi.com., and also Happy Birthday Council Member Mayo.

Council Member Mayo noted it was nice to see another birthday, and thanked everyone who came out tonight. Mr. Mayo thanked Post 29 for everything they did and continue to do, including the

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bookbag giveaway. Mr. Mayo thanked the City employees for everything they do on a daily basis, and a Happy July 4th to everyone.

Vice Mayor Miller noted he was going to miss the celebration in Danville on July 4th and noted a Happy Birthday to Council Member Mayo. Dr. Miller thanked city employees for what they do and noted his appreciation for those employees who still have to work on the holidays. Dr. Miller spoke about the agenda item that was postponed, the amount of money that has been put into making city entrances appealing to those visiting and that was why it was important to table the item until further information can be obtained.

Mayor Jones thanked Vice Mayor Miller for taking time away from his family and vacation to attend the meeting virtually and thanked the Sellers family for their comments. Mayor Jones noted to Post 29, education was Council's number one priority, and Council thanked them for what they were doing for the children. Mr. McLaughlin came into the community and opened up a funeral home on Riverside Drive and then opened another on South Main Street where he ran into some issues, he could have thrown his hands up and quit but he did not do that, and thanked him. Mayor Jones thanked Steven Gould for what he was doing in the city, and wished Mr. Mayo a Happy Birthday and for what he does for the community, he appreciated that.

The meeting was adjourned at 7:48 pm.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK