

August 6, 2024

The Regular August meeting of the Danville City Council was held on August 6, 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) *Madison J.R. Whittle entered the meeting at 7:05 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.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member James B. Buckner gave the Invocation followed by the Pledge of Allegiance.

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Mayo, Minutes from the Regular Council Meeting held on July 2, 2024, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

APPOINTMENTS

Vice Mayor Miller **moved** for adoption of the following Appointment Resolutions:

Resolution 2024-08.01 - A Resolution Appointing Jasmine Lipscomb as a Member of the Building Code Board of Appeals.

Resolution 2024-08.02 - A Resolution Appointing Bennis Butler as a Member of the Building Code Board of Appeals.

Resolution 2024-08.03 - A Resolution Appointing Shon Roberts as a Member of the Building Code Board of Appeals.

Resolution 2024-08.04 - A Resolution Appointing Lonnie Jones as a Member of the Building Code Board of Appeals.

Resolution 2024-08.05 - A Resolution Appointing Natalie Fitzgerald as a Member of the Social Services Advisory Board.

Resolution 2024-08.06 - A Resolution Reappointing Bryant Hood as a Member of the Dan River Business Development Center.

Resolution 2024-08.07 - A Resolution Reappointing Bryant Hood as a Member of the Danville Development Council.

Resolution 2024-08.08 - A Resolution Reappointing Sherman Saunders as a Member of the Employee Retirement System Board.

Resolution 2024-08.09 - A Resolution Reappointing Gary P. Miller as a Member of the West Piedmont Planning District Commission.

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Resolution 2024-08.10 - A Resolution Reappointing J. Lee Vogler, Jr., as a Member of the West Piedmont Planning District Commission.

Resolution 2024-08.11 - A Resolution Reappointing Gary P. Miller as a Member of the Metropolitan Planning Organization.

Resolution 2024-08.12 - A Resolution Reappointing J. Lee Vogler, Jr., as a Member of the Metropolitan Planning Organization.

Resolution 2024-08.13 - A Resolution Reappointing James B. Buckner as a Member of the Transportation Advisory Board.

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

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

OLD BUSINESS

CONSIDERATION OF THE FISCAL YEAR 2024-25 COMMUNITY DEVELOPMENT PROGRAM – ONE YEAR ACTION PLAN

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

RESOLUTION NO. 2024-07.04

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) A ONE YEAR ACTION PLAN.

The Motion 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)

NEW BUSINESS

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY MICHAEL COSNER TO ALLOW INDOOR COMMERCIAL RECREATION FACILITIES AT 1417 SOUTH MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1417 South Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 23, 2024 and July 30, 2024.

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Mayor Jones recognized Brian Cosner who addressed Council and noted he and his dad wanted to open an arcade at 1417 South Main Street, he was available to answer any questions. 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. 2024-08.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00245, FILED BY MICHAEL COSNER, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN INDOOR COMMERCIAL RECREATION FACILITY AT PARCEL 77409 (1417 SOUTH MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.M., SECTION C., ITEM 4.

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

Council Member Buckner noted his excitement about this project, and Mayor Jones asked when the arcade will be opening. Mr. Cosner stated the plan was to open sometime this summer but due to the planning and approvals, and some work to do, they were looking at another six weeks. Council Member Vogler noted his excitement about the project as well; Council has heard from citizens about having more family activities, this will be year-round and indoors. Mr. Cosner noted their focus will be on families and almost every game was one people could play with another person, for families to play together. Vice Mayor Miller asked what the hours of operation were, and Mr. Cosner noted they do not have the official hours yet, but it will probably be 4:00 p.m. to 8:00 p.m. or 2:00 p.m. to 8:00 p.m.

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 A SPECIAL USE PERMIT APPLICATION FILED BY ERIK CHAMBERS
TO ALLOW MULTIFAMILY DWELLINGS AS PRINCIPAL USE AT 130 SOUTH RIDGE STREET**

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 130 South Ridge Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 23, 2024 and July 30, 2024.

Mayor Jones recognized the applicant, Erik Chambers, who stated he was there to answer any questions regarding this application. 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. 2024-08.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00265, FILED BY ERIK CHAMBERS, REQUESTING A SPECIAL USE PERMIT TO ALLOW MULTIFAMILY

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DWELLINGS AS A PRINCIPAL USE AT PARCEL 20531 (130 –132 SOUTH RIDGE STREET) IN ACCORDANCE WITH ARTICLE 3.K., SECTION C., ITEM 10.

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY ANA AND BRIAN BIALEK TO ALLOW A DUPLEX RESIDENTIAL DWELLING AT 1116 RICHMOND BOULEVARD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1116 Richmond Boulevard. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 23, 2024 and July 30, 2024.

Mayor Jones recognized Brian and Ana Bialek, applicants who addressed Council regarding the project and their investment into the community, noting the property has been vacant for at least four years. Mr. Bialek noted the Planning Commission had recommended granting the Special Use Permit but with the restriction or condition that they create four off-street parking spaces on the property. Parking can be placed off street at the back of the property, however, there was no space for vehicle access within the property lines to the back of the property. The owners have spoken to and have an agreement with the owner of the property next door, to use that driveway to access the property for parking. Mr. Bialek asked that the restriction or condition on creating the off-street parking be lifted or not be enforced as they believe there was ample on-street parking on Richmond in front of the house and on Moana, the block next door; they do not think there was a parking congestion problem there presently. They were able to make the agreement with the owner of the property next door, however, if he sells the property, they have no guarantees that the future owner will honor that agreement. They want to make sure they were operating the duplex within the rules that have been stipulated. Their request was to move forward without the off-street parking included in the approval even though they have every intention, and have permission to use the driveway, they were going to create the off-street parking in the back.

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

Mayor Jones questioned City Attorney Clarke Whitfield about the applicant's request to remove the restriction of off-street parking, which was not in the ordinance, and Mr. Whitfield stated that Council could approve ordinance without the requirement of off-street parking.

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

ORDINANCE NO. 2024-08.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00269, FILED BY ANA AND BRIAN BIALEK, REQUESTING A SPECIAL USE PERMIT TO ALLOW A DUPLEX DWELLING AT PARCEL 04414 (1116 RICHMOND BOULEVARD) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 2. **-without the off-street parking conditions.**

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

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Vice Mayor Miller asked if the owners asked the Planning Commission to lift those restrictions and Mr. Bialek noted he did ask for that restriction to be lifted. Council Member Campbell asked why there was a need for off-street parking, and Director of Planning, Renee Burton, stated it was a congested area with the intersecting streets of Richmond Boulevard and North Main Street. There was concern with the high volume of traffic that adding those additional spaces for at least four vehicles, potentially more, would create extra chaos that could be a hazard to others; that was why the condition was placed on it. Council Member Vogler stated he was comfortable voting for this the way it has been put on the floor. Council Member Buckner stated that he has worked with the Bialeks in the past and they were the type of honest developers that were wanted in the city; he has no issues voting on this item as presented. Council Member Saunders asked Ms. Burton about how many families this evening's zoning items could accommodate. Council Member Whittle asked if it was required for the parking pad to be paved or if it could be graveled, and Ms. Burton stated that gravel could be used.

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 A SPECIAL USE PERMIT APPLICATION FILED BY SOUTH WAKE HOME SOLUTIONS LLC TO ALLOW A DUPLEX RESIDENTIAL DWELLING AT 721 CHATHAM AVENUE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 721 Chatham Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 23, 2024, and July 30, 2024.

Mayor Jones recognized Alan Baumann, owner of South Wake Home Solutions who noted he purchased the property in November. It had been vacant for several years, it was originally built in 1920 and metered as a duplex, advertised for sale as a duplex and on the tax roles as a duplex. The reason for the special use permit was the grandfather status passed because it was vacant for so long.

Mayor Jones recognized Howell Smith who stated he owned a home on that block and was in support of the Special Use Permit. 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. 2024-08.04

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00232, FILED BY SOUTH WAKE HOME SOLUTIONS, LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A DUPLEX DWELLING AT PARCEL 53605 (721 CHATHAM AVENUE) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 2.

The Motion was **seconded** by Council Member Whittle and carried by 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 CCKW, LLC TO ALLOW DUPLEX RESIDENTIAL DWELLINGS AT PARCEL 20615 (GRAY STREET)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at Parcel 20615 (Gray Street). Notice of the Public Hearing was published in the *Danville Register & Bee* on July 23, 2024 and July 30, 2024.

Mayor Jones recognized Steven Gould, representing the applicant who was the developer of the Monument Berryman townhomes. This was the first of two Special Use Permit applications before Council this evening, for two lots on Gray Street, one at the intersection of Gray and Rison and one right next to that lot. The lots were currently unimproved, and their request was for new construction of a duplex on each of the properties. 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. 2024-08.05

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00290, FILED BY CCKW, LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A DUPLEX DWELLING AT PARCEL 20615 (GRAY STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 2.

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

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

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY CCKW, LLC TO ALLOW DUPLEX RESIDENTIAL DWELLINGS AT PARCEL 20816 (GRAY STREET)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at Parcel 20816 (Gray Street). Notice of the Public Hearing was published in the *Danville Register & Bee* on July 23, 2024 and July 30, 2024.

Mayor Jones recognized Steven Gould representing the applicant, who noted this was the companion request to the item that was just approved; he was happy to answer any questions. 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. 2024-08.06

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AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24- 00291, FILED BY CCKW, LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A DUPLEX DWELLING AT PARCEL 20816 (GRAY STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 2.

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

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

CONSIDERATION OF A REQUEST TO AMEND CHAPTER 41 ENTITLED “ZONING ORDINANCE” OF THE CITY OF DANVILLE, TO AMEND ARTICLE 3.P SECTION H OF THE ZONING CODE

Mayor Jones opened the floor for a Public Hearing to Amend the Zoning Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 23, 2024 and July 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:

ORDINANCE NO. 2024-08.07

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.P., SECTION H., ITEM 10.

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

Council Member Whittle asked to be brought up to speed on this ordinance, and Ms. Burton stated this was a code amendment that will specifically be in the Cyber Park zoning classification. It will allow for outdoor equipment to be larger than the actual structure itself and will change the specifications on the way it was enclosed or fenced in as a barrier.

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 2025 BUDGET APPROPRIATION ORDINANCE FOR THE CREATIVE COMMUNITIES ART GRANT

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

ORDINANCE NO. 2024-08.08

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AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A VIRGINIA COMMISSION FOR THE ARTS GRANT IN THE AMOUNT OF \$4,500, AND TO PROVIDE FOR THE LOCAL SHARE IN THE AMOUNT OF \$5,000 FOR A TOTAL GRANT OF \$9,500.

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

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Cherie Tamson who addressed Council regarding the public taxpayer funded animal shelter, the Danville Area Humane Society, and spoke against tax dollars supporting mass euthanasia of animals when lifesaving opportunities were available. In 2016, the City entered into a fifteen-year contract with the shelter, and the contract was not holding the shelter responsible for performance measures. An RFP should be issued to allow organizations focused on saving animals to bid. Ms. Tamson spoke in favor of Best Friends.

Mayor Jones recognized Katherine Wall who thanked Council for their support of small businesses and congratulated Council Member Vogler on his appointment by the governor. Ms. Wall asked the City Manager if there was a plan in place for road paving and will there be shelters open for those who have no place to go when the storm hits. Ms. Wall asked with the substation upgrades, why was power going out on “sunshiny days”. Ms. Wall asked about placing speed bumps on heavily congested streets and wished all the children starting school a great year.

Mayor Jones recognized Lisa Sanchez who addressed Council regarding the Danville Area Humane Society, and stated she tried to adopt a puppy from them and was told by Paulette Dean that due to her having cancer and her husband being schizophrenic, they were not a good fit as pet parents. She decided to go forward with the adoption and did a meet and greet between her service dog and the puppy. Ms. Sanchez stated that Ms. Dean lied and said that her service dog attacked the puppy causing injuries that there was no documentation of and when she called back the next day, the puppy had been put down.

Brian McCullough was not present.

Scottie Long was not present.

Mayor Jones recognized Tonya Martin who spoke out against the Danville Area Humane Society and the number of animals being killed there. Ms. Martin quoted the Danville City code regarding an animal shelter, and how Council was condoning the humane society’s actions. Ms. Martin asked Council to consider forming a commission consisting of animal advocates to plan a shelter with a mission and operating procedures.

Mayor Jones recognized Debra McKague (through her ASL Interpreter) who thanked Council for having her tonight. Ms. McKague noted a spay and neuter clinic was needed in town, they needed to do a TNR program, and discussed SPAY Virginia, and a prisoner program, Felines and Offenders Rehabilitation with Affection Reformation and Dedication (FORWARD). The City budget for DAHS was \$234,050 and that was not enough, it needed to be raised substantially. Danville was paying for different programs, and that was great, however they do not have a spay and neuter clinic in the city and they need to have one.

Mayor Jones recognized Debra Dix, who spoke about Danville being an All-American city and being recognized for their police and resident partnership, student engagement, social media

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presence, upgrades to the downtown area, and the splashpads (which were all appreciated); but the city has a dark presence year after year. DAHS has one of the highest kill rates in the state of Virginia. Ms. Dix told Council that since the City was on the contract with DAHS that the city needs to take responsibility for the shelter, and gave suggestions on how the shelter should be controlled by Council.

COMMUNICATIONS

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

City Attorney, Clarke Whitfield, noted the Otterbots Appalachian League trophy was in Chambers and Mayor Jones asked the Otterbots representatives to come forward. Austin Sherer from the Otterbots told Council this would be the first of many trophies and quoted LeBron James, "Danville, this is for you". Mr. Whitfield reminded people with school starting, to slow down and be mindful while traveling this week.

Council Member Campbell stated he was glad to see the citizens of Danville speak their mind, that was democracy, that was what makes Danville great, and that was what makes Danville an All-American City.

Council Member Hood thanked the citizens who came up and spoke tonight, and gave a shout out to Ralph Raines with God's Last Call Ministries. With the storm coming up, someone mentioned sandbags being issued, where do citizens get those, and Mr. Larking noted he will find out and let Council know so citizens were aware.

Council Member Mayo thanked the citizens for coming and speaking tonight. The school year was here, they were off to a great start, and encouraged citizens to keep that momentum going. Mr. Mayo noted his congratulations to the Otterbots.

Vice Mayor Miller thanked the Mayor for the event yesterday with the schools, and congratulations to the Otterbots, Council was proud of them. Dr. Miller gave a shout out to James Ingram, an Otterbots superfan who has been to every game, noted the work being done at the casino site and how fast things are progressing.

Council Member Saunders asked the City Manager about animal shelters and if there were state agencies that regulate them, and Mr. Larking stated there were and Mr. Saunders asked if the city was in compliance with state law, and Mr. Larking noted Danville was. Mr. Saunders stated Council touched on the topic of bullying; with over 5,000 students going back to school around 25% get bullied. Mr. Saunders noted his concern was that some children go to school not they are not prepared mentally, or have the resources that others have, and were therefore picked on. Mr. Saunders encouraged parents to look after their children and make sure their needs were met. Council needed to look at a program to help assist the children in the school system; Mayor Jones stated that DPS had an organization assembled to address those needs and asked that the City Manager speak with Dr. Hairston about this issue.

Council Member Vogler thanked Council Member Saunders, and everyone who came up and spoke tonight, it was greatly appreciated. Mr. Vogler questioned the possibility of getting a schedule of some type online so that people can see when streets were being paved or worked on. Mr. Larking stated there was a page on the website where that information was posted but it does need to be updated. Mr. Vogler congratulated the Otterbots for a fantastic season; they

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were great community partners and have done a lot for the youth and schools. Mr. Vogler reminded citizens there was still time to sign up for Parks and Rec football.

Council Member Whittle stated that he works for the taxpayers and so does the rest of Council; the best information they receive was at the podium and thanked all who spoke tonight. Mr. Whittle noted he attended a function at the Museum and there was substantial work that needed to be done at the building including the roof and the basement, as well as some painting. Mr. Larking noted that contract was still being worked on and should come before Council in the next few months. Mr. Whittle asked about the tennis courts at Bonner being set up for pickleball since only two were currently set up and asked that lighting be put in to make the courts more functional.

Council Member Buckner announced that Britain Heart was now a four-time champion. She defended her title this past weekend with over 15,000 people in attendance. To all the teachers and students, welcome back, Council was there for them; feel free to reach out to Council and their school board.

The meeting was adjourned at 8:46 p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK