

December 4, 2018

The Regular December meeting of the Danville City Council was held on December 4, 2018, 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., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Vice Mayor J. Lee Vogler, Jr., Adam J. Tomer 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

The Invocation was given by Vice Mayor J. Lee Vogler, Jr.; the Pledge of Allegiance to the Flag followed, led by Boy Scout Troop #452.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Angela Baldwin, 1924 Churchview Court, Millersville, MD, owner of Colonial Heights Apartments in Danville, and Melissa Dix, property manager, who spoke about the flooding in October. Mayor Jones noted the City Manager or Deputy City Manager would be in touch with Ms. Baldwin.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones read a Proclamation proclaiming Saturday, December 8, 2018, Wendell O. Scott, Sr. Day in the City of Danville and presented the Proclamation to members of the Scott Family. Mr. Warrick Scott thanked City Council for the Proclamation and discussed the dedication of the Wendell O. Scott, Sr. Memorial Highway on Saturday December 8, 2018 at 2:00 p.m., and the Legacy Gala at the Institute that evening.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding the Consent Agenda Budget Items. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 27, 2018. No one present desired to be heard and the Public Hearing was closed.

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

Minutes from the Regular Council Meeting held on November 8, 2018; draft copies had been distributed prior to the meeting.

Amending the FY 2019 Budget Appropriation Ordinance for the Proceeds from the Issuance of Bonds

Ordinance No. 2018-11.01, presented by its First Reading on November 20, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance for the Proceeds from the Issuance of Bonds and Appropriating Same for Anticipated Expenditures;

Amending the FY 2019 Budget Appropriation Ordinance in the Amount of \$612,080 for two Virginia Tobacco Commission Grants

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Ordinance No. 2018-11.03, presented by its First Reading on November 20, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance in the Amount of \$612,080 to Provide for One Half of the Required Local Matching Funds for Two Virginia Tobacco Region Revitalization Commission Grants #3301 and #2264 for the Southern Virginia Megasite at Berry Hill and Appropriating the Same; and

Amending the FY 2019 Budget Appropriation Ordinance in the Amount of \$120,000 from the Danville Regional Foundation

Ordinance No. 2018-11.02, presented by its First Reading on November 20, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Increasing Revenues from the Danville Regional Foundation in the Amount of \$120,000 for the City's Business Attraction Strategy and Appropriating the Same.

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

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

NEW BUSINESS

CODE AMENDMENT - AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, ARTICLE 8, ENTITLED "PARKING AND LOADING REQUIREMENTS."

Mayor Jones opened the floor for a Public Hearing regarding Amending Chapter 41 of the Danville City Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 20, 2018 and November 27, 2018. No one present desired to be heard and the Public Hearing was closed.

Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2018-12.01

AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY ARTICLE 8, ENTITLED "PARKING AND LOADING REQUIREMENTS" TO ALLOW FOR REDUCTIONS OF PARKING SPACE REQUIREMENTS.

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

Council Member Shanks noted he had a question; Mr. Gillie introduced Bryce Johnson, the new City Senior Planner. Mr. Shanks stated this was a good amendment and questioned, there was Planning Commission approval to reduce parking, what happens when that business leaves and some other business comes in, does the reduction in the parking go away. Mr. Johnson explained this was a variance for the business that applies for it. Mr. Gillie noted the subsequent use may require additional parking, if so, that subsequent user will have the ability to come back to the Planning Commission and ask for the same waiver.

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

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

PUBLIC HEARING - GRANTING A SPECIAL USE PERMIT TO OPERATE A BED AND BREAKFAST AT 327 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 327 Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 20, 2018 and November 27, 2018. Mayor Jones recognized William Doss, 327 West Main Street, the applicant who noted he was before Council to ask them to ratify the unanimous recommendation of the Planning Commission, and asked Council to consider updating the relevant Ordinance as other municipalities have done. Mr. Doss then discussed home sharing.

Vice Mayor Vogler questioned Mr. Doss how long he had been doing this and Mr. Doss noted about twenty months and has had less than one hundred guests. Mr. Vogler noted even though he had to go through the process of being approved as a commercial bed and breakfast, he does not wish to operate a full fledged commercial bed and breakfast, and Mr. Doss stated that was correct and if it comes to that he will stop doing it. Mr. Vogler stated home sharing is relatively new in Danville; Danville can look at what other cities have done in terms of home sharing, most are not classifying them as commercial bed and breakfasts. Mr. Vogler noted he hopes Council will have a discussion about it.

Council Member Tomer noted the property is zoned as OT-R. Whenever an individual decides they are going to take a private home and rent it out through home sharing, he thinks the people living near them should have a say as far as how it impacts the parking and potentially changes the characteristics of the neighborhood. Mr. Tomer stated while Council should look at updating the Ordinances, he does think Council and/or the Planning Commission needs to have a say in this to protect the other owners and neighbors. Council Member Miller noted this was not a new concept, it has been around for years and is something Council needs to look at. Council Member Buckner stated he thought it was a great thing, people traveling these days want to stay at an Airbnb and noted he supported this.

Mr. Tomer questioned Mr. Doss if he has been paying lodging tax through Airbnb and Mr. Doss noted he has not. Mr. Tomer noted that was another issue; people are operating these without special use permits or ways for the City to track them. They are indirectly competing against a commercial hotel at an advantage because they are not charging their tenants a hotel tax; Council needs to keep that in mind as well. Vice Mayor Vogler noted Airbnb has locality agreements they enter into with the locality; they take care of the tax collection and send it to the City. In response to Council Member Saunders, Mr. Doss explained how he vets his guests, and that Airbnb also has a \$2M insurance policy with every guest he has. 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. 2018-12.02

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GRANTING A SPECIAL USE PERMIT FOR A BED AND BREAKFAST IN ACCORDANCE WITH ARTICLE 3:E, SECTION C, ITEM 3 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 327 W. MAIN STREET, OTHERWISE KNOWN AS GRID 1719, BLOCK 022, PARCEL 000023 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

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

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

STATEMENT OF CONFLICT OF INTEREST

I, Fred O. Shanks, III, do hereby state that I have a conflict of interest regarding the consideration of an Ordinance Granting a Special Use Permit to Operate a Bed and Business at 327 West Main Street, listed on the Agenda as New Business item (B). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 4th day of December, 2018

s/Fred O. Shanks, III

GRANTING A SPECIAL USE PERMIT TO OPERATE AN AUCTION ESTABLISHMENT AT 2179 SOUTH BOSTON ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 2179 South Boston Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 20, 2018 and November 27, 2018. 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. 2018-12.03

GRANTING A SPECIAL USE PERMIT FOR AN AUCTION ESTABLISHMENT IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 1 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED AT 2179 SOUTH BOSTON ROAD, OTHERWISE KNOWN AS GRID 4719, BLOCK 005, PARCEL 000003, OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

Council Member Tomer questioned why there were two votes against this in the Planning Commission and Senior Planner Bryce Johnson explained during the Planning Commission meeting there were concerns about the parking; currently there is no paved parking. Council Member Miller noted there was paved parking in the front of the building and Mr. Johnson noted that didn't meet the minimum parking requirement for this use. Dr. Miller stated the

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business that was there for years, why wasn't there a requirement for parking for that and Mr. Johnson explained there was required parking for that but it was permitted as legal non-conforming; the required parking for that was less than it would be for this item.

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

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

APPROVING AND AUTHORIZING THE EXECUTION OF A LOCAL GOVERNMENT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF HEALTH

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

RESOLUTION NO. 2018-12.01

RESOLUTION OF THE CITY COUNCIL OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING THE EXECUTION OF A LOCAL GOVERNMENT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF HEALTH

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

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR FUNDS FROM HUD, AND ESTIMATED PROGRAM INCOME IN THE AMOUNT OF \$1,286,284.00

Upon **Motion** by Vice Mayor Vogler and **second** by Council Member Saunders, an Ordinance entitled:

ORDINANCE NO. 2018-12.04

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE OR BEING UNDERTAKEN 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 FOR A TOTAL APPROPRIATION OF \$1,286,284.00

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR FUNDS FROM THE LITTER CONTROL AND RECYCLING GRANT IN THE AMOUNT OF \$9,497.00

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

ORDINANCE NO. 2018-12.05

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE TO ANTICIPATE GRANT FUNDS FROM THE COMMONWEALTH OF VIRGINIA FOR LITTER CONTROL AND RECYCLING EFFORTS IN THE AMOUNT OF \$9,597 AND APPROPRIATING SAME

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM IN THE AMOUNT OF \$33,274.00

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

ORDINANCE NO. 2018-12.06

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD IN THE AMOUNT OF \$33,274 TO BE USED TO IMPLEMENT A COMMUNITY BICYCLE PATROL PROJECT

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

Council Member Saunders questioned the hours of operation for the bikes and Major Tim Jones explained there wouldn't be any set hours of operation; they will rotate the times the officers will use them. Major Jones noted they would be patrolling both city-wide and targeted areas, and they will be used for community engagement, crime reduction and crime prevention. Major Jones noted how many bikes they get will depend on the cost of the training, uniforms and equipment. Council Member Campbell noted he believed this would be great for community engagement and Vice Mayor Vogler stated he is a great believer in community policing and loves what the Police Department has been doing with community walks.

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager, or City Clerk. City Attorney Clarke Whitfield noted that the first meeting of January will be on Thursday, January 3, 2019. City Code mandates that when January 1st falls on a Tuesday, that the meeting automatically moves to the Thursday.

ROLL CALL

Vice Mayor Vogler noted Council was looking forward to Saturday for the Wendell Scott sign unveiling at 2:00 p.m. at the Institute and the Gala that evening. Saturday is also the annual Kiwanis Pancake Breakfast, tickets are \$5.00 each; that money is raised for the Kiwanis Club

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which does a lot of great work in the community. Earlier today Mr. Vogler spoke with the National Weather Service in Blacksburg; Danville had an historic amount of rainfall, the most in recorded history, 61.92" this year. Last night he attended a meeting with the Southern Virginia Regional Alliance to talk about the future of the region, things they are doing well and things that can be improved on. VEDP credited Council with taking steps for Danville to have the lowest tax rate on data centers in Virginia.

Council Member Whittle noted his congratulations to the Wendell Scott Foundation for the highway dedication. Mr. Whittle also congratulated Elizabeth Leggett on being appointed to the Danville School Board.

Council Member Buckner thanked Boy Scout Troop #452, and Mr. Adcock and Mr. Lindquist, they are doing a fine job working with some fine young men. The Danville Piano project has started and he looks forward to seeing more of them in the community in the coming months.

Council Member Campbell noted he would like to salute the Wendell Scott Foundation, it is a very momentous occasion to have that honor in the City of Danville.

Council Member Miller noted the Wendell Scott celebration was this weekend, and noted he looks forward one day to a Wendell Scott Museum. This weekend the Light Show in Ballou Park begins, December 8th through the 25th, it is a great show.

Council Member Saunders noted a special thanks to the Rotary Club for sponsoring the Christmas Parade, many people were concerned about the weather, but attendance was very good. Mr. Saunders congratulated the Wendell Scott family for the recognition that will be bestowed on them this weekend. Danville has done a lot in support of this project, and he is very proud of this. Mr. Saunders stated he thinks it is wonderful what they are doing; it tells young people they can do the same in terms of having a dream, to work hard and stay with it.

Mayor Jones thanked everyone for attending and Troop #452 for leading the Pledge of Allegiance. Mayor Jones thanked School Board Member Ty'Quan Graves, the School Board did a great job appointing a new member; congratulations to Elizabeth Leggett on her appointment. Mayor Jones thanked Hampton Wilkins for being an ambassador for the City of Danville and for all he does for the City.

The meeting adjourned at 8:03 p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK