

April 5, 2022

The Regular April meeting of the Danville City Council was held on April 5, 2022, 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, Dr. 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

The Invocation was given by Vice Mayor Gary P. Miller, followed by the Pledge of Allegiance to the Flag.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: Sexual Assault Awareness Month
Presented to: Haven of the Dan River Region

Marilyn Waller, Detra Betts, and Ashley Corbin accepted the proclamation from Mayor Jones. Ms. Waller thanked the Mayor and Council for the proclamation, and stated that Haven wanted the community to understand the psychological, emotional, and physical effects sexual violence can have on a survivor. These effects were not easy to deal with alone but with the right help and support a person can become a survivor and overcome; Haven was that support for the City and Pittsylvania County. Ms. Waller asked the City, along with Pittsylvania County, to continue to help Haven raise awareness so that one day Haven can help all survivors overcome sexual violence and domestic violence. Mrs. Waller stated that Haven has a 24/7 crisis intervention service with advocates that can be reached at 434-483-5482.

Certificate of Recognition: Danville Alumnae Chapter Delta Sigma Theta Sorority, Inc.
Presented to: Sheila Williamson-Branch

Ms. Williamson-Branch thanked Council for recognizing the Danville Alumnae Chapter of Delta Theta Sigma Sorority Inc. The sorority had over 300,000 plus members in seven regions across the United States, and Chapters located in the Arabian Gulf, Bahamas, Bermuda, Canada, Jamacia, Japan, Germany, Republic of Korea, West Africa, and the Virgin Islands. The Danville Alumnae Chapter has been serving Danville, Pittsylvania County, Halifax County, and Caswell County for 75 years, since its inception on April 6, 1946. They were excited and honored to be recognized tonight for serving children, adults, and overall needs of the communities they serve. They look forward to continuing their commitment to sisterhood, scholarship, service, and social action for the years to come. Mayor Jones thanked them, on behalf of Council, for all they do.

Council Member Vogler asked Amara Ferrell to come to the podium along with anyone affiliated with her; Mayor Jones asked that Superintendent Dr. Angela Hairston approach as well. Council Member Vogler introduced Amara Ferrell, a senior at George Washington High School where she not only excels on the basketball court with a record setting 1,415 points, including 536 this year, but she also excels in the classroom where she has a 3.78 GPA. Mr. Vogler noted they want to celebrate their young people in Danville, and stated Amara was a wonderful example of what a young person can be and should be, and was excited to see where she would go next. Mr. Vogler

April 5, 2022

presented City Seal pins to Ms. Ferrell. Ms. Ferrell thanked everyone and stated that she was very nervous; Ms. Ferrell's mother stated that Amara was very grateful and very humbled. She did not think that she deserved all of this attention, and Ms. Ferrell's father thanked everyone as well, including the City of Danville. Coach Mansino Craghead, the Lady Eagles basketball Coach, stated that he has coached Ms. Ferrell for four years and she was one of the humblest young ladies he has met. People would never know that she scored over 1,400 points during her high school career because she never talks about it. Ms. Ferrell's grandmother stated she was almost speechless; she was grateful to Council, the superintendent, Coach Mansino, and the principal of GWHS. Danville had the best high school around, the most outstanding student athletes in the City, and thanked City Council.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Nicholas Piccolo, 164 Confederate Avenue, Danville, who noted he was appearing before Council regarding what he believed was a very serious traffic issue. A young man was hit on a motorcycle within the City limits; they are getting ready to donate his organs. The person that hit him drove away and has not been found. In November, on West Main Street, a 74-year-old man was hit walking down the street and that person drove off. On July 22, 2020, he was on a small motorcycle on South Main Street and was hit by a car. That car drove off leaving him in the road with a broken leg. He found out that City does not have traffic cameras at intersections in Danville, questioned Council why didn't they and what do they have to do to get them. Mayor Jones asked Mr. Piccolo to contact the City Manager to discuss this.

Mayor Jones recognized Gerald Keller Jr., 1172 Kent Street, Danville, who noted he has been trying to get Xfinity internet service for over a year. Xfinity ran their lines halfway down their road and quit before reaching his house. Xfinity wants him to pay \$10,370 for them to extend the line on the poles, and requested some type of help because of the contract that the City has with Xfinity. Mayor Jones thanked him for coming out tonight, and requested he take the City Manager's card and contact him regarding this issue.

Mayor Jones recognized Petrina Carter, Danville, VA, and Shecore Conley, Danville VA; Ms. Carter noted she was there on behalf of Black Brand Black Chamber of Commerce in the City of Danville, to share an event with Council. In the fall Black Brand had a SWaM certification six-week course for small businesses so they could learn how to become SWaM certified. As a part of that cohort, they also promised to have procurement officers from across the state come to Danville to meet with small business owners. The event will be at the Institute for Advanced Learning and Research on April 26 from 11am to 3 pm; lunch will be served, and they ask that people register in advance. Ms. Carter stated that tickets can be purchased by calling 421-5040 or by emailing Crystal Cobbs at crystal.cobbs@blackbrand.biz.

CONSENT AGENDA

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

Minutes from the Regular Council Meeting held on March 5, 2022, and Minutes from the Regular Work Session held on March 5, 2022. Draft copies of the minutes had been distributed prior to the meeting.

Budget Amendment – Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Grant from the Virginia Department of Health

April 5, 2022

An Ordinance entitled, Ordinance No. 2022-03.06, Amending the Fiscal Year 2022 Budget Appropriation Ordinance to Provide for a Grant from the Virginia Department of Health in the Amount of \$7,780 and a Local Share in the Amount of \$7,780 for EMS Equipment and Trailer for the Swift Water Team for a Total Appropriation in the Amount of \$15,560, and Appropriating Same.

Budget Amendment – Amending the Fiscal Year 2022 Budget Appropriation Ordinance for Public Safety Technology Modernization

An Ordinance entitled, Ordinance No. 2022-03.07, Amending the Fiscal Year 2022 Budget Appropriation Ordinance by Increasing Revenues from Various Taxes to Purchase Public Safety Modernization Software and Hardware an Appropriation in the Amount of \$1,500,000 and Appropriating the Same.

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

APPOINTMENTS

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

Resolution No. 2022-04.01 – A Resolution Appointing Tommy Bennett to the Planning Commission.

Resolution No. 2022-04.02 – A Resolution Appointing Edgar Love to the Employee Retirement System Board.

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

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

NEW BUSINESS

PUBLIC HEARING - CONSIDERATION OF AMENDING THE ZONING CODE TO DEFINE SKILL GAMES AS DEFINED BY VIRGINIA CODE

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 March 22, 2022, and March 29, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-04.01

April 5, 2022

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, BY AMENDING ARTICLE 3.Q., SECTION C, BY CHANGING ITEM 1 TO ESTABLISH 'SKILL GAMES' AS DEFINED BY THE VIRGINIA CODE AS ADULT-ORIENTED USES, AND AMENDING SECTION I. BY DELETING ITEM 10, AND AMENDING ARTICLE 2. BY ADDING A NEW SECTION Z.

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

PUBLIC HEARING - CONSIDERATION OF APPROVING A SPECIAL USE PERMIT AT 823 INDUSTRIAL AVENUE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 22, 2022, and March 29, 2022. 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. 2022-04.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ22-30, FILED BY JERAMY NICHOLS OWNER OF OLD OAK PROPERTIES, LLC REQUESTING A SPECIAL USE PERMIT FOR CONTRACTOR'S OFFICE, SHOPS, STORAGE YARD, AND CABINET MANUFACTURING ACCORDING TO ITEM 5, OF SECTION C., OF ARTICLE 3.O, OF CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA AT 823 INDUSTRIAL AVENUE (PARCEL ID#24094).

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

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

PUBLIC HEARING - CONSIDERATION OF APPROVING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON STUART STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 22, 2022, and March 29, 2022.

Mayor Jones recognized Steven Gould with SOVA Legal, representing the Walden family who submitted the application for development in conjunction with Empire Holdings LLC. Mr. Gould presented a power point for the planned unit development located on Stewart Street, noting it was a picture of redevelopment and revitalization at a time when Danville had an urgent need for quality housing. Many key employers, Averett, SOVAH, and others, will share that the lack of

April 5, 2022

available housing options was already an impediment to their efforts to be competitive in today's market. The proposal before Council this evening represents a key step toward removing that impediment before it gets in the way of the new opportunities anticipated for Danville. Mr. Gould noted as envisioned, this project represents an investment of \$20M, that was on top of the funds the Walden family has invested to date to acquire these parcels and to clear the dilapidated structures that existed previously. The total footprint was more than 6.5 acres in the heart of the City, with more than 1/3 of the acreage set aside for open space. There will be 162 market rate units all with high end finishes such as stainless-steel appliances, granite countertops, and the like. Units will range from one to three bedrooms with most being one to two bedrooms. City code requires one parking space per unit for residential dwellings; this proposal exceeds that number by 40%. Importantly, this proposal received the unanimous support of the Planning Commission one month ago. Entry into the community will be from West Main Street. Units will be spread out across six separate buildings and will feature amenities like a pool and club house. There will be professional landscaping, fencing surrounding the property, and a storm water pond all of which were geared toward this development being a good neighbor. To prevent thru traffic, Stewart Street will be closed off behind the back building, creating a cul-de-sac of sorts. If approved, this property will have a significant impact on property tax revenue generated from these parcels. At present, they have an assessed value of under \$60,000 yielding less than \$500 annually in property taxes. With a projected value of at least \$20M, that tax revenue jumps to \$168,000 a year. Post cards were mailed to everyone slated to receive notice of the rezoning request, inviting them to Crème and Vine to meet the developer and learn more about the project. They had the opportunity to see a site plan, potential building designs, and to engage with the entire project team on technical issues. It was a well-attended event with some great discussion, and it helped to confirm, even before the application was filed, that the proposal was on point. Before the Planning Commission met, they learned that a number of neighbors indicated that they had not received the postcard inviting them to the original event. The Walden's decided to host a second community meeting and had invitations hand delivered to those who did not receive the previous notice. There was also a website, stewartstreet24541.com that allowed interested parties to submit feedback via webform. The developer has worked to address a number of concerns that have been raised. Long standing concerns about drainage on Montague and Stewart Streets should be helped significantly by this project with the landscaping and storm water pond. The site was also being designed to ensure that first responders have the access and maneuverability they need. The developer was fully committed to performing and funding a traffic study to determine what, if any, improvements need to be made at the intersection of Stewart and West Main Street where the existing entry point was located. To that end, if the study indicates that an additional access point, in addition to the original access from West Main Street was needed, they will review the options available to determine what makes the most sense for the project. Additionally, the developer has taken steps to respect the privacy of other neighbors along West Main, with a buffer between the project and the backyards of several houses. Mr. Gould noted he wanted to reiterate the developer's commitment to seeing through the ten conditions that were recommended by city staff and the Planning Commission. They ask Council for their support this evening and were happy to answer any questions they might have.

Mayor Jones recognized the following citizens who spoke in favor of the Project:

Angie Shoff – 276 Hawthorne Drive
Bob Jiranek – 268 Hawthorne Drive
George Willoughby – 219 Hawthorne Drive
Don Aungst – Averett University's Chief Financial and Operating Officer
Marc Gignac - Institute for Advance Learning and Research
John Kent – SOVAH Chief Operating Officer

April 5, 2022

Leslie Sturtevant – SOVAH Designated Institutional Officer
Andrew Hessler – 255 Howeland Circle
Rosemarie Linn – 134 Clarendon Circle

Mayor Jones recognized the following citizens who did not speak against the Project but had concerns with the Project:

Mark Howard - 233 West Main Street
Kevan Brown – 243 West Main Street
Iulian Bobe - 247 West Main Street
Shelby Clark - 227 Montague Street

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

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

ORDINANCE NO. 2022-04.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP 2021-422, FILED BY KEITH WALDEN ON BEHALF OF CWC HOLDINGS, LLC AND EMPIRE RENTALS, 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 INCLUDING PARCEL ID#’S 20596, 20597, 25672, 22841, 24958, 25085, 25226, 22099, 25069, 25070, 25074, 20420, 20421, 20422, 25542, 25073, 23886, 23561, 23563, 22924, 24974, 21173, 20425, 24984, 25098, 22104, 22103, 22513, 24649, 24358, 21117, 24359,25088, 20424, 25087, 20418, 25086, 25090, 25089.

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

Council Member Buckner thanked Mr. Walden for his investment in the City, and they were excited about the fact that there was going to be new housing in an old area that has been run down for a very long time. One thing he would like to see, that was talked about by the Planning Commission, was a traffic study; the traffic study was going to be the way he based his decision on this vote tonight. Looking at the map that Mr. Gould brought up, Parcels #25090, and #25086 were in between what used to be 147 and 221 Stewart Street. That right of way or piece of land was still owned by the City and he believed it could be an entrance and an exit. If the traffic study comes back and stated that it needs to go somewhere he would strongly recommend they look at those properties. He cannot speak for the rest of Council or for the rest of the City but would be in favor of giving that to the Walden family, or paving it and making it the entrance and exit to the property. He looked forward to this project and seeing this area revitalized.

Council Member Saunders stated it was very refreshing to see so many people here in support of the project; it was very impressive. Mr. Saunders noted he had a question for the Manager or his staff, and asked them to say a little bit about the traffic study and was this whole project dependent upon that study, what were the pros and cons, and what in the study could change this project. Division Director of Planning Doug Plachcinski explained that the traffic study would look at the number of trips that would be generated at the site. It will look at the entrances to the project and see how they were functioning without the project being built and with the project being built. If there was too much traffic coming in and out of the site, then the engineers were

April 5, 2022

tasked with finding a potential solution such as a traffic light analysis. It could also suggest another full-time entrance and exit for the property off of Watson or another adjacent right of way.

Council Member Saunders stated this was an impressive presentation, they definitely want more growth in the City but what could happen in this traffic study that could change the action of Council should Council support this project because the Planning Commission says it was dependent upon a traffic study. Mr. Plachcinski explained what the traffic study would do was provide an analysis, and given the amount of right of way that would have to be vacated or abandoned for the property to work, that would take Council action. For this project to work, Council will have to see the right of way and the way intersections will change because the City will at some point be asked to give up the street where Stewart Street was now. There will be an opportunity to explain the results of that traffic study and why the roads were going to need to be configured, above and beyond the approval that the Planning Commission was recommending.

Council Member Saunders stated that there was a hospital in the area, what impact would that have on people visiting family members, emergency vehicles, etc. Mr. Plachcinski noted the traffic study could say that there will be a disruption to traffic flow based on the number of vehicles entering and leaving, and provide recommendations to mitigate those negative impacts. It will look at adjacent uses and even special uses such as funeral homes and hospitals that get really intense traffic at certain times of the week; there were ebbs and flows of traffic on West Main because of those uses.

Council Member Saunders asked Mr. Whitfield, whichever way the traffic study goes, Council will vote again on this project and City Attorney Clarke Whitfield noted, not on the project but on the street conveyance based on the cul-de-sac that was being proposed, and the fact that a building would be put in the middle of the street. Council Member Saunders asked Mr. Whitfield to say a little more about "not the project", he thought it was the project; the Planning Commission approved it pending the traffic study. What he was asking was will Council be voting again on this issue and Mr. Whitfield stated on the issue of whether or not to vote on the abandonment of the streets, yes, not necessarily on the special use permit Council was talking about tonight. If Council approves this and they move forward with the project, then they will have to come back and ask Council to abandon the streets. Should Council decide not to abandon the street or allow the cul-de-sac, then that may change the project, but it will not necessarily do away with the project.

Council Member Saunders noted in some ways it felt like he was voting on an unknown and that concerned him. He was happy that the City was growing and the people want to move up here from Greensboro and find property, but he was just a little bit confused. It was just that one issue that had him a little disturbed in the sense of what could happen with the traffic study that could change all of this. They were talking about Stewart Street and understood that but what were the other options if the traffic study does come back and said that they cannot use Stewart Street; he just had some questions there. Mayor Jones stated a few months back there were some concerns with 86 and the South Main area near the shopping center. Recently, stoplights and crosswalks were installed there. In trying to get to the point of Councilman Saunders' question, if the traffic study comes back similar to what was just done on 86, was that something that Council could do once they receive the traffic study, and Mr. Plachcinski noted it was.

Council Member Saunders asked the City Manager to get information in terms of the daytime traffic in Danville ten years ago, the daytime traffic in Danville today, and the anticipated daytime traffic in Danville based on the first ten and the second ten years. He was sure that it was going to show growth and was curious as to how that growth was trending. There were so many

April 5, 2022

indicators that show if a city was growing or not growing and he would like to know what those indicators were.

Council Member Vogler noted, the second vote that the City Attorney was referring to once the traffic study comes back, will allow Council to address concerns about the cul-de-sac, letting the traffic go through or not go through. The vote tonight was whether or not Council wants this project to move forward or not. Council gets another opportunity to come back after the traffic study and decide if the traffic study says the cul-de-sac was not a good idea, then Council can say they like the project obviously, but they don't want the cul-de-sac, so something has to be done. If Council approves this tonight, they still get a chance to address all of that, and Mr. Plachcinski stated essentially, yes. Council Member Vogler noted he hoped Council voted on this tonight; he knows sometimes, when something a little bit difficult comes up Council has a tendency to kick it down the road and table it, and hopes Council does not do that tonight. They have the opportunity to address what seems to be the major concern when this comes back to Council after the traffic study. Approving it tonight lets the developer know that by large, the City needs and wants a project like this.

Mr. Whitfield stated that if they want to put a building in the middle of the street then Council will have to abandon or not abandon that street. Another thing was that this was a special use permit not a rezoning permit; the special use permit allows Council to put conditions on this development. A condition could be that they follow through with the traffic study, tell Council the outcome of the study, how they are going to solve the problems that come up with it, and that the project will not be built except according to the recommendations of the traffic study.

Council Member Vogler noted a housing study done by the City around 2016 showed a need for housing in the City, particularly the area around the hospital. City Manager Ken Larking stated he believed Mr. Vogler was speaking about the CZB study that was done around 2014 or 2015; it did identify that as a potential area for investment in housing. Council Member Vogler stated it showed a need for housing long before Caesar's was ever thought of, long before what the Institute mentioned earlier tonight, and all the other growth happening. If it was a huge need then it was certainly a huge need now, and noted he was ready to vote on it tonight.

Mr. Saunders noted he wanted to support this project; the Planning Commission said it was dependent upon the traffic study. To the City Attorney, Mr. Saunders stated he asked if Council would "get a second bite at the apple" and heard him say no; Mr. Vogler asked the same question using different language and Mr. Saunders heard yes and was now confused. Mayor Jones asked the City Attorney does Council have the opportunity to do the same thing, pending the traffic study, as the Planning Commission and Mr. Whitfield noted they do.

Vice Mayor Miller noted that he does not have a problem with the project itself, and recognized the need for workers at the hospital to have housing; his issue was with the egress. When he met with Mr. Gould earlier, he understood there would be emergency exits. Dr. Miller noted he thinks the traffic study needs to show an emergency exit at the very least. Secondly, to drive down Stewart Street up to West Main and try to make a left turn; he tried that the other day and almost got hit by a truck that he could not see until his car was halfway out in the road. It was a blind left turn out of that road, it was only going to get worse and the intersection was going to need to be reconfigured. A traffic study was imperative to that area.

In response to Mayor Jones, Mr. Whitfield stated that the Planning Commission's approval was contingent on the completion of a traffic study. Mayor Jones reminded Council that they can put that in the motion that there has to be a traffic study. Mr. Whitfield stated that the current motion

April 5, 2022

does not include that based on the way that he read it; that could be something that Council could add to the motion. Vice Mayor Miller asked if he could make that motion and Mayor Jones noted he could. Council Member Hood stated currently, coming through West Main to Stewart Street people can make it all the way to Watson. How will this impact those residents living on the end of Watson Street and Mr. Larking explained that if it goes forward as proposed then they would only have the option to exit their neighborhood from Watson; they would not be able to go through Stewart.

Council Member Vogler stated that he wanted this to be clear. The cul-de-sac which seems to be the real issue, cannot be built until after the second vote, it cannot be built unless the City abandons the street and Mr. Larking noted that was correct.

Mr. Plachcinski stated that he want to reiterate the ten conditions that the Planning Commission recommended because they have not been read out loud tonight:

1. The permitted use is residential.
2. 35% of the building's exterior will be masonry.
3. The buildings will not have vinyl siding on exterior vertical facia.
4. The project will have sidewalk connectivity to West Main Street.
5. The developer will complete a traffic impact analysis in consultation with the City and implement the recommendations.

Mr. Whitfield stated that since it was not in the motion tonight, he would recommend that all conditions of the Planning Commission have to be met as conditions of the special use permit, everything Mr. Plachcinski has read and was going to read, become part of this motion.

Mr. Plachcinski continued:

6. The development will not exceed 25 dwelling units per acre.
7. The development must meet all ingress and egress requirements of building and fire codes.
8. The development includes amenities for residents including a clubhouse and swimming pool.
9. The development will maintain landscape buffers compliant with Article 16 of the zoning ordinance.
10. The developer executes and records a development agreement with the City that acknowledges these conditions.

Council Member Buckner stated he was going to make a motion that Council table this until the traffic study comes back and Council had time to review it. Mayor Jones noted the motion was on the floor, and asked for a second; the Motion died due to lack of a second.

Council Member Whittle questioned if what the Planning Director read was part of the package, Council had to have the study, they were going to do what was required, as Council would agree through the Planning Commission. Mayor Jones asked if Council Member Whittle would like to add that into the motion and Mr. Whittle noted he would. The Motion was seconded by Council Member Vogler.

Mr. Whitfield explained that he needed to backtrack; those ten items were already part of the Ordinance; they were already in the motion, and apologized. Mayor Jones stated they were back to the original motion. Mr. Whitfield explained the Motion was to grant a special use permit to this

April 5, 2022

project subject to the ten conditions read by Mr. Plachcinski that include that the developer will complete a traffic impact analysis in consultation with the City and implement the recommendations. The building permit cannot be issued until those conditions were met.

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

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

PUBLIC HEARING – CONSIDERATION OF AMENDING DANVILLE CITY CODE TO ADD A NEW CHAPTER ENTITLED “OUTDOOR REFRESHMENT AREA”

Mayor Jones opened the floor for a Public Hearing regarding Amending the City Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 22, 2022, and March 29, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-04.04

AN ORDINANCE AMENDING AND REORDAINING THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, TO ADD A NEW CHAPTER 23.2, ENTITLED “OUTDOOR REFRESHMENT AREA.”

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

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

City Attorney Clarke Whitfield explained the Danville Development Council who was a 501(c)4, and helps support this Council on economic development in a number of ways, has agreed to be the license holder. After tonight things will get started with ABC to get that license done. Once the license was issued then the City will be able to implement this plan.

CONSIDERATION OF UPDATES TO THE CITY’S FINANCIAL POLICIES

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

RESOLUTION NO. 2022-04.03

A RESOLUTION APPROVING AND AMENDING THE CITY OF DANVILLE’S FINANCIAL POLICIES TO CHANGE ITEM 9.2 ENTITLED “CITY OF DANVILLE STANDARDS” OF SECTION 9, ENTITLED “DEBIT MANAGEMENT” TO ALLOW FOR THE SCHOOL BONDS FUNDED BY THE 1% LOCAL SALES TAX OPTION.

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

April 5, 2022

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

CONSIDERATION OF A MORAL OBLIGATION WITH VIRGINIA COMMUNITY CAPITAL

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

RESOLUTION NO. 2022-04.04

A RESOLUTION AUTHORIZING AND APPROVING EXECUTION OF A MORAL OBLIGATION AGREEMENT BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND VIRGINIA COMMUNITY CAPITAL, A VIRGINIA BANKING CORPORATION.

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

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

Council Member Whittle asked for an update on this item and Director of Economic Development Corrie Bobe explained last summer the IDA purchased One Ecomnets Way which was the first building on the right-hand side entering into Airside Industrial Park. Working with the prospective tenant for the site, this loan with Virginia Community Capital will help cover the upfit expenses related to that tenant.

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR A BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

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

ORDINANCE NO. 2022-04.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM THE VIRGINIA CRIMINAL JUSTICE SERVICES BOARD FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD IN THE AMOUNT OF \$75,000 WITH A LOCAL SHARE IN THE AMOUNT OF \$25,000 TO BE USED TO STRENGTHEN THE YOUTH JUSTICE DIVERSION PROGRAM.

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

Council Member Saunders questioned the City Manager, what was the Youth Justice Diversion Program, was it Project Imagine, the W.W. Moore Detention Home, or another youth program. Mr. Larking explained this program would provide the opportunity for youth to have a peer court system where the situation would be evaluated and an alternative to incarceration would be given.

April 5, 2022

This was something that staff has worked on as a way to keep young people from going straight to W.W. Moore if they have certain infractions. Without this program in place, they would likely end up in juvenile detention center.

Mayor Jones asked if this was similar to Project Imagine, could they be combined into one and Project Imagine run the whole thing. Mr. Larking stated that at the moment it was two separate things, not that they could not work together with some commonalities. Project Imagine was more of a program to get referrals from the community for young people who were at risk, provide them with job training, opportunities to get a job, and learn what it was like be in the work environment. This program was about young people who have been arrested for a minor infraction and have that resolved through a peer group instead of the court system. It would be a new program for the City, and the City has received good advice and feedback from other areas that have implemented this program.

Deputy City Manager Earl Reynolds noted several years ago, the General Assembly was asked to pass legislation to allow an alternative, through the juvenile court, other than the strict penal processing of young people who had misbehaved. No such legislation existed in Virginia at that time. The City supported that legislation, and it was ultimately through legislative partners that the legislation was passed, signed by the governor, and was now law. Communities can develop, in partnership with the juvenile court system, a program alternative to young people coming before a judge. That was why they call it peer review and peer court, and the City was most familiar with the one operating in Newport News. It was the City's intent, working through juvenile court, the school system, and other partners to set up a similar experience for young people here, where they go through a voluntary peer experience to hopefully learn that their particular behavior was not appropriate, and their peers help them in the process of correcting that behavior with professional supervision. Mr. Reynolds noted the program will be operated out of Robert David's office, the grant was for \$75,000, and would not require additional personnel.

COMMUNICATIONS

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

City Attorney Clarke Whitfield noted that he had a visit today from a gentleman by the name of Tim Garland, who was asked by Dusty Baker to be one of the coaches in the major league all-star game this summer. He was also possibly interested in doing some youth work during the off season with Parks and Recreation.

ROLL CALL

Council Member Buckner thanked everyone tonight for their input and how they voted, he looked forward to what the Walden's were going to do for the area; it was a very exciting project. Mr. Buckner noted he looked forward to seeing what the traffic study shows as well.

Council Member Hood thanked Amara once again for being a "shooting star" and setting a great example for the youth while keeping up her GPA. He also recognized the Danville Alumnae Chapter, and Black Brand for their upcoming procurement fair on April 26 from 11am to 3 pm at the Institute.

Council Member Mayo gave a shout out to Black Brand, and to Amara for her accomplishments not only on the court but academically. To Council, the decisions they have to make entail all of them and it was good when they can hear one another. To Council Member Buckner, his decision

April 5, 2022

was just that and they respect it. To see Danville grow and see what was happening, he thinks that was what they all wanted and want it done in the right way.

Vice Mayor Miller recognized the City Manager for being the City Manager for six years, and congratulations to Tommy Bennett on being on the Planning Commission. Dr. Miller noted the superintendent left but Danville had 283 more children enrolled in school than last year. Last Tuesday was an anniversary of sorts at the hospital. They hosted a breakfast to celebrate not having a COVID patient in the hospital for the first time in over two years. He recognized the importance of getting the vaccine and the effects of long COVID.

Council Member Vogler stated he has had people reach out to him regarding Canterbury Road; a number of residents have had an issue with people speeding up and down that street. Mr. Vogler asked staff to look into speed bumps or something of that nature be done there; there were a lot of young families on the street.

Council Member Whittle noted it had been an interesting meeting tonight, and he had a good meeting with the City Manager and Council Member Mayo about the budget; it was more towards the school and how the City can help lift that system up towards a better outcome. Mr. Whittle stated he did vote no to drinking on the street because he thought that if people want to do that they can drink at home or a bar; he had several people reach out to him about it.

Mayor Jones thanked Petrina Carter for coming out and reminded everyone of the Black Brand event being held at the Institute on April 26 from 11am to 3 pm; the contact number for SWaM was 434-421-5040. Mayor Jones thanked Council Member Saunders for his leadership and his wisdom.

The meeting adjourned at: 9:29 p.m.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK