

March 3, 2020

The Regular March meeting of the Danville City Council was held on March 3, 2020, at 7:02 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, Adam J. Tomer, Vice Mayor 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, and welcomed Girl Scout Troup #970.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Vice Mayor J. Lee Vogler, Jr.; the Invocation was followed by the Pledge of Allegiance to the Flag led by Girl Scout Troup #970

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Proclamation: Girl Scout Week
Presented to: Girl Scout Troop #970

Mayor Jones read the Proclamation and presented it to Debra Sullivan of Troop #970, who thanked Council for the Proclamation and allowing Troop #970 to appear before Council. Ms. Sullivan and members of Troop #970 gave cookies to Council and staff.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Gordon Lyles who thanked City Manager Ken Larking for having a sign put up at a dangerous curve to warn drivers. Mr. Lyles noted he would like to see a police precinct at the Glenwood School, and have more recreation for the youth in Danville. Mr. Lyles also suggested the City restore the Schoolfield Dam to produce a clean energy source for the City.

Mayor Jones recognized Harold Garrison, Westover Drive, who stated he was one of the residents dependent on a temporary transformer at the Westover Substation to provide electrical service. Mr. Garrison voiced his concerns with the temporary situation, and stated the residents of Westover, North Danville and Glenwood were underrepresented.

Mayor Jones recognized Michelle Nance, Chestnut Place, who spoke as a representative of the Haven of the Dan River District. Ms. Nance discussed the topic of violence against women, noting it has reached epidemic proportions, reviewed statistics on violence and stated citizens can support local organizations such as Haven. Ms. Nance invited Council to a memory monologue at Cottontail Events on Friday March 27th at 7:30 p.m. Council Members thanked Ms. Nance and noted their support of Haven.

Mayor Jones recognized Cynthia Phillips, who noted she was relatively new to the City of Danville, she came here to start a youth program, and has found a facility at 701 Patton Street; she was at Council to introduce herself. Her nonprofit organization was To Be Successful Youth, which was mentoring and tutoring higher risk youth.

Mayor Jones recognized Norma Brower, Ernescia Coles and Wendi Everson. Ms. Brower noted the Second Annual Danville Neighborhood Leadership Conference will be held on March 27th and

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28th at the Institute, and this year was being sponsored by the DNDC, City of Danville Community Development, Danville Opportunity Neighborhoods, and the DRF. Ms. Coles noted the conference was started to provide an opportunity for resident leaders to learn from each other and gain new tools.

Mayor Jones recognized James DeHart, Mount Cross Road, who talked about the City bringing the streets.

CONSENT AGENDA

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

Approval of Minutes from Regular Council Meeting held on February 4, 2020. Draft copies of the minutes had been distributed prior to the meeting.

Budget Amendment – Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Grant for Youth Engagement Programs in the Amount of \$123,908 and Local Share of \$25,208

An Ordinance Entitled, Ordinance No. 2020-02.04, Presented by its First Reading on February 18, 2020, Amending the Fiscal Year 2020 Budget Appropriation Ordinance by Increasing Revenue for a Department of Criminal Justice Services, Commonwealth of Virginia, Byrne/JAG Grant for Youth Engagement Programs in the Amount of \$123,908 and Local Share in the Amount of \$25,208 for a Total of \$149,116 to be Used to Fund the Salary and Benefits of a Gang Prevention Coordinator and Other Expenditures Relating to the Program.

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

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT FOR A COMMUNICATION TOWER ON PARCEL ID# 73020

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit on Parcel ID# 73020. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 18, 2020 and February 25, 2020.

Mayor Jones recognized Tony Phillips, Fullerton Engineering, representing AT&T and Tillman Infrastructure. Mr. Phillips noted they were proposing a 150' cell tower at Piney Road. This has been through Planning, staff recommended approval, and the Planning Board voted unanimously in favor of it. AT&T approached his client's company; they would like to save money on rent because rents keep getting higher and higher. They have made attempts to negotiate that. If the tower owners are allowed to keep charging as much as they want because they know the laws are protecting them, then the rates will keep going up. Danville will be at 4G and the rest of the world will be at 8G because it costs too much to improve that tower.

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Mayor Jones recognized Bill Pollock, Fullerton Engineering who explained that AT&T and Verizon have determined that on some of the towers they are being charged rentals that are unsustainable, and there are some technical problems with some of them. Out of the 100,000 plus towers that each of them owns and operates, they selected a small number that have to be replaced. AT&T and Verizon came to them, identifying the latitude and longitude in Danville where they wanted a new tower to be constructed. Mr. Pollock stated there has been prior testimony that coverage and capacity will be largely the same and noted that was correct. The towers are about the same height and location, and radio capabilities and capacity was similar. When they build a new tower for AT&T, Verizon Net or T Mobile, new equipment was put on the tower and the new equipment offers 5G, which was a better, faster experience, but also AT&T's FirstNet, which was an overlay network for emergency responders. That network springs into action whenever there was a national or local emergency and it was dedicated to first responders. The technical advantages toward new towers was the user experience: fewer dropped calls, more calls handled during peak periods, and better call quality. SBA's rental was about 2.5 times what Tillman would charge, and that was day one. After day one, the SBA towers increase, sort of an inflation adjustment, 4% or 5% a year, every single year. Also, in the SBA towers, almost every time a piece of equipment was replaced or added, SBA charges more money; after twenty or thirty years, these increases are steep. AT&T has tried on many occasions to get SBA to reduce their price line and their terms and make them a little more sustainable; SBA has adamantly refused every time. The other major tower company, American Towers, have decreased their rates for AT&T, so Fullerton was mostly replacing SBA's towers right now. Fullerton offers a new tower that was absolutely necessary to improve the service, economic viability and enables the operators to afford to put all the new equipment they need for the incredibly fast growing use of cellular phones. Mr. Pollock stated he thought this tower would benefit the community in a lot of ways. It will encourage AT&T and Verizon, and later T Mobile, to put new equipment on the towers, and it will encourage First Net to get on there.

Mayor Jones recognized Ed Donahue, Council for SBA, 117 Orinoco Street, Alexandria, Virginia, who noted Council heard from the representative from Fullerton, this was a redundant site; it was meant to replicate the coverage AT&T was getting on the SBA tower. The difficulty that Fullerton and Tillman have was in the City Code and the State Code, about proximity between towers and proximity to the residential zones. Mr. Donahue cited Article 2, Section R.5 of the Danville Zoning Ordinance that says, No telecommunication tower shall be located within five hundred (500) feet of a residential zoning district unless the applicant can otherwise demonstrate by providing coverage, interference and capacity analysis that the proposed location cannot be met on a location that is greater than 500 feet. This site was about 158' from a residential district so there was a zoning issue; it was raised with the Planning Commission, but they didn't engage on it. In addition, Council heard that there was potentially an issue with 5G and First Net. AT&T was building out a wireless network for the first responders, EMTs, fireman, etc., but they've yet to approach SBA about putting First Net facilities on the SBA tower or 5G. Mr. Donahue noted he gave Council a structural report, and written testimony from SBA. There was both structural capacity, space on the ground, and SBA was willing and encouraging of AT&T to put the 5G and the First Net antennas on there. In 2003, when this tower was approved, Condition No. 3 of the SUP approval says the applicant shall make this tower available to other users at market rates to further the City goal of limiting the number of nonresidential towers. SBA was under an obligation to provide colocation to the carriers. The applicant stated that they are looking to take AT&T, and potentially Verizon and T Mobile, and move them over to the Fullerton Tower; this would contribute to a proliferation of towers. There would be two towers about 900 feet apart. Mr. Donahue noted the state code provision which allows for the City Council to regulate this space, codified in 15.2-2316.4-2, specifically reserves the right of local jurisdictions to deny

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applications on the basis of the availability of existing wireless support structures within a reasonable distance; the state code and the zoning ordinance encourage colocation facilities.

Council Member Shanks questioned Mr. Donohue regarding the State Code he referenced, and Mr. Donohue stated, Article 2, Section R5, no telecommunication towers shall be located within 500 feet of a residential zoning district unless the applicant can otherwise demonstrate by providing coverage, interference, and capacity analysis. Mr. Donohue noted he believed the 2003 approval pre-dated this code provision. Mr. Shanks stated it was his understanding that whoever Mr. Donohue represents, their rent on the tower was at a point where somebody feels like it was not competitive. Mr. Donohue stated his understanding was SBA has made an offer back to AT&T and it was with AT&T, at the national level, but doesn't know what those rent terms were. Mr. Shanks stated the code section that Mr. Donohue read, basically said, a locality may, it doesn't say will or shall.

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

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

ORDINANCE NO. 2020-03.01

GRANTING A SPECIAL USE PERMIT TO ALLOW A COMMUNICATION TOWER IN ACCORDANCE WITH ARTICLE 2, SECTION 6A OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, ON PARCEL ID# 73020, OTHERWISE KNOWN AS GRID 1811, BLOCK 005, PARCEL 000012 OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

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

VOTE: 6-3
AYE: Buckner, Campbell, Jones, Saunders,
Shanks, and Vogler (6)
NAY: Miller Tomer, and Whittle (3)

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT FOR A DUPLEX AT 120 HURT STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 120 Hurt Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 18, 2020 and February 25, 2020.

Mayor Jones recognized Regina White, who stated she was part of the LLC that owns the property being discussed. They purchased the property in foreclosure and at the time of the purchase, the house was in very bad shape. It was also slated, by whoever went before them, to be a three unit house, which was too much for this particular property. They would like to convert it to a duplex and are requesting a 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. 2020-03.02

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GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A DUPLEX IN ACCORDANCE WITH ARTICLE 3.E, SECTION C, ITEM 2 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED, AT 120 HURT STREET, OTHERWISE KNOWN AS GRID 2805, BLOCK 021, PARCEL 000001 OF THE CITY OF DANVILLE VIRGINIA ZONING DISTRICT MAP.

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

PUBLIC HEARING – REZONING FROM OT-R, OLD TOWN RESIDENTIAL, TO M-R, MULTI-FAMILY RESIDENTIAL, PARCELS ON SEELAND ROAD AND THE FUTURE HARAWAY LANE

Mayor Jones opened the floor for a Public Hearing regarding Rezoning on Seeland Road and the Future Haraway Lane. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 18, 2020 and February 25, 2020.

Mayor Jones recognized Ernecia Coles, Executive Director of the Danville Neighborhood Development Corporation, who explained they are partnering with Bibleway Cathedral and the Danville Redevelopment and Housing Authority on this project. Mr. Wasson from the DRHA could not be here today, and she was here to answer any questions regarding this project. Mr. Whittle questioned if the groups were partnering on this project and Ms. Coles noted they were working together to plan and also receive funding for the development. Mr. Whittle questioned if it was all nonprofit and Ms. Coles noted they were a nonprofit, the DRHA was quasi-governmental institution, and Bibleway Cathedral was a faith based corporation. No one further desired to be heard the Public Hearing was closed.

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

ORDINANCE NO. 2020-03.03

REZONING FROM OT-R OLD TOWN RESIDENTIAL DISTRICT TO M-R MULTI-FAMILY RESIDENTIAL DISTRICT, PARCEL ID#S 76125, 76124, 76123, 76122, 76121, 76140, 76141, 76142, 76143, 76144 & 76145 ON SEELAND ROAD AND THE FUTURE HARAWAY LANE, OTHERWISE KNOWN AS GRID 2606, BLOCK 014, PARCEL ID'S 000013, 000014, 000015, 000016, 000017, 000018, 000019, 000020, 000021, 000022 & 000023 OF THE CITY OF DANVILLE, ZONING DISTRICT MAP.

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

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

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STATEMENT OF CONFLICT OF INTEREST

I, Lawrence G. Campbell, Jr., do hereby state that I have a conflict of interest regarding the consideration of rezoning from OT-R, Old Town Residential District to M-R, Multi-Family Residential District Parcels on Seeland Road and the future Haraway Lane listed on the agenda as New Business Agenda Item C. 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 3rd day of March, 2020.

s/Lawrence G. Campbell, Jr.

STATEMENT OF CONFLICT OF INTEREST

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the consideration of rezoning from OT-R, Old Town Residential District to M-R, Multi-Family Residential District Parcels on Seeland Road and the future Haraway Lane listed on the agenda as New Business Agenda Item C. 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 3rd day of March, 2020.

s/Alonzo L. Jones

PUBLIC HEARING – REZONING FROM OT-R, OLD TOWN RESIDENTIAL DISTRICT TO M-R, MULTI-FAMILY RESIDENTIAL DISTRICT, 151 GRANT STREET AND 218, 220 AND 224 GARFIELD STREET

Mayor Jones opened the floor for a Public Hearing regarding rezoning 151 Grant Street and 218, 220 and 224 Garfield Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 18, 2020 and February 25, 2020. Mayor Jones recognized Ernecia Coles who explained these parcels are also part of the development project. She was part of the team, and speaking on behalf of Bibleway Cathedral and the DRHA. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2020-03.04

REZONING FROM OT-R OLD TOWN RESIDENTIAL DISTRICT TO M-R MULTI-FAMILY RESIDENTIAL DISTRICT, 151 GRANT STREET, 218, 220, & 224 GARFIELD STREET, OTHERWISE KNOWN AS GRID 2605, BLOCK 004, PARCEL ID#S 000012, 00003, 00004 & 00005 OF THE CITY OF DANVILLE, ZONING DISTRICT MAP.

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

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

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STATEMENT OF CONFLICT OF INTEREST

I, Lawrence G. Campbell, Jr., do hereby state that I have a conflict of interest regarding the consideration of rezoning from OT-R, Old Town Residential District to M-R, Multi-Family Residential District 151 Grant Street and 218, 220, and 224 Garfield Street listed on the agenda as New Business Agenda Item D. 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 3rd day of March, 2020.

s/Lawrence G. Campbell, Jr.

STATEMENT OF CONFLICT OF INTEREST

I, Alonzo L. Jones, do hereby state that I have a conflict of interest regarding the consideration of rezoning from OT-R, Old Town Residential District to M-R, Multi-Family Residential District 151 Grant Street and 218, 220, and 224 Garfield Street listed on the agenda as New Business Agenda Item D. 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 3rd day of March, 2020.

s/Alonzo L. Jones

BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR GRANT FUNDS FOR FOOD SERVICE OPERATIONS AT W.W. MOORE JR., DETENTION HOME IN THE AMOUNT OF \$45,743

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

ORDINANCE NO. 2020-03.05

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF APPROXIMATELY \$45,743 TO AID THE FOOD SERVICE OPERATIONS AT W.W. MOORE, JR. DETENTION HOME 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 BUDGET APPROPRIATION ORDINANCE FOR VIRGINIA JUVENILE JUSTICE SYSTEM GRANT FUNDS AND LOCAL MATCH FOR A TOTAL OF \$126,829

Upon **Motion** by Council Member Shanks and **second** by Council Member Saunders, an Ordinance entitled:

ORDINANCE NO. 2020-03.06

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DEPARTMENT OF JUVENILE JUSTICE IN THE AMOUNT OF \$86,999

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AND A LOCAL SHARE OF \$39,830, FOR A TOTAL APPROPRIATION OF \$126,829, TO PROVIDE FOR THE ELECTRONIC MONITORING AND OUTREACH DETENTION PROGRAMS AND SUPERVISION PLAN SERVICES FOR THE CITY OF DANVILLE AT THE W.W. MOORE JR. DETENTION HOME AND APPROPRIATING SAME

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

COMMUNICATIONS

City Manager Ken Larking explained the Westover area was not currently being served by the mobile substation, it was being served by the permanent substation. It was put back in service about two weekends ago, and apologized for not announcing that publicly.

Mr. Larking noted the Fire Chief informed him today that the Fire Department received international reaccreditation for another five years. Mr. Larking noted his congratulations to the fire department, they are one of the very few that have both an ISO 1 rating and international accreditation.

Mayor Jones questioned if there was anyway to get information to the Westover neighbors about the substation and Mr. Larking stated they would work on that.

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

ROLL CALL

Council Member Tomer noted it was good to see Gordon Lyles at Council again, and Mr. Mayo; it was always good to have candidates come to Council. Mr. Tomer thanked the Girl Scouts for the cookies.

Vice Mayor Vogler wished a happy birthday to Mr. Buckner's wife, Jessica. Mr. Vogler noted the Pastor from Jones Chapel Missionary Baptist Church came to the last Council meeting expressing concerns about speeding on 58 where the church was located. He went out to the site, and spoke to the City Manager last week, to see if the City could look at adding rumble strips on the road. Mr. Larking explained the day after this was brought up, it was mentioned to the Public Works Director and he has commissioned a study of that area to see if it warrants any additional work to alleviate the issue. Mr. Larking noted previous to that issue, there was a request regarding the intersection of Updike and South Main and whether it warranted a traffic signal. The study did come back recently and it does warrant a traffic signal; that will be discussed as part of the budget process. Mr. Vogler asked Mr. Larking to address Mr. Lyles comments about the dam, and Mr. Larking explained the Schoolfield Dam, located on Memorial Drive, was owned by the City and operated by a company that generates power at the facility; the City buys the power from that company. Mr. Shanks noted what was so important about that facility was that it has helped the City during high demand periods to help shave transmission congestion charges. Mr. Vogler wished the GWHS Eagles good luck for the start of the State Tournament.

Council Member Buckner wished his wife Happy Birthday. Mr. Buckner invited citizens to the Danville Neighborhood Leadership Conference that was discussed earlier; it was Friday, March 27th and Saturday March 28th at the Institute for Advanced Learning and Research. Mr. Buckner noted how proud he was of the City's firefighters for the national reaccreditation and the ISO 1 certification they worked so hard to acquire and maintain.

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Council Member Miller noted his wife took her BLS course today; for \$18 the Danville Life Saving Crew will train people in Basic Life Support. Dr. Miller stated the Danville Braves have been in town since 1993, and the City was in danger of losing them. There was going to be a major restructuring of the minor leagues and 75-80% of the teams may be gone. Dr. Miller stated Council needed to have a resolution to the Atlanta Braves to save the Danville Braves; it would be a major loss to the community. Mayor Jones noted the mayors from the area have signed a petition. Dr. Miller noted next Tuesday at 7:00 p.m. there will be a program about Suicide Prevention in First Responders, and invited Council Members to attend.

Council Member Saunders thanked the City employees for all they do everyday, looking out for the City and protecting the citizens, and congratulations to the Fire Department for the recognition.

Mayor Jones recognized Ms. Cynthia Phillip, thanked her for coming into the community and for visiting Council. Mayor Jones recognized Pastor Burton and his son, who have been active in the community for many years, was glad to see him at Council and thanked him for all his years of service. Mayor Jones congratulated the Fire Department for the reaccreditation and thanked City Council for their work.

The meeting adjourned at: 8:20 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK