

October 19, 2021

The Second Regular October meeting of the Danville City Council was held on October 19, 2021, 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 P. Mayo, Vice Mayor 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.

INVOCATION

The Invocation was given by Sherman M. Saunders, followed by the Pledge of Allegiance.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Sandra Gale Motley, who informed Council of their family owned, veteran business, Percolate International, a boutique software company. Ms. Motley discussed her company and designs, and noted she was looking for opportunities to partner and team with others as well as those who would like to assist them with achieving their company goals.

Mayor Jones recognized Tommy Bennett, President of the Danville Branch of the NAACP, who thanked Council Members Saunders, Mayo and Hood, the City Manager, and Deputy City Manager for participating in the dedication of the historic marker for Camila Williams. Mr. Bennett also noted they would be providing rides to anyone who needs one to get to the polls to vote.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding Budget Items on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 12, 2021. No one present desired to be heard and the Public Hearing was closed.

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

Minutes from the Regular Council Meeting held on September 21, 2021. Draft copies of the minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for Housing and Urban Development Funds

An Ordinance entitled, Ordinance No. 2021-10.05, Amending the Fiscal Year 2022 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 \$1,245,901.00

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for Grant Funds from the Department of Homeland Security

An Ordinance entitled, Ordinance No. 2021-10.06, Amending the Fiscal Year 2022 Budget Appropriation Ordinance to Provide for a Grant from the Virginia Department of Emergency Management in an Amount of \$115,360.91 and a Local Share in the Amount of \$11,536.09 for

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Extrication Equipment for Three Fire Trucks for a Total Appropriation in the Amount of \$126,897.00, and Appropriating Same.

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice for Electronic Monitoring and Outreach Detention Programs and Prevention Services/Pro-Social Skills Program

An Ordinance entitled, Ordinance No. 2021-10.07, Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the Amount of \$86,999 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 Prevention Services/Pro-Social Skills Program for the City of Danville at the W. W. Moore Jr. Detention Home and Appropriating Same.

Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Grant to Aid Food Service Operations at WW Moore Jr., Detention Home

An Ordinance entitled, Ordinance No. 2021-10.08, Amending the Fiscal Year 2022 Budget Appropriation Ordinance for a Federal Grant in the Amount of Approximately \$38,681 to Aid the Food Service Operations at W. W. Moore, Jr. Detention Home and Appropriating Same.

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

APPOINTMENTS

Vice Mayor Miller **moved** for adoption of a Resolution entitled:

Resolution No. 2021-10.12 – Appointing Sandy Irby to the Danville Community Policy & Management Team as the Danville Pittsylvania Community Services Representative.

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

NEW BUSINESS

REVIEW OF GENERAL FUND FINANCIALS AS OF SEPTEMBER 30, 2021

Director of Finance Michael Adkins reviewed the General Fund Financials as of September 30, 2021 noting Revenues were just over \$20M, an increase of about \$1M from last September. These increases were primarily due to increased collections of delinquent taxes and local consumer based taxes. Delinquent real estate tax collections were at \$422,000 at the end of September, 40% of budget, and the City was currently 25% through the year. Bills for the current

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tax year will be mailed out in the next couple of weeks and were due on December 6th which falls on a Sunday, so they will be due the next business day. Local taxes were up this year, Sales Taxes came in at \$2.7M, ahead of budget by about 1%, at 26% of budget and up \$176,000 over last year. Meals Tax was performing very well at \$2.5M, 29% of budget at the end of the first quarter and up about \$429,000 from September of last year. Lodging tax was at \$510,000 coming in at 34% of budget; about one third of the budget has been received in the first quarter of the year, up about \$135,000 over last year. All other revenues from the State and Federal sources were coming in on line with budget and with no concerns.

Through the first quarter, Expenditures totaled \$35M, an increase of about \$2.5M over last September. The primary reason was the Support of Schools; schools did not start the year off in the previous fiscal year with in person instruction, but this year they did. The draw down of their funding was more in line with what the City typically sees in a fiscal year compared to last year. Department level spending was at 22% of budget, so the City was experiencing some budget savings through the first quarter, and hoped that continued through the fiscal year. For Non-Departmental Expenditures, they were at 30% of budget, a little ahead and primarily made up of Group Health Insurance and Debt Service payments. The City's Group Health insurance was coming in right behind budget at 24% which was a good sign. Debt Services was not incurred evenly through the year; most of the debt payments occur in March and September of each calendar year. With September being in the past quarter, that was the reason that line item was a little ahead of 25%, at 37% of budget. The first quarter results were very favorable for this fiscal year so far. As a matter of note, staff was preparing for their financial and economic development presentation to the Bond Rating Agencies. That will occur on Friday and he will report back to Council when he receives the results from that.

Council Member Campbell questioned the amount of reserves and Mr. Adkins explained they go up and down through the fiscal year, but at the end of September, the City was running ahead of last September by about \$2M. Council Member Campbell questioned how much the funds from Caesars increased the reserves and Mr. Adkins noted those revenues were accounted for in the Special Projects and Capital Project Funds and were not reflected in the reserve.

APPROVING FREE BUS SERVICE DURING THE NOVEMBER ELECTIONS

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

RESOLUTION NO. 2021-10.13

AUTHORIZING THE DANVILLE TRANSIT SYSTEM TO OFFER FREE BUS SERVICE ON TUESDAY, NOVEMBER 2, 2021

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

Council Member Vogler noted he and the Mayor, a few years ago, asked the City Manager if this could be possible, as it hadn't been done here in the City before; it has now been done for every election since then. Mr. Vogler stated he was glad to see this continued. Council Member Campbell questioned how widely it was used the last time and Director of Transportation Marc Adelman noted there was no way to measure the fixed route service to track where people get on and off, and there were a number of election polling sites throughout the City. Reserve-A-Ride Service and Senior Transportation Services were all based on reservations and he did not think there was a very significant uptick with regard to use of the transportation service to polling sites.

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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

CONSIDERATION OF APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE ASSIGNMENT OF AN EXISTING POLE ATTACHMENT FRANCHISE

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

RESOLUTION NO. 2021-10.14

APPROVING AND AUTHORIZING THE ASSIGNMENT OF AN EXISTING POLE ATTACHMENT FRANCHISE FROM CHATMOSS CABLEVISION INC. TO ITS NEW OWNER ZITO CHATMOSS LLC.

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

APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST PARCELS #21232 AND #24234 JEFFERSON AVENUE AND PARCELS #22490, 22491 AND 21930 LOYAL STREET

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

RESOLUTION NO. 2021-10.15

APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCELS #21232 AND #24234 JEFFERSON AVENUE AND #22490, #22491, AND #21930 LOYAL STREET TO FACILITATE THEIR CONVEYANCE TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

Council Member Whittle stated the City had thirty liens on the properties on Jefferson Avenue and Assistant City Attorney Ryan Dodson noted it included two demolition liens for two houses that used to be there, the rest were grass liens. The properties on Colquhoun Street were for three demolitions for three houses and associated grass cutting, after the fact.

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

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APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST PARCELS #20725, #21571 AND #23906 COLQUHOUN STREET TO FACILITATE THEIR SALE

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

RESOLUTION NO. 2021-10.16

APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCELS #20725, #21571, AND #23906 COLQUHOUN STREET TO FACILITATE THEIR SALE.

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

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

CONSIDERATION OF THE APPEAL OF THE COMMISSION OF ARCHITECTURAL REVIEW'S DECISIONS AT 918 GREEN STREET AND 154 CHESTNUT STREET

City Attorney Clarke Whitfield noted Mr. Paul Liepe will speak first and he will have ten minutes. Mayor Jones asked Council Members to hold their questions, to let the Mr. Liepe speak first for ten minutes. After that the Commission of Architectural Review will have ten minutes.

Mayor Jones recognized Paul Liepe, Main Street, Danville, Virginia. Mr. Liepe thanked Council for the opportunity to bring this matter to their attention, and noted this appeal was not about solar power, they favor solar power. This appeal was about the visual appearance, the character of the historic district. The appellants maintain that solar panels visible from the street even on slanted roofs were not compatible with the character of Danville's first historic district. Mr. Liepe stated there was a factual error in the material provided to Council by staff; staff offers that the applicant for the Certificate of Appropriateness was Mr. Lawrence Meder. The Application was in fact Titan Solar Power on the original documents, an Arizona corporation. An Arizona corporation has little reason to be concerned about the historic character of the City. The properties in question were actually owned by Fredrick and Lawrence Meder who were here tonight. Mr. Liepe stated at the meeting of the Commission of Architectural Review, or CAR, the property owner stated regarding 918 Green Street, "eight panels on the front section, my wife and I requested that they not be put up but the plan came in since we use so much electricity that we need more panels." It was the Arizona company that was requesting those panels and the homeowner preferred that they not be there.

Mr. Liepe noted City staff suggested that by following the process described in the Zoning Ordinance, the CAR must have arrived at the correct result. Mr. Liepe noted initially, CAR did. CAR decisions were actually a two-step process. The Commission first decides whether the application meets the Old West End Design Guidelines, and, initially the CAR determined that the application did not meet the guidelines. The second step was to determine whether the application should be approved because it would have no adverse impact on the character of the property or the historic district. According to the Zoning Ordinance, additional factors to be considered included the material, texture and color of the proposed change, compatibility with the

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historic building's character and scale, the impact on tourism and compatibility with the City's Comprehensive Plan, the 2030 Plan. It was here that the appellants believe the CAR failed to fully consider the Zoning Ordinance requirements or the effects of the proposed panels as they were required to do. Mr. Liepe asked Council to not allow the Arizona corporation and a misguided CAR with no representatives from the neighborhood, change the character of the historic district, and asked Council to modify the decision of the CAR to preclude the installation of solar panels visible from any public right of way within the Old West End Historic District.

Mayor Jones recognized Mary Kemp, Main Street in the Old West End. Ms. Kemp noted she came up because she was at the CAR meeting on another issue and regretted not getting up to speak; she didn't think it was going to pass. Ms. Kemp stated that Mr. Meder presented a really organized plan and Mr. Liepe got up and did a very well organized rebuttal. Then Mr. Meder said he understood what they were saying, they won't do those eight panels, then someone else stood up and other people outside the situation decided no, there shouldn't be any type of compromise. Ms. Kemp noted a member on the panel, very pro-solar, very much swayed the argument. Ms. Kemp explained she grew up in Arizona, and was familiar with solar panels, but in those historic neighborhoods, those panels weren't visible; those panels were behind or in the backyard. There can be a compromise here, it just seems like they need to meet somewhere in the middle.

Mayor Jones recognized Robin Crews, formerly of the Old West End, 806 Main Street, currently at 322 West Main Street, Chair of the Commission of Architectural Review and speaking on behalf of CAR, who thanked Council for allowing her to come this evening. She respects and supports the fifteen neighbors', which were the appellants in this case, right to appeal the CAR committee's decisions on 22 July, 2021, regarding the solar panel installations at both 918 Green Street and 154 Chestnut Street. Ms. Crews stated for the record she was not present at the meeting on 7/22/21 due to a work related conflict. She has reviewed the minutes, back up materials and the appellants information. The CAR membership did follow a decision making process as condoned by the City Council of Danville, as Mr. Liepe clearly indicated in his appeal letter to Council, that included a two-step process as he mentioned earlier. The first of the two steps was important because the CAR committee's standards cannot consider or anticipate all the circumstances that may arise. The first step, as Mr. Liepe indicated determines whether the application does or does not meet the City's guidelines and the Commission agreed unanimously that it did not. However, the second step, which was part of the two step protocol, was that the Commission decided that the solar panels would not adversely affect the neighborhood, and that neither roof was a prominent historical feature of those homes; this was by unanimous vote of the committee. The Board did unanimously feel that the installations would neither be prominent nor remarkably visible. Per the Appellant letter, the homeowners were certainly entitled to protect and enhance their properties' values and the guidelines do provide under, Section 3b, for technological updates to be installed and screened from view as much as possible.

Mayor Jones recognized Frederick Lewis Meder, Jr., 918 Green Street, who stated he and his wife have been rehabbing 154 Chestnut Street for last twelve years. The solar panels were on the building today. Mr. Meder stated this was not his fight; they followed all the guidelines and procedures, and stated it needed to be fixed. Several years ago he asked the CAR for guidance regarding solar panels because it was his plan since 2004. He emailed Renee Burton and Dr. Liepe twenty one months ago regarding the solar panels stating his objective and was moving in that direction. On July 22nd, he presented his case to the CAR; the Board approved the proposals with all the votes in his favor; no one on the Commission voted against the solar panels. The solar panels were now on Chestnut and were awaiting final inspection. Mr. Meder explained 154 Chestnut was a derelict home, it was not lived in for over twenty years and it should have been razed; it needed everything imaginable. They started in 2009, twelve years ago and in a few short

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weeks, Dr. Garbett will be moving into this home. They have safely removed all the hazardous waste, cut out the rotted beams, rewired, replumbed, installed new floors and so on; this home was brand new. He and his wife have both resided in the Old West End for over thirty years. On the street that they live on, Green Street, there are fifty six residences on this street, and only twenty six being occupied right now. Many of these homes were derelict and falling down. His family were significant property owners in the Old West End, work every day on these homes and meet the needs of their tenants. Everyone of their homes has needed significant electrical upgrades, insulation, plumbing, wiring, flooring, roofing and significant foundation work. The City has a housing shortage, and they were about to bring 154, a three bedroom home, two full baths back into the mix. The panels were put up last night, and he had over twenty people tell him how wonderful they looked. They do not impact the historic nature of the home.

Mayor Jones recognized Dr. Ann Garbett, 931 Green Street, the house was in the district, that her husband and she bought in 1978 when they first moved to Danville. They were thrilled to be in a Victorian house in a City that had an historic district. Before her husband died, he served on the Commission for Architectural Review; he was as she was, deeply committed to the principals that guide that body. Now, she was ready to downsize and was hoping to downsize to 154 Chestnut Street. She would not want to move to a house that didn't follow the guidelines for historic architectural standards and believes this house does. Dr. Garbett stated she hoped that Council will allow this to go on.

Mayor Jones recognized Barry Koplen, 214 North Union Street who stated he was there to deliver a message from Colonel Larry Meder; he called from Missouri, in support of his brother. Colonel Meder noted the City by means of its buildout of downtown sidewalks and interchanges and its building purchases and renovations has added hope to a city that was blighted by the loss of two prominent industries. His brother Fred has completed similar work in the Old West End and throughout the City of Danville. For many years, Fred has supported and promoted, with various projects, the City's environmental sustainability. Thanks to his efforts, houses have been saved rather than destroyed. His work with pavers for streetscapes at the Danville Science Center was still walked on. He has been president of the Commission of Architectural Review, and continues to work with the Danville Historical Society; in that regard he installed walking tour plaques throughout Danville's Old West End as well as the Museum's monoliths. By introducing solar power to the Old West End, he has insured those houses will be environmentally and financially sustainable; that's why the Commission of Architectural Review approved his use of solar power.

Mayor Jones recognized Mr. Liepe for his rebuttal. Mr. Liepe noted there seems to be an impression that people in the Old West End don't like Fred Meder and that was far from the truth, every one of them would be pleased to recognize his past contributions to the City. However, that had nothing to do with their appeal which was about the appearance of the Old West End. Mr. Liepe noted he received an email this morning, from a man who had requested of the CAR that he be allowed to change his roof from a metal roof to a shingle roof. That request was denied by the CAR because such changes were not allowed. If there was an historic metal roof, they must continue to have a metal roof. The Commission has approved in this case, covering a metal roof with something else, a solar panel. The same man was also very much in favor of energy efficiency and wrote that he would like to have vinyl windows and vinyl soffits because that would increase his energy efficiency. And of course, the CAR would not approve vinyl windows. This email speaks to the point that with enough exceptions to the design guidelines, they really no longer have an historic district, it's changed completely. About ten years ago when the River District Design Guidelines were created and the Old West End Design Guidelines were updated, it was thought that the design commissions needed more flexibility, more latitude. Many of the people he talked to think that both of those commissions have too much discretion and were

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making decisions that were taking away the historic character of those districts. Mr. Liepe asked Council to modify the decision of the CAR to preclude installation of visible solar panels and would also suggest that they direct city staff to review both the River District and Old West End Design Guidelines with an eye toward limiting the discretion of these commissions.

Mayor Jones recognized Ms. Crews, who stated in rebuttal, they do have a process that the Committee of Architectural Review followed, and appreciated that new technologies were at the back door. They need to embrace new technologies because that was what was going to attract people to the neighborhoods; they do want to keep historical context. In this particular issue, the members of the CAR determined that it would have no adverse impact on the historical context of the two homes presented in the application. They do have to embrace new architecture and new ways of doing business but they certainly have to understand that they do have to keep historical context. Ms. Crews stated she has done, in the past several days, quite a bit of reviews of other historical context communities, Charleston, Washington DC, New York and Savannah to name just four, and has found that they too have embraced some technology under certain guidelines. Each and every one of those have embraced this technology.

Mayor Jones recognized Mr. Meder who stated that he would like to point out that CAR was a body of his peers. He asked them to approve this, they have every right to deny him and then if that was the case it would have been fine. He did the due diligence, he talked to Renee Blair and Dr. Liepe twenty one months before he even approached this. The Commission's objective here was that people don't take the parts off the house and throw them away. When it rains and the capitals in the building fade, they have to replace them and rebuild them, not throw them away and go to Lowes and buy plastic. Someone at 154 put up aluminum siding on this house in 1962, cut the water tables off, cut the bottom of the window sill off, carved the wood along the window, threw the gallery balustrade off, and they threw the sawn balustrade. They restored every window, took the siding off, took the lead out, and primed and painted. It was brand new, move in ready and that's what Danville needs.

Mayor Jones asked the City Attorney, Clarke Whitfield to come forward and give Council some history. Mr. Whitfield noted as both Mr. Liepe and Ms. Crews stated, there were two standards that CAR looks at. The first was whether or not it meets the guidelines. Everybody in that hearing, admitted it didn't meet the guidelines, but they have a second step and that second step was if it doesn't meet the guidelines, does it do anything to deteriorate the value of the district or the structure itself. That's where the CAR unanimously voted no, that it didn't. Council was tasked with either affirming the ruling of the CAR and that's the resolution, or as Mr. Liepe has asked, modify, to reverse the CAR, and then Mr. Meder would not be able to keep his solar panels.

Mayor Jones requested that Council direct their questions to the City Attorney. Council Member Buckner questioned was the opposition in question because it was on the side of the house and was visible from the street, and were multiple sets of panels on the property? Mr. Whitfield stated from what he understands it was because it was visible from a public right of way. Mr. Buckner questioned if the panels go away and were moved to the back of the home then they were not visible from the street, was that correct and Mr. Whitfield noted he doesn't believe they would be, he didn't know what right of way was behind there, so he wouldn't know whether or not they would be visible from a right of way. Mr. Meder stated there was a public trail behind this house.

Council Member Campbell questioned what was the compromise or was there a compromise and Mr. Whitfield noted he didn't believe there was a compromise. As Mr. Meder said, there was nowhere they can go, no public right of way where they can't see them if they were to move them. Unfortunately, in this situation, Council was going to have the decision to either affirm or reverse.

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Mr. Campbell questioned as a template for new technology, was there anything to modify or amend and Mr. Whitfield noted he believed there was some work that needed to be done by the Planning Department and the City Attorney's office to bring something back to Council. That was something that everybody agreed may need to be looked at. Mr. Buckner asked if he was correct in understanding the guidelines of the Old West End stated as long as it was not visible from the street, and Mr. Whitfield noted that was correct. Mr. Buckner stated he has never known there to be a street behind 154 Chestnut, and Mr. Whitfield explained it was not just a public street, it was a public way; a public way could mean a sidewalk or an alley in addition to a regular street. Mr. Buckner questioned if it said public way or street and Mr. Whitfield stated it said public way.

Council Member Vogler noted if he heard Mr. Meder correctly, they were placed in the position facing the optimal sunlight so that's why they were where they were. Mr. Vogler asked Mr. Whitfield if he recalled how long this house was vacant prior, and Mr. Whitfield stated he didn't recall, but believed it was probably more than ten years. Mr. Vogler noted to clarify, if Council approved a resolution affirming the CAR's decision, the solar panels stay, and if they reverse, the solar panels have to be removed; Mr. Whitfield noted that was correct. Council Member Saunders questioned if the Commission of Architectural Review's vote was unanimous and Mr. Whitfield noted it was.

Vice Mayor Miller questioned were there panels now on the back of this house, and Mayor Jones noted Mr. Meder said there were. Vice Mayor Miller noted the contract with the Arizona company, how long was that and Mr. Whitfield stated he thought they were the installer and the petitioner was Mr. Meder. Vice Mayor Miller stated all these things have a finite life span; when the panels become obsolete or damaged or new technology comes and they have to be taken off, what happens then, were they back to a metal roof. Mr. Whitfield explained they were always going to have to adhere to the Building Code of Standards and if they become dilapidated then the homeowner was going to be responsible for fixing them and fixing the roof back to the way it currently was now or was prior to installation. Dr. Miller noted it worried him, he was a proponent of solar panels, but what happens at the end of the contract, all that equipment where does it go, to a landfill to be destroyed or get replaced. They have about a thirty year life span then they become deteriorated. Mr. Whitfield stated he assumed the property owner will dispose of them as he sees fit. Dr. Miller questioned what the new standard would be once these were put up, does the new standard become solar panels or something similar or does it go back to metal. Mr. Whitfield explained under today's guidelines, it would be going back to the metal roof if they were to come off.

Council Member Whittle asked if these were going to be on a case by case basis and Mr. Whitfield noted they were. Mr. Whittle stated both these groups were great advocates for this area, and Mr. Whitfield stated that was a great point, and everyone needs to understand that everybody that was here today and spoke were incredible ambassadors for the City. They all care about the City, they just have a difference of opinion about this particular structure. They have all done tremendous amounts of work and been very dedicated and that needs to be recognized.

Council Member Buckner questioned if the panels were installed at 918 Green Street yet, and Mr. Whitfield noted they have not, but they will also be visible from the street. Mr. Meder indicated it impossible not to be visible from anywhere. Council Member Saunders questioned the City Attorney, the rules that follow the regulations governing use, does the City need to look at these policies as opposed to what they were, the world today versus in the past and Mr. Whitfield stated they did. That was something that the Planning department and the City Attorney's office needed to look at together and that's something everybody requested tonight.

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Council Member Campbell questioned how the Council can make a decision knowing there will be some upgrades, or questions on the policy, the way that it was written. Mr. Whitfield explained because they always make the decision on the law that was at hand. Laws were amended every day and there was not a single judge that hasn't made a ruling on a law and within just months had that law changed. Council Member Campbell stated he would like to see this tabled so Council can discuss this in a work session to see what was the best vote they can make in reference to both sides. Mr. Whitfield noted they do have the homeowner who has installed these panels and he's got a lot on the line, and they also have the people who have appealed. Council Member Vogler stated he understood where Reverend Campbell was coming from and to the attorney's point, money has been spent, things have been done. Council has listened to the case for and against. They have a Commission of Architectural Review who looked at this thoroughly and made a decision. And this was a very thorough board that unanimously made a decision on this. As far as things that may or may not be changed down the line, that could apply to any number of things Council votes on just tonight alone. Things could always be changed and approved and Council could table every vote on what might be changed later. Mr. Vogler noted he was ready to vote tonight. Council has heard the case, they have a process in place that has been followed and he was ready to move on.

Mayor Jones noted his agreement with Councilman Vogler, it was time to vote. To all who presented this evening, Mayor Jones thanked them for the way they presented themselves. All the bodies that were involved see a community, that he grew up in, it went from being a Green Street community to the Old West End. What he has seen over the years has been absolutely fantastic.

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

RESOLUTION NO. 2021-10.17

A RESOLUTION AFFIRMING THE COMMISSION OF ARCHITECTURAL REVIEW DECISION TO APPROVE CERTIFICATES OF APPROPRIATENESS FOR ROOFTOP SOLAR PANEL INSTALLATIONS AT 918 GREEN STREET AND 154 CHESTNUT STREET.

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

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY

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

ORDINANCE NO. 2021-10.08

AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY IN AN AMOUNT OF \$125,889.52 AND A LOCAL SHARE IN THE AMOUNT OF \$6,294.48 FOR EQUIPMENT AND

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TO ADMINISTER TRAINING TO THE PUBLIC FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$132,184.00 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 2022 BUDGET APPROPRIATION ORDINANCE FOR COMPREHENSIVE SERVICES ACT FUNDS

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

ORDINANCE NO. 2021-10.09

AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE BY APPROPRIATING COMPREHENSIVE SERVICES ACT FUNDS AND PROVIDING LOCAL MATCHING FUNDS FOR A TOTAL AMOUNT OF \$4,780,388 AND APPROPRIATING SAME.

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

Council Member Saunders noted he would like to ask the City Manager at a subsequent meeting with regard to the Comprehensive Services Act, was the City seeing a decrease in the need to add money, or were they seeing an increase in the need to add money. The whole idea was to give assistance to young people; some of the services can be very, very costly and that was understandable. Were they continuing to escalate in the cost or were they decreasing in the cost.

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager, or City Clerk. City Attorney Clarke Whitfield reminded Council the next Council Meeting will be held on Thursday, November 4, 2021 because of Election Day on Tuesday, November 2, 2021.

Council Member Vogler noted they lost some great people in the community including Linwood Wright, Richard Turner, and Vicky Farmer; a lot of people in this room knew Vicky. She was very special to each and every one of them and they were going to miss her. It was recently reported they had the lowest number of homicides for the summer months for the City of Danville since 2015. It has been going down each year for the past few years, that was for a number of reasons, and it started with Police Chief, Scott Booth. He came, hit the ground running these last few years with community policing and brought a number of initiatives; he has done an amazing job.

Council Member Whittle noted he would never vote to defund the City's police force in any way, they were the absolute best. When it comes to the situation in the Old West End, the next few may not get passed, it was a process, and questioned the City Attorney on a review of the guidelines. Mr. Whitfield noted it will probably take many months of work and then probably a work session. It may not be the next meeting, but it will be at a future meeting.

Council Member Buckner noted he wanted to echo Mr. Whittle's statement, he thinks there was a point of compromise that needed to happen and thinks things should be reviewed. Tonight's outcome was very good, and thinks everyone understood why the decisions were made the way they were. Mr. Buckner noted he loved his conversations with Vicky Farmer and she will be missed. Mr. Buckner invited everyone to the Bridge Street Food Truck Rodeo, this Saturday, from 11:00 a.m. to 6:00 p.m.

October 19, 2021

Council Member Campbell agreed there were some things that needed to be upgraded in the guidelines. Reverend Campbell noted his agreement with what has been said about Vicky Farmer; there was a lot of grief in the community and asked citizens for their prayers.

Council Member Hood noted his condolences to the Wright family and Ms. Farmer's family. Last Saturday, regarding the hip hop event, there were many young people that came out with so many different personalities, encouraging each other, he wanted that to continue. Mr. Hood asked citizens to continue to support Breast Cancer Awareness this month.

Council Member Mayo noted what Council did for the Old West End, having grown up in that area and seeing what was happening, he felt the outcome was the right thing. The Camila Williams tribute was very good, and Mr. Saunders did a great job speaking about the history of the City. Mr. Mayo noted he spoke with Chief Booth and his police force, giving a lot of credit for what he has done, and continuing to make the City the best it can possibly be. Prayers for the young people in the school systems and continuous prayers for the nation dealing with COVID.

Vice Mayor Miller noted he spoke with Vicky Farmer before VML, and then she was gone; people don't realize how quickly they can lose somebody. Dr. Miller noted he read that more policemen died of COVID than shootings; they were out on the front lines. The most important vote this year will be for the school referendum, it needs to be passed so the children can be educated in good, safe, clean buildings. Dr. Miller noted he got his flu shot today and encouraged citizens to get theirs as well as the COVID vaccine; transmission was still high.

Councilman Saunders recognized Officer Tyquan Graves, noted he coached children in the schools, was now a sworn Police Officer, and thanked him for his service. Mr. Saunders noted the event for Camila Williams was very good and at the event Mr. Hood encouraged citizens to "bite off more than you can chew, and then chew it." That was what Camila Williams did, she bit off more than she could chew and ended up world famous. Mr. Saunders thanked Dr. Miller for his reminder on shots, and asked people to continue to pray for the families of Colin Powell, Linwood Wright, Vicky Farmer, Richard Turner and for all the people who have gone on.

Mayor Jones thanked the School Board for what they do, recognized the students from Tunstall High School, and other school board members. Mayor Jones remembered the passing of Vicky Farmer, Norma Brower, Officer Jones, Linwood Wright, and Richard Turner, and encouraged people to pray for their families. Mayor Jones encouraged people to Vote Yes for DPS, and noted Mr. Hood has been appointed to the Virginia Data Advisory Commission for the State of Virginia by the Governor. Mayor Jones noted his appreciation for the work being done with the youth in the City, and the Monster Market Mash was on October 31st at the Community Market.

ADJOURNED: 8:40 P.M.

APPROVED:

s/Alonzo L. Jones
MAYOR

ATTEST:

s/Susan M. DeMasi, CMC
CITY CLERK