

July 5, 2018

The Regular July meeting of the Danville City Council was held on July 5, 2018, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Vice Mayor J. Lee Vogler, Jr., Adam J. Tomer and Madison J.R. Whittle (7). L.G. "Larry" Campbell Jr. and Fred O. Shanks, III, were absent (2).

Staff Members present were: City Manager Ken F. Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Vice Mayor J. Lee Vogler; the Pledge of Allegiance to the Flag followed.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Qonell Totten who discussed the Rock D' Block event on July 14, 2018, presented by Mothers Stronger Together, an intern from DRF and others, to help build community relationships and end violence in the neighborhoods. Mr. Totten invited Council Members to attend the event.

Mayor Jones recognized Dr. Joseph Carbone, Hawthorne Drive, Danville who noted that Council will be considering the special use permit for Two Witches for a covered stage for outdoor music performances. Mr. Carbone played a recording for Council of a band playing at Buffalo Wild Wings and noted he felt it was unacceptable that that level of noise is permitted to disturb the quality of life in a residential community that existed long before any of these establishments. When Two Witches had outdoor performances as well, the two bands make the noise even worse. He has contacted the Danville Police on many occasions only to be told there is nothing they can do, no City codes are being violated. Dr. Carbone discussed sound traveling across and being amplified by the Dan River and stated only a solid wall can prevent the amplification. Dr. Carbone noted he felt it would be wrong of City Council to approve the special use permit for Two Witches to build a 30 x 72' covered stage that would result in even more outdoor music performances. Dr. Carbone stated he was not against the establishment having live music performances but only asked that Council follow the lead of the Federal government and require solid walls between any music on Riverside Drive and along the Riverfront between Robertson and Central Boulevard Bridges to minimize its effect on the Forest Hills community. The only way to achieve sound reducing results is to create a City code requiring all music along this corridor to be fully enclosed.

Council Member Tomer asked Dr. Carbone what time the recording was made and Dr. Carbone noted it was 10:30 p.m., and he believed City Code allows them to play until eleven. City Attorney Clarke Whitfield noted it was between the hours of 6:00 a.m. and 12:00 a.m. in HR-C, Central Business District, TWD and the Planned Shopping Center Commercial District. Council Member Whittle asked if a wall was behind the stage, will that reflect the music and Dr. Carbone noted he did not know.

Vice Mayor Vogler questioned Dr. Carbone about a wall built alongside and parallel to the River and Dr. Carbone stated he is not asking the City to build a wall, he said a solid wall is the only thing that will diminish the sound. He is requesting that the City require the venues

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to fully enclose the music and Mr. Vogler noted Dr. Carbone was stating no outdoor music; Dr. Carbone stated in that area, next to a residential neighborhood.

MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Saunders, minutes from the Regular Council Meeting held on June 5, 2018 were approved as presented. Draft copies had been distributed prior to the Meeting.

NEW BUSINESS

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (OUTDOOR) AT 209 TRADE STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit for 209 Trade Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 21, 2018 and June 28, 2018.

Mayor Jones recognized Ethan and Julie Brown, owners of Two Witches Winery and Brewery at 209 Trade Street who stated they were there to answer any questions.

Dr. Miller questioned what type of music they planned on having and what they planned on doing to temper the music. Mr. Brown noted music at Two Witches begins at the local level, with local musicians who value music and the quality of music they play and listen to. The music that is played is mostly mid-range on the music spectrum; Americana. Their intention with the outdoor stage is to hire professional musicians, and look for quality shows and sounds.

Council Member Buckner noted as a former venue owner, he knows the challenges they faced, but there are fixes for it, it can be insulated. Mrs. Brown explained there is currently fencing on three sides of the property and the way the stage is laid out, the music will face the building. Mrs. Brown stated most of their music has been on Friday nights, from 8:00 p.m. to 10:00 p.m.; they are not interested in having an establishment open until midnight. They have not had issues with the police or the citizens, and they see this as an opportunity to boost tourism and quality of life in the Dan River Region.

Vice Mayor Vogler stated they have had events with music without any stage and Mrs. Brown noted that was correct, they have been open for four years and added outdoor music; this provides an elevated, covered area. Mr. Brown explained the purpose of the Special Use Permit application is they intend to have ticketed events. Director of Community Development Ken Gillie confirmed the Special Use Permit is just for the Commercial Recreation portion. The only reason they need the special use permit is because they will start charging for tickets which means it is a revenue generator and falls under the zoning section, Commercial Recreation.

Council Member Tomer questioned the City Attorney about the noise ordinance, stating he does not see a decibel amount to the ordinance. Mr. Whitfield noted that was correct, a few years ago the Supreme Court ruled that Virginia Beach's noise ordinance was unconstitutional and Danville's was modeled after Virginia Beach. There were two different models, there was the decibel level, and decibel meters are extremely expensive, and this one that replaces a standard that basically said that if it could be heard in the house or a certain distance away

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then it is a violation of code. That fits within the requirements the Supreme Court set down in the Tanner case. Mr. Tomer noted he thinks Council is looking at two separate topics, whether Council wants to give them permission to have professional acts come in and Dr. Carbone's complaint is a separate issue that Council may need to go back and look at, at some point.

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

ORDINANCE NO. 2018-07.01

GRANTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (OUTDOOR) IN ACCORDANCE WITH ARTICLE 3 M, SECTION C, ITEM 4 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED, AT 209 TRADE STREET, OTHERWISE KNOWN AS GRID 1713, BLOCK 003, PARCEL 000008, OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

The Motion was **seconded** by Vice Mayor Vogler and carried by the following vote:

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

PUBLIC HEARING – CONSIDERATION OF AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF DANVILLE IN THE MAXIMUM PRINCIPAL AMOUNT OF \$16,000,000

Mayor Jones opened the floor for a Public Hearing regarding Authorizing the Issuance of General Obligation Bonds. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 21, 2018 and June 28, 2018. No one present desired to be heard and the Public Hearing was closed.

Upon **Motion** by Council Member Buckner, an Ordinance entitled

ORDINANCE NO. 2018-07.02

AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF DANVILLE, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$16,000,000 TO FINANCE THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF VARIOUS CAPITAL PROJECTS

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

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH MILESTONE TOWER LIMITED PARTNERSHIP

Mayor Jones opened the floor for a Public Hearing regarding a Lease Agreement with Milestone Tower Limited. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 21, 2018 and June 28, 2018. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2018-07.01

AUTHORIZING AND APPROVING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH MILESTONE TOWER LIMITED PARTNERSHIP-IV FOR THE PLACEMENT OF A COMMUNICATIONS TOWER AND EQUIPMENT AT 300 GOODE ST.

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

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

AUTHORIZING AN APPLICATION TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR MASS TRANSIT FUNDING

Mayor Jones opened the floor for a Public Hearing regarding an Application to the Virginia Department of Rail and Public Transportation. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 20, 2018 and June 27, 2018. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2018-07.02

AUTHORIZING AN APPLICATION BY THE CITY TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR GRANTS FOR OPERATING AND CAPITAL COSTS FOR PUBLIC TRANSPORTATION FOR FISCAL YEAR 2019

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

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

FILING AN APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE FEDERAL TRANSIT ACT

Mayor Jones opened the floor for a Public Hearing regarding filing an Application to the U.S. Department of Transportation. Notice of the Public Hearing was published in the *Danville Register & Bee* on June 20, 2018 and June 28, 2018. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2018-07.03

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CONFIRMING AND RATIFYING THE FILING OF AN APPLICATION BY THE CITY TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE FEDERAL TRANSIT ACT, AS AMENDED

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

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

AMENDING THE FY2019 BAO TO PROVIDE FOR FEDERAL AND STATE TRANSIT CAPITAL ASSISTANCE FUNDS FOR REGIONAL BUS SERVICE

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

ORDINANCE NO. 2018-07.03

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FEDERAL AND STATE TRANSIT CAPITAL ASSISTANCE FUNDS RELATED TO THE PROVISION OF REGIONAL BUS SERVICE BY THE DANVILLE TRANSIT SYSTEM TO HALIFAX AND PITTSYLVANIA COUNTIES

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

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR A DEPARTMENT OF CRIMINAL JUSTICE SERVICES GRANT TO FUND THE GANG PREVENTION COORDINATOR

Upon **Motion** by Council Member Tomer, an Ordinance entitled:

ORDINANCE NO. 2018-07.04

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR A DEPARTMENT OF CRIMINAL JUSTICE SERVICES, COMMONWEALTH OF VIRGINIA, OFFICE OF THE ATTORNEY GENERAL GRANT FOR ESTABLISHMENT OF THE DANVILLE CRIME PREVENTION TO BE USED TO FUND THE GANG PREVENTION COORDINATOR

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

Mayor Jones asked the City Manager to give Council an update on the Gang Prevention Coordinator and City Manager Ken Larking explained after Council adopted their three focus areas, including reducing violent crime, staff established a Gang Taskforce and Youth Taskforce. The Gang Taskforce, within the first two meetings, decided to go forward with a Comprehensive Gang Model, which is recommended by the Office of Juvenile Justice and Delinquency Prevention and the National Gang Center. As part of the Comprehensive Gang Model, data collection and other preliminary work was done, and according to the

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recommendation, they needed to hire somebody to coordinate all their efforts. Hiring the Gang Taskforce Coordinator was an essential part of moving this project forward. The City hired Robert David who started a few weeks ago, and will be here at the next Council meeting to introduce himself. Mr. David will be taking the data that has been gathered by the Rand Corporation, analyzing crime statistics in Danville, using that to help develop a strategic plan. Once that strategic plan is developed, he will have a road map of what Danville needs to do as a community to improve its situation with regard to gangs. Another thing he will be doing is seeking additional grant funds to help further what he is doing, potentially Workforce Development Funds so he can go out in the Community and encourage people to find jobs or get the training necessary to be qualified to get those jobs. In the meantime, he has been going out and meeting with the professionals in Danville, either non-profits or grass roots efforts that are already working with youth and connecting with them. He is meeting with people, members of the community, and getting his name out there so he can better respond when needed to the issues in the community.

COMMUNICATIONS

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

ROLL CALL

Vice Mayor Vogler thanked Paulette Dean, there will be a discussion tonight in the work session for some modifications to the City's tethering ordinance that Council Member Tomer brought forward. Mr. Vogler reminded citizens, July 14th, Taylor Drive Park from 12:00 – 6:00 p.m. for the Rock D' Block event, and hoped everyone had a great Fourth of July holiday.

Council Member Whittle congratulated the Rotary Club, they did a wonderful job with the Field of Honor.

Council Member Buckner noted the event yesterday at the Carrington Pavilion was great, as well as the Green Street Park event, with great turnouts around the City.

Mayor Jones noted it has been a very busy, exciting week stating he was at the Field of Honor yesterday with Delegate Danny Marshall and others, and thanked the Rotary Club and Mr. Abercrombie for what they did. The Green Street Park event was pulled together at the last minute to do things for the young people in that community, it was very successful. Mayor Jones noted there was also a great event at the Carrington Pavilion. Mayor Jones recognized organizers of the Rock D' Block and explained Council wants partnerships in the community like they have with Rock D' Block. The objective of the Rock D' Block event is to pull in people from that surrounding community, to bring that area back to life. Mr. Jones encouraged citizens, if they see something, to say something, to help with crime in the City; the City needs the help of the citizens.

Council Member Miller noted the Carrington Pavilion event was great, with great music. Dr. Miller noted he went to the Dispatch Office, it is a very stressful job, they are understaffed and that needs to be rectified. There is a non-emergency number, 799-5111, for things that don't rise to the level of emergency, however, there is no caller ID for the nonemergency number and staff needs to look at that again. Dr. Miller noted there are problems with the overall dispatch, problems with Life Care using cell phones based in Fredericksburg, and believes the City needs a joint communication system. Dr. Miller stated there is a reluctance on the

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part of the Life Saving Crew to come doctor's offices, they don't want to do inter-facility transfers, they always send Life Care. Firetrucks cannot transport patients, and many cities have ambulance services with EMTs; Danville needs to look into that.

Council Member Saunders congratulated Mayor Jones on a good job this evening.

The meeting adjourned at 7:47 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK