



City of Richmond

900 East Broad Street
Richmond, VA 23219
www.richmondgov.com/cityclerk

Minutes

Governmental Operations Standing Committee

Thursday, November 14, 2019

12:00 PM

Conference Room, 5th Floor - City Hall

Committee Members and Staff in Attendance

The Honorable Andreas Addison – Chair
The Honorable Parker Agelasto – Member
The Honorable Chris Hilbert – Alternate Member (*late arrival*)
Haskell Brown, Interim City Attorney
Joyce Davis, Council Policy Analyst
Jamie Isley, Assistant City Clerk
Candice Reid, City Clerk
RJ Warren, Deputy City Clerk

Absent

The Honorable Michael Jones – Vice Chair

Call to Order

Chair Andreas Addison called the meeting to order at 12:08 p.m., and presided.

Evacuation Announcement and Citizen Speaker Guidelines

Upon the Chair's request, Assistant City Clerk Jamie Isley provided information on the appropriate manner in which the 5th Floor Conference Room is to be evacuated in the event of an emergency along with citizen speaker guidelines.

Public Comment

There were no public comments.

Approval of Minutes

There were no amendments or corrections to the meeting minutes of Thursday, October 24, 2019, and the committee approved the minutes as presented.

Presentation(s)

There were no presentations.

Board Vacancies

There were no board applications for review.

Alternate Member Chris Hilbert arrived at 12:10 p.m.

Papers for Consideration

The following ordinance was considered:

ORD. 2019-309

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a Memorandum of Agreement between the Federal Communications Commission, the Virginia Department of Historic Resources, and the City of Richmond for the purpose of setting forth conditions pursuant to Section 106 of the National Historic Preservation Act that the City must fulfill in order to construct an E911 self-support communications tower at 1201 North 38th Street.

Patron: Mayor Stoney

Chris Armstrong, Department of Emergency Communications radio system operations manager, introduced ORD. 2019-309 and stated that the proposed ordinance would require the height of the E911 self-support communications tower to be lowered to comply with Federal Aviation Administration regulations.

There were no comments or discussions and **Alternate Member Chris Hilbert moved to forward ORD. 2019-309 to the December 9, 2019, Council meeting with recommendation to approve, which was seconded and unanimously approved.**

The following ordinance was considered:

ORD. 2019-310

To amend City Code §§ 28-837, concerning records of facilities, 28-857, concerning the authority required for the placement and use of poles, wires, and conduits, and 28-862, concerning joint use of existing poles or conduits and board of arbitrators; to amend ch. 28, art. VII, by adding therein a new div. 3 (§§ 28-876-28-882); and to amend Appendix A of the City Code by adding therein new fees for §§ 28-879, 28-880, and 28-881 for the purpose of authorizing the Director of Public Utilities to issue permits for the installation of wireless facilities on City-owned utility poles.

Patron: Mr. Addison

Chair Andreas Addison introduced ORD. 2019-310 and informed the committee that it replaced ORD. 2019-293.

Alfred Scott, Department of Public Utilities (DPU) deputy director, stated that DPU supports ORD. 2019-310 and was available to answer questions.

Interim City Attorney Haskell Brown stated that third-party use of city utilities and future use of third party antenna bandwidth is allowed by law.

Public Hearing Speakers

Stephen Romine, Williams Mullen partner representing Verizon Wireless, spoke in support of ORD. 2019-310 and provided several comments regarding the language of the proposed ordinance to include: joint use of antennas, franchise agreements, free access, quid pro quo, mitigation and revocation, defining the term abandonment, permit renewals, gross negligence, willful misconduct, fee structure requests and language regarding threats. Mr. Romine stated that he would provide the committee with a copy of the comments and concerns.

Chair Addison voiced concern that recommending amendments to ORD. 2019-310 would prolong its adoption and stated that changes could be coordinated administratively with the DPU legal department.

James Hoffman, Verizon Wireless network real estate manager, was available to answer questions regarding Verizon's concerns about the permitting process.

Interim City Attorney Haskell Brown requested information regarding other localities who have utilized an automatic renewal permitting process as opposed to a franchise process.

Alternate Member Chris Hilbert voiced concern regarding the term "willful misconduct" and how it should be defined.

Joshua Parcher, AT&T representative, spoke in support of ORD. 2019-310 and addressed several concerns including equipment removal, compensation and automatic permit renewals. Mr. Jacobs stated that he would provide the committee with examples from other localities within the Commonwealth of Virginia regarding compensation for construction and permit costs.

There were no further comments or discussions and **Member Parker Agelasto moved to forward ORD. 2019-310 to the December 9, 2019, Council meeting with recommendation to approve, which was seconded and unanimously approved.**

The following resolution was considered:

RES. 2019-R064

To request the Richmond delegation to the General Assembly of Virginia to introduce and support the enactment of legislation to amend sections 3.01 and 3.04.1 of the Charter of the City of Richmond to provide that each Council member shall reside in the election district from which such member was elected throughout the member's term on the Council and to authorize the Council to remove any Council member not in compliance with such residency requirement.

Patron: City Council

Member Parker Agelasto introduced RES. 2019-R064.

Alternate Member Chris Hilbert inquired about proof of residency, the process to subpoena for evidence regarding residency and whether the Dillon Rule conflicts with RES. 2019-R064.

Member Agelasto stated that Council member residency, as applied in RES. 2019-R064, is the place in which one primarily sleeps.

Interim City Attorney Haskell Brown advised that a subpoena for proof of residency documents can occur during the investigation portion of the process and that any decision made is appealable to the Richmond Circuit Court. He also stated that RES. 2019-R064 does not conflict with the Dillon Rule because the Virginia General Assembly has the authority to approve the City Charter changes.

There were no further comments or discussions and **Alternate Member Chris Hilbert moved to forward RES. 2019-R064 to the December 9, 2019, Council meeting with recommendation to approve, which was seconded and unanimously approved.**

Discussion Item

December Governmental Operations Standing Committee Meeting

Through consensus of the committee efforts to reschedule the December committee meeting will be postponed until after the December 9, 2019, formal Council meeting has occurred.

Staff Report

Joyce Davis, Council policy analyst, provided the committee with the November staff report.

A copy of the report provided has been filed.

Adjournment

There being no further business, the meeting adjourned at 1:23 p.m.