

The regular January Meeting of City Council was held on January 5, 2010 at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, L. G. "Larry" Campbell Jr., T. David Luther, Gary P. Miller, Vice-Mayor T. Wayne Oakes, Albert K. "Buddy" Rawley Jr., Mayor Sherman M. Saunders, Fred O. Shanks III, and Adam J. Tomer (9).

Staff Members present were: City Manager M. Lyle Lacy III, City Attorney W. Clarke Whitfield Jr. and City Clerk Annette Y. Crane, CMC.

Other Staff Members present were Transportation Services Director Marc Adelman, Chief of Police Philip Broadfoot, Finance Director Barbara Dameron, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Management Analyst Amanda Paez, Parks, Recreation and Tourism Director Bill Sgrinia and Deputy Public Works Director/City Engineer Kent Shelton.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Saunders offered the Invocation. The Pledge of Allegiance to the Flag followed.

MINUTES

Council Member Archie moved approval of the Minutes of the December 15, 2009 Regular Meeting of City Council.

Council Member Luther advised a portion of his comments were incorrectly stated in the December 15 Minutes. In the matter relating to a request for a Special Use Permit for a Bed and Breakfast at 284 West Main Street, Mr. Luther stated his comments were "...approved it for two rooms, years ago" and not "approved it two years ago."

City Clerk Crane noted the correction.

Mr. Luther seconded the Motion and the Minutes were approved as amended.

PUBLIC HEARING - SPECIAL USE PERMIT AT 284 WEST MAIN STREET

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to operate a bed and breakfast at 284 West Main Street. Notice of the Public Hearing was published in the Register and Bee on December 22 and 29, 2009.

The matter had been tabled during the December 15, 2009 Council Meeting following Ms. Brokaw's request during the meeting for a two-room facility rather than the one-room bed and breakfast recommended by the Planning Commission.

Applicant Brenda Brokaw appeared to answer questions from Council Members and citizens. Ms. Brokaw reported she had obtained written permission from her neighbor to allow customers to park on the neighbor's property in order to meet parking requirements for a two-room bed and breakfast. In response to Mr. Shanks, Planning Director Gillie stated he had received the signed agreement and the document was on file in his office.

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

Council Member Rawley moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-01.01

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR THE OPERATION OF A BED AND BREAKFAST IN ACCORDANCE WITH ARTICLE 3.E, SECTION C, ITEM 3, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 284 WEST MAIN STREET.

The Motion was seconded by Vice-Mayor Oakes and carried by the following vote:

VOTE: 9-0
AYE: Archie, Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks and Tomer (9)
NAY: None (0).

PUBLIC HEARING-AIRSIDE/CANE CREEK/ROCKSPRINGS TRANSMISSION LINE PROPERTY EASEMENT

Mayor Saunders opened the floor for a Public Hearing to consider a request for the conveyance of property located on State Road 730 for a transmission line easement. Notice of the Public Hearing had been published in the Danville Register and Bee on December 26, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks moved adoption of a Resolution entitled:

RESOLUTION NO. 2010-01.01

A RESOLUTION AUTHORIZING AND APPROVING THE CITY MANAGER TO CONVEY BY QUITCLAIM DEED A 0.145 ACRE GAP PROPERTY LOCATED ON STATE ROAD 730, ALSO KNOWN AS WILKERSON ROAD, BETWEEN PARCEL ID NUMBERS 2337-89-3624 AND 2337-89-6649.

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

VOTE: 9-0
AYE: Archie, Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks and Tomer (9)
NAY: None (0).

BUDGET AMENDMENT-FY 2010 - J.T.-MINNIE MAUDE CHARITABLE TRUST

Upon Motion by Council Member Archie and second by Council Member Rawley, an Ordinance entitled:

ORDINANCE NO. 2010-01.02

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE BY INCREASING CERTAIN REVENUES TO PROVIDE FOR GRANT FUNDS FOR SENIOR TRANSPORTATION SERVICES IN THE AMOUNT OF \$16,924 AND APPROPRIATING THE SAME

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

REQUEST VDOT TO ADD OR DELETE CERTAIN STREETS FROM CITY HIGHWAY MAINTENANCE SYSTEM

Council Member Shanks moved adoption of a Resolution entitled:

RESOLUTION NO. 2010-01.02

A RESOLUTION AUTHORIZING AND APPROVING A REQUEST BY THE CITY TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION THAT CERTAIN STREETS BE ADDED TO AND DELETED FROM THE DANVILLE HIGHWAY MAINTENANCE SYSTEM.

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

VOTE: 9-0
AYE: Archie, Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks and Tomer (9)
NAY: None (0).

CODE AMENDMENT-CHAPTER 2-ADD ARTICLE XVI-"COALITION FOR A SAFE DANVILLE"

Council Member Campbell moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-01.03

AN ORDINANCE AMENDING CHAPTER 2 OF THE DANVILLE CITY CODE BY ADDING ARTICLE XVI, ENTITLED "COALITION FOR A SAFE DANVILLE."

Vice-Mayor Oakes seconded the Motion.

Vice-Mayor Oakes called attention to Section 2-246 of the Ordinance entitled "Term." He recalled that during Work Session discussions it was decided the Coalition's initial term would be three years, extended as warranted by City Council. In the Ordinance before Council for consideration, it states the term of the Coalition shall be through December 31, 2013. He stated that

would calculate to four years. Mr. Oakes moved to amend Section 2-246 to read, "The term of the Coalition shall be through December 31, 2012, subject to extension by Council." Mr. Rawley seconded and the Motion carried unanimously.

The Original Motion, as amended, carried by the following vote:

VOTE: 9-0
AYE: Archie, Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks and Tomer (9)
NAY: None (0).

CODE AMENDMENT-ADD CHAPTER 23.1 ENTITLED "NOISE"

Council Member Archie moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-01.04

AN ORDINANCE TO ORDAIN A NEW CHAPTER 23.1, ENTITLED "NOISE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA.

Council Member Tomer seconded the Motion.

City Attorney Whitfield advised that recently the Virginia Supreme Court reversed a conviction under the City of Virginia Beach's noise ordinance. Because the City's current noise ordinance contains similar language to what the court found objectionable, it has been modified to incorporate new standards set forth in a Report of the Local Government Attorneys of Virginia' Ad Hoc Committee on Noise Ordinances. Mr. Whitfield advised the new language would comply with current case law.

Following considerable discussion by Council Members and the noting of several concerns with the Ordinance as presented, it was decided further discussion would be held during the next Council Work Session.

The Ordinance was adopted by the following vote:

VOTE: 9-0
AYE: Archie, Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks and Tomer (9)
NAY: None (0).

CODE AMENDMENT-CHAPTER 23 ENTITLED "OFFENSES-MISCELLANEOUS"

Vice-Mayor Oakes moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-01.05

AN ORDINANCE REPEALING AND REORDAINING CHAPTER 23, ENTITLED "OFFENSES - MISCELLANEOUS," OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, TO UPDATE CRIMES AND OFFENSES THAT ARE CHARGEABLE UNDER THE CODE OF THE CITY OF DANVILLE, VIRGINIA.

Council Member Archie seconded the Motion.

Several Council Members expressed concerns about certain sections of the Ordinance. It was decided further discussion would take place during the next Council Work Session.

The Ordinance was adopted by the following vote:

VOTE: 9-0
AYE: Archie, Campbell, Luther, Miller, Oakes, Rawley,
Saunders, Shanks and Tomer (9)
NAY: None (0).

AMEND CDBG ACTION PLAN PROGRAM FUNDS - FY 2009-2010

Council Member Rawley moved adoption of a Resolution entitled:

RESOLUTION NO. 2010-01.03

A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AMENDMENT OF THE CITY OF DANVILLE'S CONSOLIDATED ACTION PLAN FOR THE FISCAL YEAR JULY 1, 2009 - JUNE 30, 2010.

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

VOTE: 9-0
AYE: Archie, Campbell, Luther, Miller, Oakes, Rawley,
Saunders, Shanks and Tomer (9)
NAY: None (0).

REDUCE SEWER CHARGES FO HALIFAX COUNTY SERVICE AUTHORITY

Council Member Luther moved adoption of a Resolution entitled:

RESOLUTION NO. 2010-01.04

A RESOLUTION AUTHORIZING A TWO-YEAR REDUCTION IN SEWER CHARGES TO THE HALIFAX COUNTY SERVICE AUTHORITY.

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

VOTE: 9-0
AYE: Archie, Campbell, Luther, Miller, Oakes, Rawley,
Saunders, Shanks and Tomer (9)
NAY: None (0).

COMMUNICATIONS

City Manager Lacy advised the Kick-Off Meeting of the Coalition for a Safe Danville is set for Tuesday, January 26, 2010, 1:30 to

4:30 P.M. at The Institute for Advanced Learning and Research, 150 Slayton Avenue.

Mr. Lacy called attention to the Summary of Financial Results for Month ended November 30, 2009 that had been placed at the desk of each Council Member prior to the Meeting.

The City Attorney and the City Clerk extended Happy New Year greetings.

ROLL CALL

Council Members offered Happy New Year greetings to all.

Council Members congratulated newly promoted Police Department personnel: Major Dean Hairston promoted to Lt. Colonel (Deputy Chief of Police); Captain Ed Burke promoted to Major; Lt. Dennis Haley promoted to Captain; Sergeant Brad Robertson promoted to Lieutenant; Corporal Erica Talley promoted to Sergeant, and Officer Nicole Slover promoted to Corporal.

Council Members congratulated Pittsylvania County Board of Supervisors (BOS) Member Hank Davis. Mr. Davis was elected Chairman of the Board during Monday night's BOS Meeting held in Chatham.

At the request of Mr. Shanks, Mr. Lacy stated there would be a 5:30 P.M. dinner Work Session on Tuesday, January 19 to consider a recycling program. Mr. Shanks stated he had received several requests to locate a drop-off center in the southern end of the City.

Council Member Rawley congratulated Cathy Milam on the establishment of a dental clinic in Danville. Mr. Rawley stated the clinic had been a dream of Ms. Milam's for many years.

The Meeting adjourned at 7:53 P.M.

APPROVED:

MAYOR

ATTEST:

CITY CLERK