

The regular February Meeting of City Council was held on February 1, 2011 at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: L. G. "Larry" Campbell Jr., John B. Gilstrap, Alonzo L. Jones, Vice Mayor T. David Luther, Gary P. Miller, Albert K. "Buddy" Rawley Jr., Mayor Sherman M. Saunders, Fred O. Shanks III, and Adam J. Tomer (9).

Staff Members present were: City Manager Joseph C. King, Deputy City Manager David A. Parrish, City Attorney W. Clarke Whitfield Jr. and City Clerk Susan M. DeMasi.

Other Staff Members present were Planning Director Ken Gillie, Community Development Director Earl Reynolds, Finance Director Barbara Dameron, Budget Director Cynthia Thomasson and Economic Development Director Jeremy Stratton.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor T. David Luther offered the Invocation. The Pledge of Allegiance to the Flag followed.

COMMUNICATION FROM VISITORS

Mayor Saunders recognized Mark Rembold, a resident of Danville. Mr. Rembold informed the City that in April, 2000 he had his property on Annhurst Drive rezoned to M-I light industrial for a greenhouse business. Last fall, he was contacted by Kent Shelton of the City inquiring if Mr. Rembold was interested in selling a portion of his property. Mr. Rembold was informed at that time that his property was zoned Residential. Mr. Rembold spoke with Ken Gillie of the City who informed Mr. Rembold that his property zoning had been changed in 2004 in a citywide re-zoning. Mr. Rembold would like the City to look into this matter and he would like his property rezoned back. Mr. King was asked to look into this matter and report back to Mr. Rembold and Council.

COMMUNICATIONS FROM VISITORS

Bruce Hedrick, employed by Star News Corporation, WMDV, thanked the City, City Council and all City Agencies for their support through the WMDV television station. Mr. Hedrick would like to invite Council members, City Manager and others to appear on WMDV.

COMMUNICATIONS FROM VISITORS

Mayor Saunders recognized Laura Meder, President of the Board of the YWCA. Ms. Meder discussed the financial challenges in operating the YWCA. Their largest expense is their utility bill which was over

\$62,000.00 last year. Ms. Meder asked Council for assistance with a reduced utility rate for the YWCA. Council members recognized the importance of the YWCA to the Danville community and thanked Ms. Meder and her board for their hard work. Mr. King discussed City utility rates and usage. Ms. Meder thanked the Council for their time, comments and suggestions.

MINUTES

Upon Motion by Vice Mayor Luther and second by Council Member Rawley, Minutes of the January 18, 2011 Regular Council Meeting were approved as presented. Draft copies had been distributed prior to the Meeting.

PUBLIC HEARING-REQUEST TO REZONE-RIVER OAK DRIVE

Mayor Saunders opened the floor for a Public Hearing to consider a request to Rezone 0.85 Acres Fronting on River Oak Drive. Notice of the Public Hearing was published in the Danville Register and Bee on January 18 and January 25, 2011.

Applicant Brian Shields thanked members of Council for the opportunity to appear with respect to his request. Mr. Shields informed Council the property to be rezoned is vacant and there are no homes on that tract or the larger tract located behind it.

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

Mr. Gilstrap moved adoption of an Ordinance entitled:

ORDINANCE NO. 2011-02.01

AN ORDINANCE REZONING FROM S-R, SUBURBAN RESIDENTIAL TO T-R, THRESHOLD RESIDENTIAL DISTRICT, 0.85 ACRES FRONTING ON RIVER OAK DRIVE.

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

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

PUBLIC HEARING-SPECIAL USE PERMIT - 115 RIVERSIDE DRIVE

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit for a Use with Lot Frontage on the Dan River at 115 Riverside Drive. Notice of the Public Hearing was published in the Danville Register and Bee on January 18 and January 25, 2011.

Danville YMCA Executive Director and CEO, Sarah Folmar, appeared to request approval of the special use permit at 115 Riverside Drive. Brian Bradner from Dewberry and Davis also appeared to answer any questions.

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

STATEMENT OF CONFLICT OF INTEREST

I, Fred O. Shanks III do hereby state that I have a conflict of interest regarding the request for a Special Use Permit for a Use with Lot Frontage on the Dan River in Accordance with Article 3L, Section C, Item 11, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 115 Riverside Drive. Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code Section 2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this the 1st day of February, 2011.

s/Fred O. Shanks III

Council Member Jones moved adoption of an Ordinance entitled:

ORDINANCE NO. 2011-02.02

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A USE WITH LOT FRONTAGE ON THE DAN RIVER IN ACCORDANCE WITH ARTICLE 3L, SECTION C, ITEM 11, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 115 RIVERSIDE DRIVE.

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

VOTE: 8-1
AYE: Campbell, Gilstrap, Jones, Luther, Miller, Rawley, Saunders, and Tomer (8)
NAY: Shanks (1).

PUBLIC HEARING-SPECIAL USE PERMIT- 936 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 936 Main Street. Notice of the Public Hearing was published in the Danville Register and Bee on January 18 and January 25, 2011.

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

Council Member Campbell moved adoption of an Ordinance entitled:

ORDINANCE NO. 2011-02.03

ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A BED AND BREAKFAST IN ACCORDANCE WITH ARTICLE 3E, SECTION C, ITEM 3, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986 AS AMENDED, AT 936 MAIN STREET SUBJECT TO CONDITIONS.

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

VOTE: 9-0
AYE: Campbell, Gilstrap, Jones, Luther, Miller, Rawley,
Saunders, Shanks and Tomer (9)
NAY: (0).

PUBLIC HEARING--SPECIAL USE PERMIT-1131 PINEY FOREST ROAD

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow indoor commercial recreation at 1131 Piney Forest Road for the operation of an internet cafe. Notice of the Public Hearing was published in the Danville Register and Bee on January 18 and January 25, 2011.

No one present desired to be heard and the Public Hearing was Closed.

Council Member Shanks moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-02.01

A RESOLUTION DENYING A SPECIAL USE PERMIT TO ALLOW INDOOR COMMERCIAL RECREATION IN ACCORDANCE WITH ARTICLE 3M, SECTION C, ITEM 4, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1131 PINEY FOREST ROAD.

Council Member Jones seconded the Motion.

Council Member Shanks stated his concern regarding these establishments operating, at least partially, as adult entertainment establishments at this location.

The Resolution was adopted and carried by the following vote:

VOTE: 9-0
AYE: Campbell, Gilstrap, Jones, Luther, Miller, Rawley,
Saunders, Shanks and Tomer (9)
NAY: (0).

PUBLIC HEARING-AMENDING AND REORDAINING CERTAIN SECTIONS OF THE CITY CODE

Mayor Saunders opened the floor for a Public Hearing to consider a request to amend and reordain certain sections of Chapter 41, Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as Amended. Notice of the Public Hearing was published in the Danville Register and Bee on January 18 and January 25, 2011.

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

Council Member Tomer moved adoption of an Ordinance entitled:

ORDINANCE NO. 2011-02.04

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF CHAPTER 41, ENTITLED "ZONING ORDINANCE", OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, INCLUDING SPECIFIC SECTIONS IN ARTICLE 15, ENTITLED "DEFINITIONS", AND ARTICLE 3Q, ENTITLED "M-I, INDUSTRIAL DISTRICT", SECTION C, ENTITLED "USES PERMITTED BY SPECIAL USE PERMIT" AND SECTION I, ENTITLED "ADDITIONAL REGULATIONS".

The Motion was seconded by Vice Mayor Luther.

Vice Mayor Luther and Mr. Shanks noted the State's proposed legislation with respect to internet cafes. Mr. Gillie noted the City is aware of these bills and are monitoring their progress. Mr. Gillie stated that there are only two lots that qualify in Danville for this type of business.

Upon Motion by Council Member Gilstrap and second by Council Member Campbell and by vote, further consideration of the matter was **tabled**.

- VOTE: 6-3
- AYE: Campbell, Gilstrap, Jones, Rawley, Saunders, and Shanks (6)
- NAY: Luther, Miller and Tomer (3).

CONSIDERATION - CITY'S ECONOMIC DEVELOPMENT PROJECTS - FY 2011-2012

Council Member Tomer moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-02.02

A RESOLUTION APPROVING SUBMISSION OF THE COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY PRIORITY PROJECTS FOR MAINTAINING DANVILLE'S STATUS AS A REDEVELOPMENT AREA UNDER THE ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAM.

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

VOTE: 9-0
AYE: Campbell, Gilstrap, Jones, Luther, Miller, Rawley, Saunders, Shanks and Tomer (9)
NAY: (0).

Mr. King explained the projects are ranked in priority for the Planning District Commission. Vice Mayor Luther noted there was no Airport Improvements on list. Mr. King stated the Airport should have been included and requested that a Motion be made to include Airport improvements in the list.

Vice Mayor Luther made the motion to include the Airport improvements in the Economic Development Strategy Priority Projects.

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

VOTE: 9-0
AYE: Campbell, Gilstrap, Jones, Luther, Miller, Rawley, Saunders, Shanks and Tomer (9)
NAY: (0).

COMMUNICATIONS

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

ROLL CALL

Council Member Gilstrap, Jones and Miller thanked the School Board for inviting City Council to the joint meeting.

The Meeting adjourned at 8:15 P.M.

APPROVED:

MAYOR

ATTEST:

CITY CLERK