

The regular June Meeting of City Council was held on June 7, 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: Finance Director Barbara Dameron, Interim Director of Utilities Jim Harr, Chief of Police Philip Broadfoot, Public Information Officer Arnold Hendrix, Director of Transportation Services Marc Adelman, Planning Director Kenny Gillie, Human Resources Director Sara Weller, and Tammy Owens of Human Resources.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Albert K. "Buddy" Rawley Jr., offered the Invocation. The Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Saunders recognized Dr. Tiffany M. Franks, President of Averett University. Dr. Franks gave the Averett University Update and noted that Averett now has 1300 undergraduate and graduate students in Danville and over 2600 students across the Commonwealth, with over 4,000 alumni in the City and over 25,000 alumni worldwide. Dr. Franks reviewed improvements and additions made to the campus as well new programs such as a new Halloween program on West Main partnered with West Main Churches; a new display of Christmas lights and the Martin Luther King prayer breakfast.

Mayor Saunders read a Proclamation entitled "National Ride to Work Day" and introduced Mr. Mark McFaddin, Motorcycle Safety Program Coordinator at Danville Community College and Director of Planning Kenny Gillie, who is also a licensed instructor at Danville Community College.

COMMUNICATION FROM VISITORS

Mayor Saunders recognized the following citizens:

Ms. Cynthia Poke, who noted she was a retired teacher and had also worked at Social Services earlier in her career. Ms. Poke spoke in opposition of the elimination of the Human Services Department.

Dr. Frankie T. Jones, Sr., Pastor of Beulah Missionary Baptist Church, spoke against elimination of Human Services Department.

Ms. Doris Wilson, questioned how many departments Earl Reynolds would be supervising.

Ms. Patrina Carter, employed by Averett, Director for Career Services, spoke against the elimination of Human Services Department.

Ms. Patricia Taylor, commented on the Downtowner being purchased by the Danville Regional Foundation and stated that Foundation Funds should be used to help the citizens of Danville. Ms. Taylor also commented about the Institute for Advanced Learning and Research.

Pastor Rufus Fuller, spoke about the fee for use of the Carrington Pavilion for Church event.

Reverend Chappelle, President of the Urban Renewal Coalition, commented on the blight problem in Danville, asking for more detail on the City's plan for blight; and also asked the City to use local contractors to do the work.

Ms. Tracy Gunter, stated that the police had raided her house at 165 North Avenue and came to see if she could get some help from Council.

Lee Vogler, expressed his optimism and excitement with the Downtowner Motel purchase and stated his hope that this area could be used to provide parking for downtown Danville.

Mayor Saunders thanked the citizens for coming and called for 15 minute recess (8:05 p.m.)

Upon return from the recess, Mayor Saunders recognized Marianne Carter, a resident of the Danville House, who requested the City provide more wheelchair accessibility for handicapped residents.

PROPOSED FY 2012 BUDGET

AMENDING AND ESTABLISHING CERTAIN FEES

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

ORDINANCE NO. 2011-06.01

AMENDING AND ESTABLISHING CERTAIN FEES AND CHARGES FOR FIRE, POLICE, PUBLIC WORKS NUISANCE VIOLATIONS, INFORMATION TECHNOLOGY, INSPECTIONS, AND MASS TRANSIT EFFECTIVE JULY 1, 2011

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

ESTABLISHING CERTAIN SANITATION USER FEES

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

ORDINANCE NO. 2011-06.02

ESTABLISHING CERTAIN SANITATION USER FEES OF THE CITY OF DANVILLE, DEPARTMENT OF PUBLIC WORKS, EFFECTIVE JULY 1, 2011

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

ESTABLISHING NEW FEES AND CHARGES - CEMETARY

Upon **Motion** by Council Member Jones and **second** by Council Member Miller, an Ordinance entitled:

ORDINANCE NO. 2011-06.03

ESTABLISHING NEW FEES AND CHARGES FOR THE TRANSFER OF OWNERSHIP OF GRAVES, PERMITS FOR MARKERS, MONUMENTS, AND VAULTS, AND VARIOUS OTHER PERMIT AND OVERTIME CHARGES FOR SERVICES RENDERED BY THE CITY

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

APPROVE - FISCAL YEAR 2012 CITY BUDGET AND CAPITAL IMPROVEMENT PLAN

Mayor Saunders opened the floor for a Public Hearing to consider the Proposed Fiscal Year 2012 City Budget and Capital Improvements Plan. Notice of the Public Hearing was published in the Danville Register and Bee on May 27, 2011.

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

Upon **Motion** by Council Member Campbell and **second** by Council Member Tomer, a Resolution entitled:

RESOLUTION NO. 2011-06.01

APPROVING THE BUDGETS OF THE VARIOUS FUNDS OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

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

APPROVE FY 2012 CAPITAL IMPROVEMENT PLAN

Upon **Motion** by Council Member Tomer and **second** by Council Member Jones, a Resolution entitled:

RESOLUTION NO. 2011-06.02

APPROVING THE FISCAL YEAR 2012 CAPITAL IMPROVEMENTS PLAN FOR THE CITY OF DANVILLE, VIRGINIA.

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

APPROVE BUDGET APPROPRIATION

Upon **Motion** by Council Member Shanks and **second** by Vice Mayor Luther, an Ordinance entitled:

ORDINANCE NO. 2011-06.03

BUDGET APPROPRIATION ORDINANCE FOR FISCAL YEAR 2012

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

OLD BUSINESS**MINUTES**

Upon **Motion** by Council Member Tomer and **second** by Council Member Campbell, Approval of Minutes for the Special Public Input meeting on the Proposed FY 2012 Budget held on Thursday, May 12, 2011 and the Regular Council Meeting held on May 17, 2011 were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

APPOINTMENTS

Vice Mayor Luther **moved** adoption of the following Resolutions:

2011-06.03 - Reappointing Charles Ellis as Member of the Airport Commission.

2011-06.04 - Reappointing Mark Stevens as Member of the Airport Commission.

2011-06.05 - Appointing Debbie S. Flinn as a Member of the Dan River Alcohol Safety Action Program.

2011-06.06 - Reappointing Elizabeth S. Spainhour as a Member of the Danville Community College Board of Trustees.

2011-06.07 - Reappointing Sherman M. Saunders as Member of the Danville Development Council.

2011-06.08 - Reappointing William H. Brown as a Member of the Danville Pittsylvania Community Services Board.

2011-06.09 - Reappointing Anne T. Geyer as a Member of the Danville Pittsylvania Community Services Board.

2011-06.10 - Reappointing Polly B. Humphrey as a Member of the Danville Pittsylvania Community Services Board.

2011-06.11 - Reappointing H. Phillip Smith as a Member of the Danville Utility Commission.

2011-06.12 - Reappointing Robert T. Vaughan as a Member of the Danville Utility Commission.

2011-06.13 - Appointing Annette Y. Crane as a Member of the Southern Area Agency on Aging to Fill the Unexpired Term of Ramona Fletcher Ending February 28, 2012.

2011-06.14 - Appointing Phyllis Hamlin as a Member of the Southern Area Agency on Aging to Fill the Unexpired Term of Phillip W. Campbell Ending February 28, 2012.

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

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

NEW BUSINESS

PUBLIC HEARING - CONSIDERATION SPECIAL USE PERMIT – GROUP HOME 157 BROAD STREET

Mayor Saunders opened the floor for a Public Hearing for Consideration of a Special Use Permit to Allow for the Operation of a Group Home at 157 Broad Street. Notice of the Public Hearing was published in the Danville Register and Bee on May 24, and May 31, 2011.

Ms. Vicky Adams Lovelace, co-owner with her husband Stewart Lovelace of the Lee Home for Adults appeared before council. Ms. Lovelace stated the home was a 13 bed, assisted living facility and employs five staff members. Ms. Lovelace answered Council's questions regarding an earlier proposed expansion. Kenny Gillie, Director of Planning explained the reason for the required five additional parking spaces. After further discussion with Ms. Lovelace and at her request, the Council decided to table the Ordinance.

Council Member Tomer moved to **TABLE** an ORDINANCE entitled:

ORDINANCE NO. 2011-06.05

GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A GROUP HOME IN ACCORDANCE WITH ARTICLE 3E, SECTION C, ITEM 9, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 157 BROAD STREET, SUBJECT TO CONDITIONS

The Motion was **seconded** by Council Member Rawley 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 – AMEND YEAR 2020 LAND USE PLAN - REZONE FROM M-R TO A-R, 0.24 ACRES ON THUNDERBIRD CIRCLE

Mayor Saunders opened the floor for a Public Hearing for Consideration of Amending the Year 2020 Land Use Plan from Suburban Single Family Residential to Attached and Mixed Residential and to Rezone from M-R, Multi-family Residential to A-R, Attached Residential District, 0.24 acres on Thunderbird Circle. Notice of the Public Hearing was published in the Danville Register and Bee on May 24, and May 31, 2011.

Ms. Clementine Tunstall, 629 Springfield Road, appeared to speak against the proposed rezoning. Ms. Tunstall spoke about problems in the area with the existing rental properties. Council asked questions and discussed the area with Ms. Tunstall.

Council Member Rawley **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.06

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM SUBURBAN SINGLE FAMILY RESIDENTIAL TO ATTACHED AND MIXED RESIDENTIAL AND TO REZONE FROM M-R, MULTI-FAMILY RESIDENTIAL TO A-R, ATTACHED RESIDENTIAL DISTRICT, 0.25 ACRES ON THUNDERBIRD CIRCLE.

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

STATEMENT OF CONFLICT OF INTEREST

I, **Fred O. Shanks, III**, do hereby state that I have a conflict of interest regarding the rezonings listed as New Business agenda items X(B)&(C). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this the 7th day of June, 2011.

s/Fred O. Shanks, III

VOTE: 8-0-1
AYE: Campbell, Gilstrap, Jones, Luther, Miller,
Rawley, Saunders, and Tomer (8)
NAY: None (0)
ABSTAIN: Shanks (1)

PUBLIC HEARING – AMEND YEAR 2020 LAND USE PLAN - REZONE FROM M-R TO A-R, 0.25 ACRES ON THUNDERBIRD CIRCLE

Mayor Saunders opened the floor for a Public Hearing for Consideration of Amending the Year 2020 Land Use Plan from Suburban Single Family Residential to Attached and Mixed Residential and to Rezone from M-R, Multi-family Residential to A-R, Attached Residential District, 0.25 acres on Thunderbird Circle. Notice of the Public Hearing was published in the Danville Register and Bee on May 24, and May 31, 2011.

Ms. Clementine Tunstall, 629 Springfield Road, spoke against this proposed re-zoning.

Council Member Tomer **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.07

AMENDING THE YEAR 2020 LAND USE PLAN FROM SUBURBAN SINGLE FAMILY RESIDENTIAL TO ATTACHED AND MIXED RESIDENTIAL AND TO REZONE FROM M-R, MULTI-FAMILY RESIDENTIAL TO A-R, ATTACHED RESIDENTIAL DISTRICT, 0.25 ACRES ON THUNDERBIRD CIRCLE.

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

STATEMENT OF CONFLICT OF INTEREST

I, **Fred O. Shanks, III**, do hereby state that I have a conflict of interest regarding the rezonings listed as New Business agenda items X(B)&(C). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this the 7th day of June, 2011.

s/Fred O. Shanks, III

VOTE: 8-0-1
AYE: Campbell, Gilstrap, Jones, Luther, Miller,
Rawley, Saunders, and Tomer (8)
NAY: None (0)
ABSTAIN: Shanks (1)

PUBLIC HEARING – INTENT TO REIMBURSE EXPENDITURE WITH PROCEEDS OF BORROWING AND ORDINANCE AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS - MAXIMUM PRINCIPAL AMOUNT - \$36,490,000

Mayor Saunders opened the floor for a Public Hearing to consider a Resolution of Official Intent to Reimburse Expenditures with Proceeds of a Borrowing and an Ordinance Authorizing the Issuance of General Obligation Bonds in the Maximum Principal Amount of \$36,490,000 to Finance the Acquisition, Construction and/or Equipping of Various Capital Projects. Notice of the Public Hearing was published in the Danville Register & Bee on May 22, and May 29, 2011.

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

CONSIDERATION – INTENT TO REIMBURSE EXPENDITURES

Council Member Campbell **moved** adoption of a Resolution entitled:

RESOLUTION NO. 2011-06.15

RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF BORROWING

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

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

CONSIDERATION – ISSUANCE OF GENERAL OBLIGATION BONDS - \$36,490,000

Council Member Rawley **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.08

AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF DANVILLE, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$36,490,000 TO

FINANCE THE ACQUISITION, CONSTRUCTION AND/OR EQUIPPING OF VARIOUS CAPITAL PROJECTS

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

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

BUDGET AMENDMENT – FY 2011 – \$8,050 – GRANT FROM US DHS – DANVILLE POLICE DEPARTMENT – MAINTENANCE COSTS

Upon **Motion** by Vice Mayor Luther and **second** by Council Member Jones, an Ordinance entitled:

ORDINANCE NO. 2011-06.09

AMENDING THE FISCAL YEAR 2011 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE TO ANTICIPATE THE RECEIPT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY THROUGH THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM IN THE AMOUNT OF \$8,050 AND APPROPRIATING SAME

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

Vice Mayor Luther noted to Police Chief Broadfoot that the License Plate Reader was a great device but noticed more and more citizens putting blackouts on their license plates to prevent them being photographed. Vice Mayor Luther questioned Police Chief Broadfoot if that practice was legal. Chief Broadfoot noted that it is illegal to put any type of covering over a license plate but has not heard any comments from the officers operating the LPR that this was interfering with its function.

CONSIDERATION – ORGANIZING AND CODIFYING THE DANVILLE DEVELOPMENT AUTHORITY

Council Member Jones **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.10

ORGANIZING AND CODIFYING THE DANVILLE DEVELOPMENT AUTHORITY CREATED UNDER CHAPTER 643 OF THE 1964 VIRGINIA ACTS OF THE ASSEMBLY AS AMENDED FROM TIME TO TIME AND POSSESSING THOSE CERTAIN PUBLIC AND CORPORATE POWERS, PURSUANT TO CHAPTER 49 OF TITLE 15.2 OF THE CODE OF VIRGINIA 1950, AS AMENDED AND AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, BY ADDING ARTICLE XVIII, ENTITLED “DANVILLE DEVELOPMENT AUTHORITY”.

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

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

CONSIDERATION – CODIFICATION OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA

Council Member Campbell **moved** adoption of the following Ordinance entitled:

ORDINANCE NO. 2011-06.11

AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, BY ADDING ARTICLE XVII, ENTITLED “INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA”.

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

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

COMMUNICATIONS

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

ROLL CALL

Council Members noted that this has been a difficult budget session, but Council needs to continue to work make the City smaller and more efficient.

Council Members also thanked all the citizens for attending the various regular and special budget work sessions and expressing their opinions. Many members noted they have never seen so many people attending the sessions and appreciate their participation.

Council Members Campbell and Miller noted they were thankful to see that the Downtowner Motel had been sold with the participation of the Regional Foundation and the Economic Development Team.

Council Member Gilstrap expressed his appreciation to Dr. Franks, Averett students, staff and faculty, and noted that Averett is a hometown University and they are doing a tremendous job. He added that 44 of those students are Big Brothers and Big Sisters.

Mayor Saunders expressed his sadness over the passing of Mr. Jim Peters, known to many in the City of Danville as very civic minded, caring, and helpful businessman. Mayor Saunders expressed his condolences to Mr. Peters’ family, and thanked them for his many, many years of service to the City of Danville and noted that he will be sadly missed.

The Meeting adjourned at 9:25 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK