

May 19, 2009

The second regular May Meeting of City Council convened on April 21, 2009 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., T. David Luther, Gary P. Miller, Albert K. "Buddy" Rawley, Jr., Mayor Sherman Saunders, Fred O. Shanks, III, and Adam J. Tomer (7). Ruby B. Archie and Vice-Mayor T. Wayne Oakes were absent (2).

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 Finance Director Barbara Dameron, Fire Chief David Eagle, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Human Resources Director Andrea Haley, Water and Gas Director Jim Harr, Housing and Development Director Dianne Morris, Fiscal Services Supervisor Denise Sandlin, and Budget Director Cynthia Thomasson.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Following a moment of silence in memory of Dr. David Sloan, a local ophthalmologist who was killed in an automobile accident in Georgia over the past weekend, Council Member Larry Campbell offered the Invocation. The Pledge of Allegiance to the Flag followed.

COMMUNICATIONS FROM VISITORS

Gary Bender, owner of Dixie Bags located on South Ridge Street, appeared to speak in opposition to a homeless shelter, known as The House of Hope, that is being prepared for operation in the old Compson Studios building. Mr. Bender read a statement signed by he and his wife, Michelle, that indicated several concerns about the shelter being located across the street from their place of business. He cited the possibility of an increase in panhandling as one of the major reasons for opposing that location. He felt the City's panhandling ordinance was too weak to take care of the problems that may arise. Mr. Bender also felt the zoning code relating to the definition of a hotel needed to be tightened since it was that definition that allowed the facility to locate there without further Council input. He felt the shelter might impede further business development in the downtown area.

Mayor Saunders stated that after conferring with the City Attorney about this matter, Council could do nothing at this point about the shelter's locating there. He thanked Mr. Bender for bringing his concerns to Council.

MINUTES

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Upon Motion by Council Member Rawley and second by Council Member Campbell, Minutes of the May 5, 2009 Council Minutes were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

INCREASE TRANSIENT LODGERS TAX FROM THREE PERCENT TO SIX PERCENT

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

ORDINANCE NO. 2009-05.08

AN ORDINANCE AMENDING AND REORDAINING SECTION 37-97 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCREASE THE TAX ON TRANSIENT LODGERS FROM THREE (3) PERCENT TO SIX (6) PERCENT EFFECTIVE JULY 1, 2009

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

INCREASE MEALS TAX FROM FIVE (5) PERCENT TO SIX (6) PERCENT

Tommy Voaklander, owner of Suzi's Deli, appeared to oppose the proposed prepared meals tax increase. Mayor Saunders reminded Mr. Voaklander the Public Hearing on this matter was scheduled for the June 2 Meeting. Mr. Voaklander stated he would be present for that meeting to again express his opposition to the increase.

Upon Motion by Council Member Luther and second by Council Member Campbell, an Ordinance entitled:

ORDINANCE NO. 2009-05.09

AN ORDINANCE AMENDING AND REORDAINING SECTION 37-141 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCREASE THE TAX ON MEALS SERVED IN RESTAURANTS OR BY CATERERS FROM FIVE (5) PERCENT TO SIX (6) PERCENT EFFECTIVE JULY 1, 2009

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

ESTABLISH CERTAIN BUILDING PERMIT, INSPECTION, PLANNING, AND ZONING FEES AND CHARGES

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

ORDINANCE NO. 2009-05.10

AN ORDINANCE AMENDING AND ESTABLISHING CERTAIN BUILDING PERMIT, INSPECTION AND PLANNING AND ZONING FEES AND CHARGES EFFECTIVE JULY 1, 2009

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

ASSESSMENT - COURTHOUSE CONSTRUCTION, RENOVATION OR MAINTENANCE

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

ORDINANCE NO. 2009-05.11

AN ORDINANCE TO AMEND THE ASSESSMENT FOR COURTHOUSE CONSTRUCTION, RENOVATION OR MAINTENANCE

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

CITY TAX-WILLS, GRANT OF ADMINISTRATION - ONE THIRD OF STATE TAX

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

ORDINANCE NO. 2009-05.12

AN ORDINANCE TO ADOPT A CITY TAX ON THE PROBATE OF EVERY WILL OR GRANT OF ADMINISTRATION IN THE AMOUNT OF ONE-THIRD OF THE AMOUNT OF STATE TAX

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

AMEND CITY CODE CHAPTER 24 - "PARADES AND OTHER ASSEMBLIES"

Council Member Luther moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-05.13

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 24, ENTITLED "PARADES AND OTHER ASSEMBLIES" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA BY ADDING A NEW ARTICLE IV ENTITLED "STREET CLOSINGS."

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

VOTE: 7-0
AYE: Campbell, Luther, Miller, Rawley, Saunders, Shanks
and Tomer (7)
NAY: None (0)
ABSENT: Archie and Oakes (2).

IMPOSE PERMIT FEE FOR STREET CLOSINGS

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

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ORDINANCE NO. 2009-05.14

AN ORDINANCE TO IMPOSE A PERMIT FEE FOR STREET CLOSINGS

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

REDUCE UTILITY CUSTOMER CHARGES FOR WATER & ELECTRIC ACCOUNTS

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

ORDINANCE NO. 2009-05.15

AN ORDINANCE REDUCING FISCAL YEAR 2010 AND FISCAL YEAR 2011 UTILITY CUSTOMER SERVICE CHARGES FOR WATER ACCOUNTS AND RESIDENTIAL ELECTRIC ACCOUNTS

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

BUDGET AMENDMENT - FY 2009 - ECONOMIC DEVELOPMENT INCENTIVES

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

ORDINANCE NO. 2009-05.16

AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM THE TOBACCO REGION OPPORTUNITY FUND AND THE GOVERNOR'S OPPORTUNITY FUND FOR ECONOMIC DEVELOPMENT INCENTIVE PACKAGES FOR AN APPROPRIATION IN THE AMOUNT OF \$3,294,168 AND APPROPRIATING SAME

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

BUDGET AMENDMENT-FY 2009-BILL & MELINDA GATES FOUNDATION GRANT

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

ORDINANCE NO. 2009-05.17

AN ORDINANCE AMENDING THE FISCAL YEAR 2009 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES TO PROVIDE FOR A GRANT FROM THE BILL AND MELINDA GATES FOUNDATION THROUGH THE VIRGINIA STATE LIBRARY IN THE AMOUNT OF \$13,650 AND A PRIVATE GIFT IN THE AMOUNT OF \$4,500 IN SUPPORT OF ADDITIONAL TECHNOLOGY AT DANVILLE PUBLIC LIBRARY AND APPROPRIATING SAME FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$18,200

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

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COMMUNICATIONS

There were no communications from the City Manager and the City Clerk.

City Attorney Whitfield called attention to a written legal opinion he had provided for Council Members at the request of Mr. Shanks.

ROLL CALL

Mr. Rawley thanked City Staff who takes care of the Carrington Pavilion. He said they did an outstanding job for the Danville Community College graduation ceremonies held at the Pavilion last Friday night.

Mr. Shanks congratulated the Festival in the Park Committee for the outstanding event held this past weekend and commended Galileo Beta Club students who took first, second, and third place awards in Spanish, Mathematics, and Science at the Beta Club State Competition in Richmond recently.

Mr. Shanks spoke in opposition to the location of the House of Hope Homeless Shelton in the former Compson Studio building. The building is located in site of the Galileo School and Mr. Shanks expressed safety concerns for students at the School. Mr. Shanks stated he felt the Zoning Code should be amended to redefine the definition of "hotel/motel" contained within the present Code and called for an immediate advertisement for a Public Hearing proposing an amendment to the Zoning Ordinance so that hotel/motel definitions complied with the State Code.

Mr. Shanks announced a Public Forum to foster awareness and to combat opposition to the location of the homeless shelter would be held at the Galileo School on Thursday, May 21, 7:00 p.m. by Danville Public Schools and the House of Hope Homeless Shelter Board of Directors. Mr. Shanks encouraged everyone to attend to have their voices heard regarding this matter.

Mayor Saunders stated that following his consult with the City Attorney, it was his understanding that City Council had no authority to change anything relating to the renovations taking place at the former Compson Studio facility at the corner of South Ridge and Patton Streets for a homeless shelter. The Board of Directors of the House of Hope has done everything in accordance to the City and Zoning Codes. He did say that Council was concerned about the safety of citizens and businesses all over the City. The City has an excellent Police Department, but the officers cannot be everywhere at all times. He encouraged citizens to be vigilant in their own neighborhoods and report any suspicions or concerns to Police Department personnel. He thanked everyone who had contacted Council Members with his/her concerns because that is the way government was supposed to work.

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The Meeting adjourned at 7:41 P.M.

APPROVED:

MAYOR

CITY CLERK