

July 7, 2009

The regular July Meeting of City Council was held on July 7, 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: 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, Deputy City Manager Joseph C. King, City Attorney W. Clarke Whitfield, Jr. and City Clerk Annette Y. Crane, CMC.

Other Staff Members present were Transportation Services Director Marc Adelman, Emergency Services Director Buster Brown, Finance Director Barbara Dameron, Human Services Director Gwendolyn Edwards, Community Services Director Jerry Fischer, Planning Director Kenny Gillie, Housing and Development Director Dianne Morris, Inspections Director Jerry Rigney, Utilities Fiscal Services Director Denise Sandlin, and Parks, Recreation, and Tourism Director Bill Sgrinia.

Also present were Hunton and Williams Attorney Chris Kulp and Davenport Financial Consultant Joe Mason.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Larry Campbell offered the Invocation. The Pledge of Allegiance to the Flag followed.

COMMUNICATIONS FROM VISITORS

Sweetbriar Drive resident James D. Hodge appeared to voice a complaint about a nearby restaurant placing crushed run in his yard. City Manager Lacy advised this was a civil matter and neither the City administration nor Council had authority to address Mr. Hodge's complaint.

Mayor Saunders recognized a group of members of the local Boys and Girls Club. He welcomed them to the Meeting.

MINUTES

Upon Motion by Council Member Archie and second by Council Member Campbell, Minutes of the June 16, 2009 Regular Meeting of City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

PUBLIC HEARING - FISCAL YEAR 2010 BUDGET AMENDMENT

Mayor Saunders opened the floor for a Public Hearing to consider an amendment to the Fiscal Year 2010 Budget Appropriation Ordinance. Notice of the Public Hearing had been published in the

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Danville Register and Bee on June 29, 2009. No one present desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Rawley and second by Vice-Mayor Oakes, Ordinance No. 2009-06.09 presented by its First Reading on June 16, 2009 as a Budget Appropriations/Amendment Ordinance for Fiscal Year 2010 for projects to be or being undertaken to improve the Danville Community financed with Community Development Block Grant, Home Investment Partnership Funds from the U. S. Department of Housing and urban Development, and estimated program income for a total appropriation of \$1,691,515 was adopted by the following vote:

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

PUBLIC HEARING - AUTHORIZE \$15,500,000 - UTILITY IMPROVEMENTS

Mayor Saunders opened the floor for a Public Hearing to consider authorizing the issuance of \$15,500,000 for capital improvements for utility systems, various telecommunications projects and an operations center to serve the utilities department. Notice of the Public Hearing was published in the Danville Register and Bee on June 24 and July 1, 2009. No one present desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Luther and second by Council Member Tomer, Ordinance No. 2009-06.08 presented by its First Reading on June 16, 2009 authorizing the issuance of General Obligation Bonds of the City of Danville, Virginia, in the maximum principal amount of \$15,500,000 for Capital Improvements to the City's Water, Wastewater, Gas and Electric Systems and for various telecommunications projects and an Operations Center to serve the Utilities Department was adopted by the following vote:

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

APPOINT MICHAEL ADKINS TO COMMUNITY POLICY & MANAGEMENT BOARD

Council Member Luther moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-07.01

A RESOLUTION APPOINTING MICHAEL L. ADKINS AS THE GOVERNMENT REPRESENTATIVE TO THE DANVILLE-PITTSYLVANIA COMMUNITY POLICY AND MANAGEMENT BOARD.

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

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

PROVIDE FOR ISSUANCE, SALE AND AWARD OF GOB - \$15,500,000

Council Member Campbell moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-07.02

A RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF A GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2009, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$15,500,000 OF THE CITY OF VIRGINIA, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF.

The Motion was seconded by Council Member Tomer 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 - SPECIAL USE PERMIT - 841 MAIN STREET

Mayor Saunders opened the floor for a Public Hearing to consider granting a Special Use Permit for property located at 841 Main Street. Notice of the Public Hearing had been published in the Danville Register and Bee on June 23 and 30, 2009. No one present desired to be hearing and the Public Hearing was closed.

Vice-Mayor Oakes moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-07.01

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW AN ATTACHED RESIDENTIAL DWELLING IN ACCORDANCE WITH ARTICLE 3.E, SECTION C, ITEM 1, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 841 MAIN STREET.

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).

PUBLIC HEARING - AMEND ZONING SECTION B - DEFINITIONS - MOTEL

Mayor Saunders opened the floor for a Public Hearing to consider amending Chapter 41, Section B, Article 15 entitled "Definitions." Notice of the Public Hearing had been published in

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the Danville Register and Bee on June 23 and 30, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-07.02

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF CHAPTER 41, ENTITLED "ZONING ORDINANCE," OF THE DANVILLE CITY CODE, SPECIFICALLY SECTION B, ENTITLED "DEFINITIONS," OF ARTICLE 15, ENTITLED "DEFINITIONS," TO AMEND THE DEFINITION OF MOTEL.

Council Member Campbell seconded the Motion.

Council Member Luther moved to amend Section B. of the Ordinance entitled "Definitions" by inserting "monetary" between the words for and compensation. Council Member Archie seconded the Motion.

Following further discussion and comments from Council Members, Mr. Luther further amended by inserting "reasonable" before the word monetary.

The Motion to amend was adopted by the following vote:

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

The Motion, as amended, was adopted by the following vote:

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

PUBLIC HEARING-VACATE & EXCHANGE 0.658 ACRES - PARK AVENUE

Mayor Saunders opened the floor for a Public Hearing to consider vacating and abandoning 0.658 acres, more or less, of right-of-way and City property in exchange for right-of-way for Park Avenue. Notice of the Public Hearing had been published in the Danville Register and Bee on June 22 and 29, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-07.03

AN ORDINANCE VACATING, ABANDONING, AND EXCHANGING 0.658 ACRES, MORE OR LESS, OF RIGHT-OF-WAY AND CITY PROPERTY, WHICH CONSISTS OF THE UNOPENED STREET RIGHT-OF-WAYS FOR HARPER STREET, NORRIS STREET, COOK STREET, GODFREY STREET, AND SURPLUS RIGHT-OF-WAY ALONG PIEDMONT DRIVE, AND CONVEYING A 0.148 PARCEL ACQUIRED FROM

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THE COMMONWEALTH OF VIRGINIA IN EXCHANGE FOR RIGHT-OF-WAY FOR PARK AVENUE.

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).

BUDGET AMENDMENT - FY 2010 - PLAT/MAP REFORMATTING GRANT

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

ORDINANCE NO. 2009-07.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE LIBRARY OF VIRGINIA FOR A PLAT/MAP REFORMATTING GRANT IN THE AMOUNT OF \$5,729 AND APPROPRIATING SAME

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

BUDGET AMENDMENT - FY 2010 - HOMELAND SECURITY PROGRAM GRANT

Upon Motion by Vice-Mayor Oakes and second by Council Member Campbell, an Ordinance entitled:

ORDINANCE NO. 2009-07.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES TO ANTICIPATE THE RECEIPT OF FUNDS IN THE AMOUNT OF \$26,000 FROM THE STATE HOMELAND SECURITY PROGRAM GRANT FOR THE CITIZENS PREPAREDNESS PROJECT

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

BUDGET AMENDMENT - FY 2010 - RECREATION ENRICHMENT PROGRAM FUNDS

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

ORDINANCE NO. 2009-07.06

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FUNDS IN THE AMOUNT OF \$52,811 FOR A RECREATION ENRICHMENT PROGRAM AND THE EXPANDED SUMMER PROGRAM AND THE LOCAL IN-KIND SHARE OF \$48,559 AND APPROPRIATION OF SAME

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

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BUDGET AMENDMENT - FY 2010 - AVIATION MAINTENANCE FUNDS

Upon Motion by Council Member Rawley and second by Vice-Mayor Oakes, an Ordinance entitled:

ORDINANCE NO. 2009-07.07

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE TO PROVIDE THE STATE DEPARTMENT OF AVIATION MAINTENANCE GRANT FUNDS RELATED TO THE MAINTENANCE OF CERTAIN AIRPORT PROPERTIES IN THE AMOUNT OF \$100,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$25,000

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

APPROVE DEED OF LEASE BETWEEN CITY & HEALTH DEPARTMENT

Council Member Archie moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-07.03

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A DEED OF LEASE BETWEEN THE CITY OF DANVILLE AND THE VIRGINIA STATE DEPARTMENT OF HEALTH FOR THE USE OF 326 TAYLOR DRIVE.

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).

69KV TRANSMISSION LOOP - CANE CREEK SUBSTATION

Vice-Mayor Oakes moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-07.04

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACQUIRE BY PURCHASE PROPERTIES OR INTERESTS THEREIN IN CONNECTION WITH THE 69KV TRANSMISSION LOOP TO THE NEW CANE CREEK SUBSTATION NOW UNDER CONSTRUCTION IN THE CANE CREEK CENTRE INDUSTRIAL PARK.

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).

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EMINENT DOMAIN PROCEEDINGS-WILKERSON AND TOM FORK ROADS

Council Member Miller moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-07.05

A RESOLUTION AUTHORIZING AND DIRECTING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF ACQUIRING EASEMENTS TO INSTALL UTILITY LINES ACROSS PROPERTIES LOCATED IN THE WILKERSON ROAD AND TOM FORK ROAD AREAS OF PITTSYLVANIA COUNTY, VIRGINIA.

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).

EMINENT DOMAIN PROCEEDINGS-SOUTH BOSTON ROAD AREA OF THE CITY

Council Member Campbell moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-07.06

A RESOLUTION AUTHORIZING AND DIRECTING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS FOR THE PURPOSE OF ACQUIRING EASEMENTS TO INSTALL UTILITY LINES ACROSS PROPERTIES LOCATED IN THE SOUTH BOSTON ROAD AREA OF THE CITY OF DANVILLE, VIRGINIA.

The Motion was seconded by Council Member Miller 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

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

ROLL CALL

Mrs. Archie said she attended the Langston High School reunion this past weekend and over 1,000 alumni were present. Mrs. Archie reported she and Council Member Rawley were in Richmond on Thursday for Virginia Municipal League committee meetings. She quoted statistics relating to the State's economic condition.

Council Members welcomed Boys and Girls Club Members and thanked them for being in the Meeting this evening.

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Council Member Tomer commended former Danville Utility Commission Member Bill Donahue. Mr. Donahue just completed nine years of service on the Commission, serving four of those years as Chairman.

The Meeting adjourned at 7:52 P.M.

MAYOR

CITY CLERK