

The regular January Meeting of City Council was held on January 4, 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: Council Members present were: 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 Finance Director/Deputy City Clerk Barbara A. Dameron.

Other Staff Members present were Planning Director Kenny Gillie, Community Development Director Earl Reynolds, Deputy Public Works Director/City Engineer Kent Shelton, Parks, Recreation and Tourism Director Bill Sgrinia, and Utilities Director RB Sloan.

Mayor Saunders presided.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

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

#### **ANNOUNCEMENTS AND SPECIAL RECOGNITION**

Mayor Saunders recognized the newly-elected Vice Chairman of the Pittsylvania County Board of Supervisors James Snead. Mr. Snead stated the County is once again looking forward to working with the City of Danville to improve the quality of living for area citizens and wished everyone a Happy New Year.

#### **MINUTES**

Upon Motion by Council Member Campbell and second by Council Member Miller, Minutes of the December 21, 2010 Regular Council Meeting were approved as presented. Draft copies had been distributed prior to the Meeting.

#### **MOVE AGENDA ITEMS VIII G & H**

Mayor Saunders requested that Agenda Items VIII G & H be moved to this point on the agenda. Council Members voiced no objections.

#### **PUBLIC HEARING-SPECIAL USE PERMIT-427 HUGHES STREET**

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for the operation of a school at 425 Hughes Street. Notice of the Public Hearing was published in the Danville Register and Bee on December 21 and 28, 2010.

Applicant Ralph Bryson informed Council he was requesting the permit in order to operate a vocational training school for

individuals with disabilities. In response to Mr. Shanks, Mr. Bryson advised there was ample space for parking with additional space for expansion if it became necessary. Responding to Mr. Luther, Mr. Bryson stated he was open for individuals taking part in the school's programs that were also offered outside the City. Mr. Luther stated it would save a lot of money if other facilities would outsource its clients to Mr. Bryson's school.

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

Vice Mayor Luther moved adoption of an Ordinance entitled:

ORDINANCE NO. 2011-01.01

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR THE OPERATION OF A SCHOOL IN ACCORDANCE WITH ARTICLE 3E, SECTION C, ITEM 14 OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 425 HUGHES STREET SUBJECT TO CONDITIONS.

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: None (0).

**PUBLIC HEARING-AMEND 2020 LAND USE PLAN - 0.1258 AC.- 810 MAIN**

Mayor Saunders opened the floor for a Public Hearing to consider a request to amend the Year 2020 Land Use Plan from Public and Semi-public area to Urban Single Family Residential and rezone from N-C, Neighborhood Commercial to OT-R, Old Town Residential, 0.158 acres at 810 Main Street. Notice of the Public Hearing was published in the Danville Register and Bee on December 21 and 28, 2010.

Danville YMCA Chief Executive Officer Sarah Folmer and Dan Latham, a resident of 840 Main Street, appeared to request approval of the amendment and to answer questions from citizens and Council Members. Mr. Latham advised approval would allow the YMCA to transfer the 0.158 acreage to him and Mrs. Latham.

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

Council Member Rawley moved adoption of an Ordinance entitled:

ORDINANCE NO. 2011-01.02

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM PUBLIC AND SEMI-PUBLIC AREA TO URBAN SINGLE FAMILY RESIDENTIAL AND REZONING

FROM N-C, NEIGHBORHOOD COMMERCIAL TO OT-R, OLD TOWN RESIDENTIAL, 0.158 ACRES AT 810 MAIN STREET.

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: None (0).

**PUBLIC HEARING-SPECIAL USE PERMIT- 1311 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 1311 Piney Forest Road for the operation of an internet café. Notice of the Public Hearing was published in the Danville Register and Bee on December 21 and 28, 2010.

Jack Wood, 4532 Lassister Road, Wake Forest, NC, appeared to request approval for a Special Use Permit to operate an internet café in Danville.

Danville resident Justin Ferrell spoke in opposition to allowing the internet café. Mr. Ferrell said it seemed that this type of operation targets low income, poverty-stricken areas. Mr. Ferrell indicated it would not be a good thing for the young people of the area.

In response to Mr. Shanks, Mr. Wood advised no one under the age of 18 would be allowed to participate in the sweepstakes.

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

Council Member Jones moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-01.01

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 1311 PINEY FOREST ROAD, SUITE E.

Council Member Tomer seconded the Motion.

Mr. Tomer said there were times when Council was forced to make tough decisions and what guided him in many of the decisions was building a strong community and the type of neighborhoods Council could take pride in. Mr. Tomer said he was opposed to this type of establishment in that he did not feel it served to strengthen the City's neighborhoods. Mr. Shanks agreed. He said with the no-one-under-eighteen-age-limitation, this type of establishment could fall under adult entertainment, which is not allowed under

the City's Zoning Code. Rev. Campbell said this type of establishment would not help Danville move forward. Mr. Luther read from an advertisement on the internet that encouraged this type of operation. The ad included wording to the effect that "the house always wins" and Mr. Luther stated he could not support internet cafes in the City. Mr. Gilstrap stated he was against gambling, but felt it was not Council's job to decide whether or not there would be gambling in this type of business. He said it was up to Council to decide whether the operation of an internet café did or did not meet the City's zoning laws. Mr. Jones and Dr. Miller agreed with other Council Members and said they would oppose granting a Special Use Permit for this type of operation.

The Resolution was adopted by the following vote:

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

**PUBLIC HEARING-SPECIAL USE PERMIT-1461 SOUTH BOSTON 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 1461 South Boston Road, Suite B for the operation of an internet café. Notice of the Public Hearing was published in the Danville Register and Bee on December 21 and 28, 2010.

Applicant W. A. Stevens appeared to request a Special Use Permit for the operation of an internet café and to answer questions from Council Members and citizens. Attorney Jarrett Moon represented The Biz Center, which is operated by Mr. Stevens. Mr. Moon urged Council members to evaluate each business independently and individually. Each is separate and apart from one another and offers different services and incorporates sweepstake promotions in a different way. Mr. Moon said The Biz Center was not an internet café, not an internet sweepstakes, but sells office supplies and services. In an effort to promote those products and services, a sweepstake would be offered that is similar to multiple businesses throughout the City and the nation that uses such to promote their businesses. Mr. Moon cited McDonald's, car dealerships, and Food Lion as businesses that offer sweepstakes to their customers. Currently, The Biz Center sells internet time where anyone can come and pay for use of the internet. Mr. Moon said Mr. Stevens would simply use the sweepstakes aspect of his business to lure customers in to use the other services offered at the business.

Vice Mayor Luther stated he was aware of one car dealer who offered sweepstakes and was caught doing business illegally. The dealer now gives the money to charity. In response to Mr. Luther, Mr. Stevens stated he owned a similar business in Farmville, VA and used sweepstakes to promote the business center. Mr. Stevens

also advised a similar business he owned in Pelham, NC was shut down in November because North Carolina rendered it illegal at that time to conduct such a business.

In response to Mr. Rawley, Mr. Stevens said there would be age restrictions only for participation in the sweepstakes. He said customers under 18 could use computers, but could not participate in sweepstakes.

Justin Ferrell stated there were computers available at Danville Community College, the Public Library and the Institute that could be used free of charge. Mr. Ferrell said young people were vulnerable to this type of business. Mr. Ferrell said he and his younger brother visited one such business in Pelham this afternoon. His brother was underage and was allowed in with no question and allowed to play the sweepstakes.

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

Council Member Rawley moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-01.02

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 1461 SOUTH BOSTON ROAD, SUITE B.

Council Member Jones seconded the Motion.

Council Member Campbell reiterated the purpose of the Zoning Code was to promote the health, safety and general welfare of Danville's citizens. He said there were enough problems within the City and stated internet cafes were not the type of businesses that would move the City forward.

Other Council Members reiterated their opposition to the operation of internet cafes in the City of Danville.

The Resolution was adopted by the following vote:

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

**PUBLIC HEARING-SPECIAL USE PERMIT-1155 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 1155 Piney Forest Road, Suite D for the operation of an internet café. Notice of the Public Hearing was published in the Danville Register and Bee on December 21 and 28, 2010.

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

Council Member Campbell moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-01.03

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 1155 PINEY FOREST ROAD, SUITE D.

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

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

**PUBLIC HEARING-SPECIAL USE PERMIT-3352 RIVERSIDE DRIVE**

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow indoor commercial recreation at 3352 Riverside Drive for the operation of an internet café. Notice of the Public Hearing was published in the Danville Register and Bee on December 21 and 28, 2010.

Applicant Jack Wood, 4532 Lassister Road, Wake Forest, NC, appeared to request approval for a Special Use Permit to operate an internet café in Danville. Mr. Wood said his system was a VS2 system, which is similar to the IIT system and in addition to providing scanning and copying services, thousands of retail products were sold at his business. Mr. Wood said customers would be able to order products on line with no shipping costs required and the company would profit from all sales generated by customers using the internet.

Council Members reported that citizens who had commented to them about internet cafes were not in favor of that type of business in Danville.

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

Council Member Jones moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-01.04

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 3352 RIVERSIDE DRIVE.

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

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

**PUBLIC HEARING-SPECIAL USE PERMIT-661 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 661 Piney Forest Road, Suite 1 for the operation of an internet café. Notice of the Public Hearing was published in the Danville Register and Bee on December 21 and 28, 2010.

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

Council Member Rawley moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-01.05

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 661 PINEY FOREST ROAD, SUITE 1.

Applicant Alvin Toomes of Ashboro, NC, appeared to answer questions from citizens and Council Members.

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

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

**PUBLIC HEARING-SPECIAL USE PERMIT-3000 RIVERSIDE DRIVE**

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow indoor commercial recreation at 3000 Riverside Drive for the operation of an internet café. Notice of the Public Hearing was published in the Danville Register and Bee on December 21 and 28, 2010.

Applicant Maurice Harris, 3993 Appleton Road, Greensboro NC, appeared to request a Special Use Permit to operate an internet café at 3000 Riverside Drive and to answer questions from citizens and Council Members.

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

Council Member Campbell moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-01.06

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 3000 RIVERSIDE DRIVE.

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

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

At 8:25 P.M., Mayor Saunders called for a 10-minute recess.

The Meeting reconvened at 8:35 P.M.

**APPOINT REYNOLDS & WHITFIELD TRUSTEES-COMMUNITY DEVELOPMENT LOANS**

Council Member Shanks moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-01.07

A RESOLUTION APPOINTING EARL B. REYNOLDS JR. AND W. CLARKE WHITFIELD JR. TO ACT AS TRUSTEES FOR LOANS GRANTED BY THE CITY OF DANVILLE THROUGH THE COMMUNITY DEVELOPMENT DEPARTMENT.

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).

**SUPPORT RT. 29 CORRIDOR IMPROVEMENTS-INCLUDE BYPASS ALTERNATIVES AROUND CHARLOTTESVILLE**

Council Member Miller moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-01.08

A RESOLUTION SUPPORTING IMPROVEMENTS TO THE U. S. ROUTE 29 CORRIDOR AND REQUESTING THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO INCLUDE BYPASS ALTERNATIVES AROUND CHARLOTTESVILLE, VIRGINIA IN THE CORRIDOR STUDY.



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: None (0).

**AMEND CITY CODE SECTION 25-3 "USE OF PARKS AND RECREATIONAL FACILITIES AND EQUIPMENT"**

Council Member Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2011-01.03

AN ORDINANCE AMENDING AND REORDAINING SECTION 25-3, OF CHAPTER 25, OF THE DANVILLE CITY CODE ENTITLED "USE OF PARKS AND RECREATIONAL FACILITIES AND EQUIPMENT."

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).

**IMPLEMENT DANVILLE UTILITIES INITIAL ENERGY EFFICIENCY AND CONSERVATION PROGRAM PLANS**

Council Member Tomer moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-01.09

A RESOLUTION AUTHORIZING THE IMPLEMENTATION OF DANVILLE UTILITIES' INITIAL ENERGY EFFICIENCY AND CONSERVATION PROGRAM PLANS AS WELL AS THE FISCAL YEAR 2011/2012 ENERGY EFFICIENCY PROGRAM PACKAGE.

Mr. Gilstrap seconded the Motion.

Mr. Shanks asked Council to consider taking a portion of the \$1.2 million that was appropriated for the weatherization program late in 2010 for use in the implementation program. Mr. Shanks said the \$1.2 million was match money and expressed opposition to where the money was coming from. He said Council should take a serious look at this during the upcoming budget discussions.

The Resolution was adopted by the following vote:

VOTE: 7-2  
AYE: Campbell, Gilstrap, Jones, Luther, Miller, Saunders, and Tomer (7)  
NAY: Rawley and Shanks (2).

**APPOINT SUSAN M. DEMASI AS DANVILLE CITY CLERK**

Council Member Jones moved adoption of an Ordinance entitled:

ORDINANCE NO. 2011-01.04

AN ORDINANCE APPOINTING SUSAN M. DEMASI AS CITY CLERK FOR THE CITY OF DANVILLE AND AMENDING THE PERSONNEL ORDINANCE WITH REGARDS TO THE CITY CLERK'S JOB DESCRIPTION.

Vice Mayor Luther seconded the Motion.

Dr. Miller moved to amend the job description to remove the requirement that the City Clerk be proficient in shorthand.

Dr. Miller said shorthand was a dying art and felt the Clerk would have other more effective means of recording City Council proceedings.

City Attorney Whitfield reminded Council the new Clerk's effective date of employment is January 10, 2011 and should be included to the body of the Ordinance.

Following several comments from Council Members and an agreement from the seconder, Vice Mayor Luther, the Motion, as amended, was adopted by the following vote:

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

**COMMUNICATIONS**

City Manager King, City Attorney Whitfield, and Deputy City Clerk Dameron wished everyone a Happy New Year.

Vice Mayor Luther introduced newly-appointed City Clerk Sue DeMasi. Ms. DeMasi is replacing former City Clerk Annette Crane, who retired on December 31, 2010 after 15 years of service.

**ROLL CALL**

Council Members welcomed Sue DeMasi to the City's employee as City Clerk and wished everyone a Happy and Healthy New Year.

The Meeting adjourned at 8:59 P.M.

APPROVED:

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MAYOR

January 4, 2011

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ATTEST:

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CITY CLERK