

November 5, 2009

The regular November Meeting of City Council was held on November 5, 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, Vice-Mayor T. Wayne Oakes, Albert K. "Buddy" Rawley, Jr., Mayor Sherman M. Saunders, Fred O. Shanks, III and Adam J. Tomer (8). Council Member Ruby B. Archie was absent (1).

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 Police Chief Philip Broadfoot, Finance Director Barbara Dameron, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Human Resources Director Andrea Haley, and Economic Development Director Jeremy Stratton.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Mayor Saunders recognized Danville-Pittsylvania Community Services Board Vice-Chairman JoLane Dunlap. Ms. Dunlap presented the agency's Annual Report. She reviewed program highlights for Fiscal Year 2009 that included receipt of a million dollar grant from the U. S. Department of Housing and Urban Development for construction of nine apartments for people recovering from a mental illness to be completed in Spring 2010, completion of the Developmental Phase for operation of a new Intermediate Care Facility for people with an intellectual disability and conversion of the Agency's medical record system to an Electronic Medical Record format that will be completed in January 2010. Ms. Dunlap reported that Executive Director Lenard Lackey would retire on December 31, 2009. Mr. Lackey has been with the agency for twenty-three years. Ms. Dunlap reviewed highlights of Mr. Lackey's tenure with Community Services.

Mayor Saunders thanked Ms. Dunlap for the excellent report and extend good wishes to Mr. Lackey on his retirement.

COMMUNICATIONS FROM VISITORS

Southside Central blogger Bruce Hedrick reported that his home on Halifax Road was recently burglarized. Mr. Hedrick stated he lost all of his computer equipment, estimated to cost over \$2,000.00 and said he would pay cash for tips he received on the break-in.

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Mr. Luther suggested that anyone with information about the break-in should contact Crimestoppers.

MINUTES

Upon Motion by Council Member Miller and second by Council Member Rawley, Minutes of the October 22, 2009 Regular Meeting of City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

BUDGET ADOPTION - FY 2010 - DMV HIGHWAY SAFETY ENFORCEMENT GRANT

Upon Motion by Council Member Rawley and second by Council Member Campbell, Ordinance No. 2009-10.06 presented by its First Reading on October 22, 2009 amending the Fiscal Year 2010 Budget Appropriation Ordinance by increasing revenue from the Virginia Department of Motor Vehicles Highway Safety Selective Enforcement Grant Program in the amount of \$21,631 and appropriating same was adopted by the following vote:

VOTE: 8-0
AYE: Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks, and Tomer (8)
NAY: None (0)
ABSENT: Archie (1).

BUDGET ADOPTION-FY 2010-VDOT REGIONAL INVESTIGATIVE TEAM GRANT

Upon Motion by Council Member Campbell and second by Vice-Mayor Oakes, Ordinance No. 2009-10.07 presented by its First Reading on October 22, 2009 amending the Fiscal Year 2010 Budget Appropriation Ordinance by increasing revenue from Fiscal Year 2010 Virginia Department of Motor Vehicles Highway Safety Regional Crash Investigative Team Grant Program in the amount of \$22,000 to be used for advanced training for Members of the Regional Crash Team was adopted by the following vote:

VOTE: 8-0
AYE: Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks, and Tomer (8)
NAY: None (0)
ABSENT: Archie (1).

BUDGET ADOPTION - FY 2010 - EDWARD BYRNE MEMORIAL JAG GRANT

Upon Motion by Vice-Mayor Oakes and second by Council Member Rawley, Ordinance No. 2009-10.07 presented by its First Reading on October 22, 2009 amending the Fiscal Year 2010 Budget Appropriation Ordinance by increasing revenue from the United States Department of Justice, Fiscal Year 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) to be used to implement technology improvements and equipment upgrades in the Danville Police Department was adopted by the following vote:

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VOTE: 8-0
AYE: Campbell, Luther, Miller, Oakes, Rawley, Saunders,
Shanks, and Tomer (8)
NAY: None (0)
ABSENT: Archie (1).

PUBLIC HEARING-SPECIAL USE PERMIT AT 1050 MAIN STREET

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit for one (1) residential apartment unit in a commercial structure at 1050 Main Street. Notice of the Public Hearing was published on October 23 and 29, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Tomer moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-11.01

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR ONE (1) RESIDENTIAL APARTMENT WITHIN A COMMERCIAL STRUCTURE IN ACCORDANCE WITH ARTICLE 3.I, SECTION C, ITEM 14, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1050 MAIN STREET.

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

VOTE: 8-0
AYE: Campbell, Luther, Miller, Oakes, Rawley, Saunders,
Shanks, and Tomer (8)
NAY: None (0)
ABSENT: Archie (1).

PUBLIC HEARING-REZONE PROPERTY AT 125 JEFFERSON AVENUE

Mayor Saunders opened the floor for a Public Hearing to consider a request to rezone from M-R Multifamily Residential District to N-C Neighborhood Commercial District at 125 Jefferson Avenue. Notice of the Public Hearing was published on October 23 and 29, 2009. No one present desired to be heard and the Public Hearing was closed.

STATEMENT OF CONFLICT OF INTEREST

I, T. Wayne Oakes, do hereby state that I have a Conflict of Interest regarding the applications for rezoning and issuance of Special Use Permits for the benefit of The Epiphany School listed as agenda items VIII B, C, D, and E because I am a member of the Epiphany School Board of Trustees. Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code Section 2.2-3112, I must abstain from voting on these agenda items.

Witness my signature this 5th day of November 2009.

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s/T. Wayne Oakes

Council Member Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-11.02

AN ORDINANCE REZONING FROM M-R MULTI-FAMILY RESIDENTIAL TO N-C NEIGHBORHOOD COMMERCIAL DISTRICT, 125 JEFFERSON AVENUE.

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

VOTE: 7-0
AYE: Campbell, Luther, Miller, Rawley, Saunders, Shanks,
and Tomer (7)
NAY: None (0)
ABSTAIN: Oakes (1)
ABSENT: Archie (1).

PUBLIC HEARING-SPECIAL USE PERMIT AT 125 JEFFERSON AVENUE

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to operate a school at 125 Jefferson Avenue. Notice of the Public Hearing was published on October 23 and 29, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Luther moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-11.03

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A SCHOOL IN ACCORDANCE WITH ARTICLE 3.J, SECTION C, ITEM 14, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 125 JEFFERSON AVENUE.

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

VOTE: 7-0
AYE: Campbell, Luther, Miller, Rawley, Saunders, Shanks,
and Tomer (7)
NAY: None (0)
ABSTAIN: Oakes (1)
ABSENT: Archie (1).

PUBLIC HEARING-SPECIAL USE PERMIT AT 115 JEFFERSON AVENUE

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to operate a school at 115 Jefferson Avenue. Notice of the Public Hearing was published on October 23 and 29, 2009. No one present desired to be heard and the Public Hearing was closed.

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Council Member Tomer moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-11.04

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A SCHOOL IN ACCORDANCE WITH ARTICLE 3.J, SECTION C, ITEM 14, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 115 JEFFERSON AVENUE.

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

VOTE: 7-0
AYE: Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks, and Tomer (7)
NAY: None (0)
ABSTAIN: Oakes (1)
ABSENT: Archie (1).

PUBLIC HEARING-SPECIAL USE PERMIT AT 1050 MAIN STREET

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for a zero (0) foot side yard setback to allow for a handicap access ramp at 115 Jefferson Avenue. Notice of the Public Hearing was published on October 23 and 29, 2009.

In response to Mr. Shanks, Planning Director Gillie advised that should the school cease to exist and the church purchased the property, church officials would have to come back before the Planning Commission and request a Special Use Permit in order to keep the handicap access ramp. City Attorney Whitfield advised Council could add a provision in the Motion to allow the ramp to remain in that event.

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

Council Member Luther moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-11.05

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW A ZERO (0) FOOT SIDE YARD SETBACK TO ALLOW FOR A HANDICAP ACCESS RAMP IN ACCORDANCE WITH ARTICLE 3.J, SECTION C, ITEM 16, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 115 JEFFERSON AVENUE, WITH THE PROVISION THAT IF THE SCHOOL CEASES TO EXIST AND THE CHURCH PURCHASES THE ADJOINING PROPERTY, THE RAMP WILL BE ALLOWED TO REMAIN.

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

VOTE: 7-0

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AYE: Campbell, Luther, Miller, Rawley, Saunders, Shanks,
and Tomer (7)
NAY: None (0)
ABSTAIN: Oakes (1)
ABSENT: Archie (1).

PUBLIC HEARING-SPECIAL USE PERMIT AT 3309 SOUTH MAIN STREET

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for a nineteen (19) foot front yard setback at 309 South Main Street. Notice of the Public Hearing was published on October 23 and 29, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Miller moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-11.06

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A NINETEEN (19) FOOT FRONT YARD SETBACK IN ACCORDANCE WITH ARTICLE 3.J, SECTION C, ITEM 16, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 309 SOUTH MAIN STREET.

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

VOTE: 8-0
AYE: Campbell, Luther, Miller, Oakes, Rawley, Saunders,
Shanks, and Tomer (8)
NAY: None (0)
ABSENT: Archie (1).

PUBLIC HEARING - ZONING AMENDMENT - HOMELESS SHELTERS

Mayor Saunders opened the floor for a Public Hearing to consider amending the Zoning Code by adding the operation of a Homeless Shelter by Special Use Permit in certain areas of the City. Notice of the Public Hearing was published on October 23 and 29, 2009.

Mr. Shanks advised he would be voting against the zoning amendment because he was opposed to allowing homeless shelters in the Central Business District.

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

Council Member Campbell moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-11.07

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF CHAPTER 41 ENTITLED "ZONING ORDINANCE," OF THE DANVILLE CITY CODE, INCLUDING SPECIFIC SECTIONS IN ARTICLE 3.G (M-R MULTIFAMILY RESIDENTIAL DISTRICT), ARTICLE 3.I (TO-C TRANSITIONAL OFFICE

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DISTRICT), ARTICLE 3.J (N-C NEIGHBORHOOD COMMERCIAL DISTRICT), ARTICLE 3.K (CB-C CENTRAL BUSINESS DISTRICT), ARTICLE 3.M (HR-C HIGHWAY RETAIL DISTRICT), BY ADDING THE OPERATION OF A HOMELESS SHELTER BY SPECIAL USE PERMIT IN AREAS OF THE CITY OF DANVILLE ZONED M-R, TO-C, N-C, CB-C, AND HR-C, AND ARTICLE 15 (DEFINITIONS), BY PROVIDING FOR THE DEFINITION OF A HOMELESS SHELTER.

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

VOTE: 7-1
AYE: Campbell, Luther, Miller, Oakes, Rawley, Saunders, and Tomer (7)
NAY: Shanks (1)
ABSENT: Archie (1).

PUBLIC HEARING-ADDRESS ADEQUATE SPACE AND TIME RESTRICTIONS ON TETHERING COMPANION ANIMALS - CITY CODE AMENDMENT - CHAPTER 5

Mayor Saunders opened the floor for a Public Hearing to consider amending Chapter 5 entitled "Animals and Fowl" of the Danville City Code to add a new Section 5-25 to address adequate space for animals and time restrictions on tethering companion animals. Notice of the Public Hearing was published on October 22, 2009.

During the October 22 Work Session, Danville Humane Society Executive Director Paulette Dean had urged Council to pass a law that would limit the hours to three (3) that an animal could be kept on a chain in a 24-hour period and to provide for a law that called for adequate space for companion animals. Ms. Dean reported that 90% of calls received by the animal control officers involved animals that were chained. Ms. Dean advised the society has committed \$5,000 to assist with the purchase of chain link fencing for residents who wish to do so. A condition for receiving assistance for fencing is to allow the society to arrange for spaying or neutering of the companion animal(s) free of charge.

Danville residents John Torrence, Robin Dalton, Lisa Hannaford and Pam Bray urged Council to pass the Ordinance. Mr. Torrence stated he felt the action would indicate that citizens of Danville would no longer condone these deplorable acts.

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

A second Public Hearing and consideration of the Ordinance will take place during the November 17, 2009 Council Meeting.

DONATION TO VDOT-BICYCLE/PEDESTRIAL TRAIL-ROBERTSON BRIDGE

Council Member Luther moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-11.01

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A RESOLUTION AUTHORIZING AND APPROVING THE DONATION OF ADDITIONAL REAL PROPERTY FOR A BICYCLE/PEDESTRIAN TRAIL TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION AS PART OF REPLACING THE ROBERTSON BRIDGE OVER THE DAN RIVER.

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

VOTE: 8-0
AYE: Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks, and Tomer (8)
NAY: None (0)
ABSENT: Archie (1).

AMEND PERSONNEL SYSTEM TO PROVIDE FOR UTILITIES DIRECTOR

Council Member Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-11.08

AN ORDINANCE AMENDING THE PERSONNEL SYSTEM OF THE CITY OF DANVILLE, AS AMENDED, PROVIDING FOR THE CLASSIFICATION, COMPENSATION, AND EMPLOYMENT DEVELOPMENT FOR EMPLOYMENT POSITIONS OF THE CITY.

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

VOTE: 8-0
AYE: Campbell, Luther, Miller, Oakes, Rawley, Saunders, Shanks, and Tomer (8)
NAY: None (0)
ABSENT: Archie (1).

BUDGET AMENDMENT - FY 2010 - ENERGY EFFICIENCY BLOCK GRANT

Upon Motion by Council member Shanks and second by Vice-Mayor Oakes, an Ordinance entitled:

ORDINANCE NO. 2009-11.09

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 ELECTRIC FUND BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM A \$202,000 ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT FROM THE U. S. DEPARTMENT OF ENERGY AND APPROPRIATING SAME

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

COMMUNICATIONS

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

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ROLL CALL

Mr. Campbell recalled that fourteen-year-old CoCo Stone was shot to death last week during a party at a local residence. Mr. Campbell said the senseless violence has got to stop and offered the following ways as a step for a safer environment for youth: 1) education about gang prevention and awareness, 2) a gun buy back program, 3) provide more entertainment, and 4) offer programs or entertainment for youth in a controlled setting, monitored by police. Mr. Campbell advised there would be a community forum on ways to address the violence at the School Board office on November 23 and encouraged everyone to attend. Dr. Miller and Mr. Shanks expressed their own concerns about the violence in the City as well. Mr. Shanks asked that neighbors report any suspicious activity to the Police Department.

Mr. Luther reported he had received complaints about speeding in school zones. Chief Broadfoot advised that speed monitors have been placed throughout the City in order to remind drivers to stay within the speed limits.

Vice-Mayor Oakes advised the program "If These Walls Could Talk" would run through Saturday at the Danville Museum of Fine Arts and History.

Mr. Shanks reminded everyone about the annual Veterans Day Parade that is scheduled to take place this Sunday at 2:30 P.M. Several Council Members will take part in the parade.

Mr. Tomer called attention to a report provided by City Manager Lacy containing statistics relating to Coleman MarketPlace. Mr. Tomer particularly expressed concern that at the direction of then City Manager Jerry Gwaltney, the City had spent significant utility expenses over and above what was permitted under current policies and procedures. He said the utility expenditure had been appropriated without Council approval. During the negotiation phase, Mr. Tomer had said he felt the retail jobs provided by the project would not meet the needs of Danville and its citizens economically and had opposed its development. Mr. Tomer said he would like to see some accountability and believed an investigation into the matter was warranted.

In response to Mr. Tomer, City Manager Lyle Lacy stated he was not privy to the Coleman MarketPlace negotiations. Deputy City Manager Joe King said Jerry Gwaltney directed that the expenses be made by the City in support of the project.

Mayor Saunders congratulated successful candidates of the November 3 elections. Mr. Saunders also reported that longtime radio Danville radio station WILA signed off at dusk today. The station had been on the air for forty-nine years. Mayor Saunders extended good wishes to owners Lawrence and Ella Toller and thanked them for their service to the community.

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Mayor Saunders extended sympathy to the family members of soldiers who were killed by a fellow soldier on the Ft. Hood, Texas Army base today. Thirteen soldiers were killed and another twenty were wounded and hospitalized.

Mayor Saunders expressed concern about the continuing violence in the City. He said crime was everybody's business and urged witnesses or others who knew anything about crimes that were being committed to come forward and report to police officers what they know.

Clerk's Note: The abstracts of votes for the November 3, 2009 Gubernatorial election are attached to and made a part of the official Minutes of this Meeting.

The Meeting adjourned at 8:53 P.M.

APPROVED:

MAYOR

CITY CLERK