

December 1, 2009

The regular December Meeting of City Council was held on December 1, 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, Mayor Sherman M. Saunders, Fred O. Shanks, III and Adam J. Tomer (8). Council Member Albert K. "Buddy" Rawley, Jr. 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 Transportation Services Director Marc Adelman, Police Chief Philip Broadfoot, Finance Director Barbara Dameron, Human Services Director Gwendolyn Edwards, Planning Director Kenny Gillie, Economic Development Project Manager Anne Moore-Sparks, Housing and Development Director Dianne Morris, and Parks, Recreation and Tourism Director Bill Sgrinia.

Mayor Saunders presided.

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

Vice-Mayor Oakes offered the Invocation. The Pledge of Allegiance to the Flag followed.

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

Mayor Saunders recognized Danville Soccer Club President Angela Blankenship and Club Tournament Co-Directors Cary Wright and Lewis Dumont. Ms. Blankenship presented the first Summer Sizzler City Employee Award to Parks, Recreation and Tourism Director Bill Sgrinia. She cited his work with the Soccer Club in bringing the first soccer tournament to Danville. Mr. Sgrinia thanked the club members for the award and noted that plans were underway for next year's tournament.

#### **MINUTES**

Upon Motion by Council Member Archie and second by Council Member Luther, Minutes of the November 17, 2009 Regular Meeting of City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

#### **PUBLIC HEARING - AMEND FY 2010 BUDGET APPROPRIATION ORDINANCE**

Mayor Saunders announced the following Budget Amendments had been previously discussed by City Council and introduced for First Reading and would be further considered in the Public Hearing. After the Public Hearing has been closed, there will be no further discussion on the item and they will be enacted by one motion. If a Council Member or citizen desires discussion, the item(s) will be removed from the consent process and considered separately.

December 1, 2009

Mayor Saunders opened the floor for a Public Hearing to consider amendments to the Fiscal Year 2010 Budget Appropriation Ordinance. Notice of the Public Hearing was published in the Danville Register and Bee on November 23, 2009. No one present desired to be heard and the Public Hearing was closed.

**STATEMENT OF CONFLICT OF INTEREST**

I, Fred O. Shanks, III, do hereby state that I have a conflict of interest regarding Agenda Item VII (B) 2, concerning projects to be financed through the Community Development fund balance of Urban Development Action Grant Program Funds. Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code Section 2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 1<sup>st</sup> day of December 2009.

**s/Fred O. Shanks III**

Upon Motion by Council Member Campbell and second by Vice-Mayor Oakes, Ordinance No. 2009-11.10 presented by its First Reading on November 17, 2009 amending the Fiscal Year 2010 Budget Appropriation Ordinance for projects to be undertaken within the City to be financed through the Community Development Fund Balance of Urban Development Action Grant (UDAG) Program Funds in the amount of \$292,000 was adopted by the following vote:

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

Upon Motion by Council Member Campbell and second by Vice-Mayor Oakes, Ordinance No. 2009-11.11 presented by its First Reading on November 17, 2009 amending the Fiscal Year 2010 Budget Appropriation Ordinance to provide for a U. S. Department of Housing and Urban Development Neighborhood Initiative Program Grant in the amount of \$475,000 was adopted by the following vote:

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

Upon Motion by Council Member Campbell and second by Vice-Mayor Oakes, Ordinance No. 2009-11.12 presented by its First Reading on November 17, 2009 amending the Fiscal Year 2010 Budget Appropriation Ordinance by anticipating revenues in the amount of \$58,110 from the operation of an Electronic Monitoring Program

December 1, 2009

and \$54,027 from the operation of an Outreach Detention Program for Pittsylvania County for a total appropriation of \$112,137 and appropriating same was adopted by the following vote:

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

Upon Motion by Council Member Campbell and second by Vice-Mayor Oakes, Ordinance No. 2009-11.13 presented by its First Reading on November 17, 2009 amending the Fiscal Year 2010 Budget Appropriation Ordinance to anticipate grant funds from the Commonwealth of Virginia for Litter Control and recycling efforts in the amount of \$8,375 and appropriating same was adopted by the following vote:

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

#### **APPOINTMENTS**

Council Member moved adoption of the following Resolutions of Appointment:

Resolution No. 2009-12.01 reappointing Kenneth E. Calvert as a Member of the Building Code Board of Appeals.

Resolution No. 2009-12.02 reappointing Robert G. Newnam as a Member of the Building Code Board of Appeals.

Resolution No. 2009-12.03 reappointing Marcia Lee Rich as a Member of the Building Code Board of Appeals.

Resolution No. 2009-12.04 appointing Gus W. Dyer, III as a Member of the Building Code Board of Appeals.

Resolution No. 2009-12.05 appointing Carlos A. deAristizabal as a Member of the Danville-Pittsylvania Community Policy and Management Board.

Resolution No. 2009-12.06 reappointing James A. Motley as a Member of the Employees' Retirement System Board of Trustees.

Resolution No. 2009-12.07 reappointing E. Linwood Wright, III as a Member of the Employees' Retirement System Board of Trustees.

Resolution No. 2009-12.08 appointing Lenard D. Lackey, Jr. as a Member of the Employees' Retirement System Board of Trustees.

December 1, 2009

Resolution No. 2009-12.09 reappointing Betty M. Smith as a Member of the Fair Housing Board.

Resolution No. 2009-12.10 reappointing Shahnaz M. Ahmed as a Member of the Fair Housing Board.

Resolution No. 2009-12.11 reappointing Ann S. Evans as a Member of the Planning Commission.

Resolution No. 2009-12.12 reappointing William L. Griffith as a Member of the Planning Commission.

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

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

**BUDGET AMENDMENT-FY 2010-VDOT REVENUE SHARING PROGRAM FUNDS**

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

ORDINANCE NO. 2009-12.01

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE UNDERTAKEN WITHIN THE CITY AND TO BE FINANCED ANTICIPATING REVENUES FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) REVENUE SHARING PROGRAM IN THE AMOUNT OF \$800,000

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

**BUDGET AMENDMENT-FY 2010-AMERICAN RECOVERY & REINVESTMENT ACT MASS TRANSIT FUNDING - CAPITAL PROJECTS**

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

ORDINANCE NO. 2009-12.02

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL FEDERAL TRANSIT ADMINISTRATION AMERICAN RECOVERY AND REINVESTMENT ACT MASS TRANSIT FUNDING FOR THE PURPOSE OF CAPITAL PROJECTS RELATED TO THE DANVILLE TRANSIT SYSTEM IN THE AMOUNT OF \$717,290 AND APPROPRIATING SAME

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

December 1, 2009

**BUDGET AMENDMENT-FY 2010-STATE FUNDING-DEMOLISH ADVANCE BUILDING**

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

ORDINANCE NO. 2009-12.03

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE AVIATION FUNDING FOR THE PURPOSE OF DEMOLISHING THE ADVANCE AUTO BUILDING PROPERTY LOCATED DIRECTLY ACROSS FROM THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF \$14,648 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$3,662 TO BE PROVIDED BY A TRANSFER FROM THE GENERAL FUND CONTINGENCY ACCOUNT FOR A TOTAL APPROPRIATION OF \$18,310 AND APPROPRIATING SAME

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

**CODE AMENDMENT-CHAPTER 5 "ANIMALS & FOWL" - ADEQUATE SPACE & TIME RESTRICTIONS ON TETHERING COMPANION ANIMALS**

Council Member Miller moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-12.04

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF CHAPTER 5, ENTITLED "ANIMALS AND FOWL," OF THE DANVILLE CITY CODE, SPECIFICALLY BY ADDING A NEW SECTION 5-25, ENTITLED "ADEQUATE SPACE FOR ANIMALS; TIME RESTRICTIONS ON TETHERING COMPANION ANIMALS, OF ARTICLE III, ENTITLED "ANIMAL WELFARE."

Council Member Tomer seconded the Motion.

Several Council Members commented that this code amendment was very timely and overdue. Mr. Tomer stated he was proud to support this ordinance and said he felt it indicated to all that Danville was a progressive City.

Mr. Luther thanked Dr. Miller for his research during the process and expressed appreciation to Humane Society Executive Director Paulette Dean for her help and support.

In response to Mr. Campbell, City Attorney Whitfield advised should any changes to the code become necessary, Council could act on amendments at any time in the future.

The Ordinance was adopted by the following vote:

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

December 1, 2009

Mayor Saunders advised Council Member Rawley had phoned him prior to the meeting and commented that if he could have been present for the meeting, he would have voted in favor of the amendment. As requested by Mr. Rawley during the phone call, Mayor Saunders conveyed that to humane society members and supporters following the vote.

There were a large contingent of animal lovers and humane society members present for the meeting. Most had attended the public hearings held on November 5 and November 17. They acknowledged their gratitude by giving Council Members a rousing standing ovation upon hearing the code amendment had passed.

**TOBACCO COMMISSION RESEARCH & DEVELOPMENT GRANT APPLICATION**

Council Member Shanks moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-12.13

A RESOLUTION AUTHORIZING THE CITY OF DANVILLE TO SUBMIT AN APPLICATION TO THE VIRGINIA TOBACCO INDEMNIFICATION AND COMMUNITY REVITALIZATION COMMISSION FOR AN AWARD UNDER THEIR RESEARCH AND DEVELOPMENT GRANT PROGRAM.

The Motion was seconded by council Member Archie and carried by the following vote:

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

**CDBG PROGRAM - AMENDMENT TO CONSOLIDATED ACTION PLAN FOR 2010**

Council Member Archie moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-12.14

A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AMENDMENT OF THE CITY OF DANVILLE'S CONSOLIDATED ACTION PLAN FOR THE FISCAL YEAR JULY 1, 2009 - JUNE 30, 2010.

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

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

**AVERETT UNIVERSITY - ENCROACHMENT RIGHTS - WOODLAND DRIVE**

December 1, 2009

**STATEMENT OF CONFLICT OF INTEREST**

I, Fred O. Shanks, III, do hereby state that I have a conflict of interest regarding Agenda Item IX (G) concerning the approval of an encroachment upon City right-of-way by Averett University for the purpose of a pedestrian crosswalk. Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code Section 2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 1<sup>st</sup> day of December 2009.

**s/Fred O. Shanks III**

Council Member Campbell moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-12.15

A RESOLUTION AUTHORIZING AND GRANTING AVERETT UNIVERSITY PERMISSION TO ENCROACH UPON THE RIGHT-OF-WAY OF WOODLAND DRIVE FOR THE PURPOSE OF A PEDESTRIAN CROSSWALK AND PLAZA.

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

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

**COMMUNICATIONS**

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

**ROLL CALL**

Council Members expressed gratitude to Rev. Campbell for the input forum relating to crime held recently at the School Board office. They said it was well attended and felt the forum was a success.

Rev. Campbell thanked everyone for attending. He advised that from attendees at the forum, a steering committee was formed. The committee is scheduled to meet on Monday, December 7, 6:00 p.m., in the Second Floor Conference Room, City Hall.

Council Member Luther encouraged citizens to attend the annual Christmas Parade scheduled for Saturday, December 12, 6:00 P.M.

December 1, 2009

Dr. Miller reminded everyone that today, December 1, the smoking ban in restaurants goes into effect. He said this was an issue near and dear to his heart. Dr. Miller is a local cardiologist.

Vice-Mayor Oakes stated he had attended the announcement by the YWCA on Monday, November 30 that they would be re-locating. Mr. Oakes said the facility would be a great asset located right in the heart of downtown Danville.

Council Member Shanks inquired if there would be additional receptacles for recycling in areas other than public parks. City Manager Lacy said there were receptacles at Piedmont Mall and across from Public Works. Mr. Shanks said citizens had missed the one formerly located at the Ballou Park location.

Mayor Saunders said the City faced many issues and they must be confronted. He stated there was negative behavior in Danville, but that came from a few rather than the majority. Danville is doing great compared to other cities during these very tough times. Mayor Saunders encouraged everyone to come forward with any ideas to make Danville a better place in which to live, work, and play. He said that to effectively address the City's crime problems, many citizens would have to become involved. Some have already begun the process by attending the community input forum last Monday. Mayor Saunders recalled that Dr. Miller had asked that a task force be formed and he advised work had begun on that project. He stated he had participated in several discussions recently with City Manager Lacy, Deputy City Manager King, Police Chief Broadfoot and City Attorney Whitfield. Mayor Saunders reported the group had compiled a discussion draft for Council Members' review and comment. The draft is to be distributed in the Work Session to follow. He said the crime problem would not be a quick fix, but felt it would be successful in time.

The Meeting adjourned at 7:40 P.M.

APPROVED:

---

MAYOR

ATTEST:

---

CITY CLERK