

The regular March Meeting of City Council was held on March 2, 2010 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: 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, Emergency Services Director Bernard "Buster" Brown, Finance Director Barbara Dameron, Fire Chief David Eagle, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Parks, Recreation and Tourism Director Bill Sgrinia, Economic Development Projects Manager Anne Moore-Sparks and Economic Development Director Jeremy Stratton.

Mayor Saunders presided.

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

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

#### **MINUTES**

Upon Motion by Council Member Archie and second by Vice-Mayor Oakes, Minutes of the February 16, 2010 Meeting of City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

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

Mayor Saunders announced the following budget amendments had been previously discussed by Council and introduced for first reading and would be further considered by Council in the Public Hearing. After the Public Hearing is closed, there will be no separate discussion on the items and will be enacted by one motion. Should a Council Member or citizen desire discussion on an item/items, the item/items would be removed from the consent process and considered separately.

Mr. Shanks requested that Item #7 relating to tree planting and the Riverwalk Master Plan Update be removed from the consent process and considered separately.

Mayor Saunders opened the floor for a Public Hearing to consider amendments to the FY 2010 Budget Appropriation Ordinance. Notice of the Public Hearing was published in the Danville Register and Bee on February 22, 2010. No one present desired to be heard and the Public Hearing was closed.

Upon Motion by Vice-Mayor Oakes and second by Council Member Campbell, Ordinance No. 2010-02.02 presented by its First Reading on February 16, 2010 amending the Fiscal Year 2010 Budget Appropriation Ordinance for a grant from the Department of Juvenile Justice in the amount of \$107,733 and a local share of \$26,324, for a total appropriation of \$134,057, to provide for the electronic monitoring and outreach detention programs and other contracted services for the City of Danville at the W. W. Moore Jr. Detention Home and appropriating same was adopted by the following vote:

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

Upon Motion by Vice-Mayor Oakes and second by Council Member Campbell, Ordinance No. 2010-02.03 presented by its First Reading on February 16, 2010 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 Citizens Preparedness Project was adopted by the following vote:

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

Upon Motion by Vice-Mayor Oakes and second by Council Member Campbell, Ordinance No. 2010-02.04 presented by its First Reading on February 16, 2010 amending the Fiscal Year 2010 Budget Appropriation Ordinance for a grant in the amount of \$13,292 from the Virginia Office of Emergency Medical Services, Rescue Squad Assistance Fund Consolidated Grants Program, and local match in the amount of \$3,323, for a total appropriation in the amount of \$16,615 and appropriating same was adopted by the following vote:

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

Upon Motion by Vice-Mayor Oakes and second by Council Member Campbell, Ordinance No. 2010-02.05 presented by its First Reading on February 16, 2010 amending the Fiscal Year 2010 Budget Appropriation Ordinance to provide for a grant in the amount of \$17,856 from the Federal Emergency Management Agency and the Department of Homeland Security, and local match in the amount of \$1,983, for a total appropriation in the amount of \$19,839 and appropriating same was adopted by the following vote:

VOTE: 9-0  
AYE: Archie, Campbell, Luther, Miller, Oakes, Rawley,

Saunders, Shanks and Tomer (9)  
NAY: None (0).

Upon Motion by Vice-Mayor Oakes and second by Council Member Campbell, Ordinance No. 2010-02.06 presented by its First Reading on February 16, 2010 amending the Fiscal Year 2010 Budget Appropriation Ordinance by increasing revenues to provide for a grant from the Federal Highway Administration in the amount of \$88,920 for Riverwalk Trail Extension was adopted by the following vote:

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

**BUDGET ADOPTION-FY 2010-RIVERWALK MASTER PLAN - TREE PLANTING**

Council Member Luther moved adoption of Ordinance No. 2010-02.07 presented by its First Reading on February 16, 2010 amending the Fiscal Year 2010 Budget Appropriation Ordinance by increasing revenues to provide for a grant from the Virginia Department of Forestry in the amount of \$65,000 for tree planting, tree maintenance, and Riverwalk Master Plan update and appropriating same.

Council Member Rawley seconded the Motion.

Mr. Shanks reported he had received complaints about unsightliness of the trees along North Main Street at Highland Burial Park. He stated he hoped this location would be considered when use of the funds is being prioritized.

The Ordinance 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-DEBT SERVICE RESERVE FUND-BERRY HILL MEGA PARK**

Mayor Saunders opened the floor for a Public Hearing to consider an amendment to the FY 2010 Budget Appropriation Ordinance to authorize a transfer from the General Fund Balance for the Debt Service Reserve Fund for the Berry Hill Mega Park Bond issuance. Notice of the Public Hearing was published in the Danville Register and Bee on February 22, 2010. No one present desired to be heard and the Public Hearing was closed.

Council Member Campbell moved adoption of Ordinance No. 2010-02.08 presented by its First Reading on February 16, 2010 amending the Fiscal Year 2010 Budget Appropriation Ordinance by authorizing a transfer from the General Fund Balance to provide

funds for the Debt Service Reserve Fund for the Berry Hill Mega Park Bond issue.

Council Member Rawley seconded the Motion.

In response to Council Member Shanks, Finance Director Barbara Dameron advised these funds would be set up in an escrow account with the benefit of interest earned to pay down debt service. Ms. Dameron stated the funds are held in the Regional Authority account.

The Ordinance was adopted by the following vote:

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

**AMEND CITY CODE CHAPTER 23.1 ENTITLED "NOISE"**

Council Member Archie moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-03.01

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 23.1, ENTITLED "NOISE," OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA.

The Motion was seconded by Vice-Mayor Oakes.

Mr. Shanks advised the one complaint that he heard frequently from citizens was the issue of noise from trash collection at 4:30 a.m. He said his concern was that no one should raise a family living near that type of noise at that time of the day.

Mr. Shanks moved to amend Section 23.1-4 (13) *Commercial vehicle and trash collection vehicle operation* to read as follows: "Except in the downtown commercial zoning district, the operation of a commercial vehicle or trash collection vehicle between the hours of 10:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible inside the confines of a dwelling unit, house, or apartment or at a distance of 50 feet or more."

The Motion was seconded by Council Member Rawley.

Vice-Mayor Oakes stated the early morning collections were from independent contractors who were collecting trash from medical buildings and other facilities. He wanted to clarify that it was not City vehicles collecting at that time of the morning.

Mr. Tomer agreed with Mr. Shanks and asked that notification about the change be sent to the independent contractors. Deputy City Manager King agreed to do so.

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 Ordinance, 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-SPECIAL USE PERMIT AT 2855 RIVERSIDE DRIVE**

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to operate an indoor kart racing facility and game room. Notice of the Public Hearing was published in the Danville Register and Bee on February 16 and 23, 2010.

Owner Ken Grammer appeared to answer questions from Council Members and citizens. In response to Mr. Luther, Mr. Grammer said the hours of operation would not interfere with the Dan River Church services. Mr. Grammer stated he has had several conversations with members of the church and they were satisfied with the hours of operation for the indoor kart racing facility.

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

Vice-Mayor Oakes moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-03.02

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PROPERTY LOCATED AT 2855 RIVERSIDE DRIVE FOR THE PURPOSE OF INDOOR COMMERCIAL RECREATION SUBJECT TO CONDITIONS IN ACCORDANCE WITH ARTICLE 3.N, SECTION C, ITEM 4, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 2855 RIVERSIDE 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).

**PUBLIC HEARING-SPECIAL USE PERMIT AT 140 CROWN DRIVE**

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to add multiple indoor game machines and pool tables to go along with an expansion and re-branding of the Rock-Ola Cafe restaurant and bar. Notice of the

Public Hearing was published in the Danville Register and Bee on February 16 and 23, 2010.

Representing the applicant, Tom Mincher of Greensboro, North Carolina appeared to request a Special Use Permit to add multiple indoor game machines and pool tables in the Rock-Ola Café restaurant located at 140 Crown Drive. Mr. Mincher requested the hours listed in the application be modified to include Monday through Sunday 7:00 a.m. to 2:00 a.m. for the purpose of being consistent with competitors in the area. He said there were a number of sporting games that went beyond the originally requested midnight hour. In response to Mayor Saunders, Mr. Mincher stated the change had been discussed with the Planning Staff and there was no opposition to the modification.

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

Council Member Rawley moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-03.03

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR COMMERCIAL INDOOR RECREATION SUBJECT TO CONDITIONS IN ACCORDANCE WITH ARTICLE 3.N, SECTION C, ITEM 4, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 140 CROWN DRIVE WITH THE SUNDAY OPERATIONS GOING TO 2:00 A.M.

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-WAIVER OF YARD REQUIREMENTS**

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for a waiver of yard requirements at 140 Crown Drive. Notice of the Public Hearing was published in the Danville Register and Bee on February 16 and 23, 2010. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-03.04

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR A WAIVER OF YARD REQUIREMENTS SUBJECT TO A CONDITION IN ACCORDANCE WITH ARTICLE 3.N, SECTION C, ITEM 21, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 140 CROWN DRIVE.

The Motion was seconded by Council Member Archie 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-FIRE STATION & 911 CENTER**

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

ORDINANCE NO. 2010-03.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE BY AUTHORIZING A TRANSFER FROM THE GENERAL FUND UNRESERVED FUND BALANCE TO PROVIDE FUNDS FOR EXPENDITURES RELATED TO THE PURCHASE OF LAND AND ENGINEERING/ARCHITECTURAL SERVICES FOR THE NEW FIRE STATION/HEADQUARTERS AND EMERGENCY OPERATIONS CENTER TO BE REIMBURSED FROM GENERAL FUND BOND PROCEEDS

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

**BUDGET AMENDMENT-FY 2010-COMPREHENSIVE SERVICES ACT FUNDS**

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

ORDINANCE NO. 2010-03.06

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE BY APPROPRIATING COMPREHENSIVE SERVICES ACT FUNDS AND PROVIDING LOCAL MATCHING FUNDS FOR A TOTAL AMOUNT OF \$5,200,000

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

**CONTINUING DISCLOSURE AGREEMENT - REGIONAL AUTHORITY**

Vice-Mayor Oakes moved adoption of a Resolution entitled:

RESOLUTION NO. 2010-03.01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA AUTHORIZING A CONTINUING DISCLOSURE AGREEMENT, DISCLOSURE INFORMATION AND CERTAIN ACTIONS IN CONNECTION WITH A FINANCING BY THE DANVILLE-PITTSYLVANIA REGIONAL INDUSTRIAL FACILITY AUTHORITY.

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).

**ACQUIRE CERTAIN PROPERTIES FOR PUBLIC SAFETY PURPOSES**

Council Member Archie moved adoption of a Resolution entitled:

RESOLUTION NO. 2010-03.02

A RESOLUTION AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACQUIRE BY PURCHASE CERTAIN PROPERTIES FOR A PUBLIC SAFETY PURPOSE.

The Motion was seconded by Vice-Mayor Oakes 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 Deputy City Manager, City Attorney and City Clerk.

**ROLL CALL**

Council Members extended good wishes and prayers to City Manager Lacy who is ill at home.

Mr. Shanks reminded citizens of a meeting on Monday, March 8, 7:00 p.m. at the Senior Citizens Center in Ballou Park. A joint meeting with City Council, the Planning Commission and consultants is scheduled to receive a progress report from the consultants and to receive citizen input on the Comprehensive Plan update.

Mayor Saunders encouraged citizens to donate to the Neighbor Helping Neighbors program to assist with the cost of high utility bills. He asked the Utility Commission to make contacts across the country to find out how other areas were coping with the high cost of utilities.

The Meeting adjourned at 7:49 P.M.

APPROVED:

March 2, 2010

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MAYOR

ATTEST:

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CITY CLERK