

The Second May Meeting of City Council was held on Thursday, May 6, 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: 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). Ruby B. Archie was absent (1).

Staff Members present were: City Manager Joseph C. King, City Attorney W. Clarke Whitfield Jr. and City Clerk Annette Y. Crane, CMC.

Other Staff Members present were Finance Director Barbara Dameron, Planning Director Kenny Gillie, Housing and Development Director Dianne Morris, Deputy Public Works Director/City Engineer Kent Shelton and Budget Director Cynthia Thomasson.

Superintendent of Schools Dr. Sue Davis and Assistant Superintendent Dr. Kathy Osborne were also present.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ADDITION TO AGENDA

Mayor Saunders requested an Ordinance appointing a City Manager be added to the Agenda under Item VII Old Business. Council Members voiced no opposition to the request.

APPOINT JOE KING AS CITY MANAGER

Council Member Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-05.01

AN ORDINANCE APPOINTING JOSEPH C. KING AS CITY MANAGER FOR THE CITY OF DANVILLE, VIRGINIA AND APPROVING AND AUTHORIZING THE EXECUTION OF THE CITY MANAGER'S EMPLOYMENT CONTRACT.

The Motion was seconded by Vice-Mayor Oakes 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).

City Clerk Annette Crane administered the Oath of Office to Mr. King at this point in the Meeting.

Council and staff members were afforded the opportunity to welcome Mr. King as City Manager.

Mayor Saunders reviewed Mr. King's work experience. He said Mr. King had 34 years of experience in a wide range of local government functions including economic development, finance and budgeting, strategic planning, organizational development, community relations and intergovernmental affairs. Speaking for the entire Council, Mayor Saunders said that Mr. King was the right man for the job in part because he knows Danville and its municipal organization.

Council Members commented the City was very fortunate to have a man of Mr. King's integrity to oversee the daily operations of the City. They also expressed pride that Mr. King was promoted from within and were confident the City would continue to progress.

Mr. King stated he was humbled and honored to serve with this City Council. He said Danville had been blessed with a tradition of good City Councils, which is very important to the progress of the City. He stated he would continue to invest his heart and soul and blood, sweat, and tears to meet City Council's expectations.

MINUTES

Upon Motion by Council Member Luther and second by Council Member Campbell, Minutes of the April 20, 2010 Regular Meeting of City Council and the Special Joint Work Session held on April 20, 2010 were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

PUBLIC HEARING - AUTHORIZE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS - \$10,240,000

Mayor Saunders opened the floor for a Public Hearing to consider authorizing the issuance of General Obligation Bonds to fund various capital projects. Notice of the Public Hearing was published in the Danville Register and Bee on April 20 and 27, 2010. No one present desired to be heard.

Upon Motion by Council Member Miller and second by Council Member Rawley, Ordinance No. 2010-04.03 presented by its First Reading on April 20, 2010 authorizing the issuance of General Obligation Bonds of the City of Danville, Virginia, in the maximum principal amount of \$10,240,000 to finance Capital Improvements to the City's water, wastewater, gas and electric systems, Capital Improvements to the City's Telecommunications System, the costs of a New Operations Center to serve the Utilities Department and a New Combined Fire Station and 911 Dispatch Facility 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).

PUBLIC HEARING - AMEND FY 2010 BUDGET APPROPRIATION ORDINANCE

Mayor Saunders announced the following budget amendments had been considered by City Council, introduced for First Reading, and would be further considered during the Public Hearing. Should a Council Member or citizen desire discussion on an item, the item will be removed from the Consent Process and considered separately.

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 April 27, 2010. No one present desired to be heard and the Public Hearing was closed.

BUDGET ADOPTION - FY 2010 - DOMESTIC VIOLENCE PROGRAM GRANT

Upon Motion by Council Member Miller and second by Council Member Campbell, Ordinance No. 2010-04.04 amending the FY 2010 Budget Appropriation Ordinance to provide for a grant from the State for a Domestic Violence Program Grant in the amount of \$39,976 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-BILL & MELINDA GATES STATE LIBRARY GRANT

Upon Motion by Council Member Miller and second by Council Member Campbell, Ordinance No. 2010-04.05 amending the Fiscal Year 2010 Budget Appropriation Ordinance to provide for a Grant from the Virginia State Library on behalf of Bill and Melinda Gates in the amount of \$9,100 and a Local Share in the amount of \$9,100 for a total appropriation of \$18,200 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 - TOBACCO REGION OPPORTUNITY FUND

Upon Motion by Council Member Miller and second by Council Member Campbell, Ordinance No. 2010-04.06 amending the Fiscal Year 2010 Budget Appropriation Ordinance by increasing revenues from the

Tobacco Region Opportunity Fund for Economic Development Incentive Packages for an appropriation in the amount of \$640,000 and appropriating the 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 & CITY - ROBERTSON BRIDGE PROJECT

Upon Motion by Council Member Miller and second by Council Member Campbell, Ordinance No. 2010-04.07 amending the Fiscal Year 2010 Budget Appropriation Ordinance to provide for Contribution-in-Aid from the Virginia Department of Transportation (VDOT) in the amount of \$105,680 and transfers to cover local funding in the amount of \$595,643 for replacement of water and gas lines for the Robertson Bridge Project 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).

PUBLIC HEARING - SPECIAL USE PERMIT - 609 KEEN 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 beauty school at 609 Keen Street. Notice of the Public Hearing was published in the Danville Register and Bee on April 22 and 29, 2010. No one present desired to be heard and the Public Hearing was closed.

Council Member Campbell moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-05.02

AN ORDINANCE GRANTING A SPECIAL USE PER TO ALLOW FOR A SCHOOL IN ACCORDANCE WITH ARTICLE 3.K, SECTION C, ITEM 15, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 609 KEEN 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 - SPECIAL USE PERMIT - 401 SOUTH RIDGE 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 commercial indoor recreation establishment at 401 South Ridge Street. Notice of the Public Hearing was published in the Danville Register and Bee on April 22 and 29, 2010.

Applicant Bernard Barbour, a Ringgold resident, appeared to request that Council grant a Special Use Permit to operate a teen club where teens could play games, have dances, socialize and have somewhere to go. Mr. Barbour felt the location was ideal since it was near the Police Department and the hospital. He advised the club was for 13-to 17-year-olds and security guards would be hired by the management. He further advised assistance from the Danville Police Department would be solicited and he would pay for those services. When asked if he had spoken with Chief Broadfoot, Mr. Barbour responded that he was waiting to get Council's decision before making arrangements with the Police Department.

Council Members agreed that teens did need something to do but some expressed opposition to the location. It was felt that teens needed a safe place to gather. It was noted there had been serious difficulties at this location in the past.

Planning Director Gillie advised that twenty-nine notices were sent to surrounding property owners. Of the ten who responded, seven were opposed. Mr. Tomer stated Council should keep this in mind when making the decision.

Mr. Luther suggested that Mr. Barbour read the City's Noise Ordinance. He said the Heritage Towers Apartments, which are located nearby, had complained of loud music coming from the facility during the previous tenancy.

Mr. Rawley asked who would pay salaries of the Police officers and security guards. Mr. Barbour stated there would be a cover charge of \$7 for each guest and salaries and other expenses would be paid from that. It was noted by Mr. Rawley that only 69 teens would be allowed in the club and \$7 did not seem adequate to cover costs for operating the facility and to pay the salaries.

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

Mr. Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-05.03

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO AUTHORIZE A COMMERCIAL INDOOR RECREATION ESTABLISHMENT IN ACCORDANCE WITH ARTICLE 3.K, SECTION C, ITEM 5, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 401 SOUTH RIDGE STREET.

Council Member Miller seconded the Motion.

It was suggested Mr. Barbour review his plans to make sure revenues would be adequate to operate the club and to meet with Chief Broadfoot to resolve security issues.

Upon Motion by Council Member Tomer and second by Vice-Mayor Oakes and by a unanimous vote, further consideration of the matter was **tabled** pending receipt of that information.

PUBLIC HEARING - 2010-2014 CONSOLIDATED PLAN - HUD

Mayor Saunders opened the floor for a Public Hearing to consider authorizing the submission of the 2010-2014 Consolidated Plan including a one-year action plan to the U. S. Department of Housing and Urban Development (HUD). Notice of the Public Hearing was published in the Danville Register and Bee on April 7, 2010. No one present desired to be heard and the Public Hearing was closed.

Council Member Luther moved adoption of a Resolution entitled:

RESOLUTION NO. 2010-05.01

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), A 2010-2014 CONSOLIDATED PLAN INCLUDING A ONE YEAR ACTION PLAN.

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 - 2011 DANVILLE PUBLIC SCHOOLS BUDGET

Mayor Saunders opened the floor for a Public Hearing for consideration of the Fiscal Year 2011 Budget for the Danville Public Schools. Notice of the Public Hearing was published in the Danville Register and Bee on April 24, 2010. 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, a Resolution entitled:

RESOLUTION NO. 2010-05.02

A RESOLUTION APPROVING THE BUDGET OF THE SCHOOL BOARD OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2011

was presented by its First Reading to lie over before final adoption.

CITY & VDOT AGREEMENT - ROBERTSON BRIDGE PROJECT

Council Member Tomer moved adoption of a Resolution entitled:

RESOLUTION NO. 2010-05.03

A RESOLUTION AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN THE CITY OF DANVILLE AND THE COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, PROVIDING FOR PROJECT CONSTRUCTION, OPERATION, AND MAINTENANCE TO ALLOW FOR THE REPLACEMENT OF THE ROBERTSON BRIDGE OVER THE DAN RIVER AND WIDENING MEMORIAL DRIVE FROM THE SOUTH END OF THE BRIDGE TO PARK AVENUE.

Vice-Mayor Oakes seconded the Motion.

Mayor Saunders said the Robertson Bridge Project had been a long time coming. City Manager King stated its success was due to a team effort that included Federal, State, and Local funding and cooperation.

The Resolution 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).

COMMUNICATIONS

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

Clerk's Note: An Abstract of Votes for the May 4, 2010 Councilmanic and School Board Elections is attached to and made of part of these Minutes.

ROLL CALL

Council Members extended congratulations to John Gilstrap, Alonzo Jones, Gary Miller, and Adam Tomer, who were successful candidates in the May 4, 2010 Councilmanic election. They expressed appreciation to all who voted.

Council Members congratulated Joe King and wished him well in his new position of City Manager.

The Meeting adjourned at 7:55 P.M.

APPROVED:

May 6, 2010

59

MAYOR

ATTEST:

CITY CLERK