

The Regular September Meeting of Danville City Council convened on the above date 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. (arrived at 7:03 P.M.), 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 Parrish, City Attorney W. Clarke Whitfield Jr., and City Clerk Annette Y. Crane.

Department/Division Directors present were Finance Director Barbara Dameron, Fire Chief David Eagle, Interim Community Development/Planning Director Kenny Gillie, Water and Gas Director Jim Harr, Housing and Development Director Dianne Morris, Parks, Recreation and Tourism Director Bill Sgrinia, Utilities Director RB Sloan, Economic Development Director Jeremy Stratton and Budget Director Cynthia Thomasson.

Mayor Saunders presided.

INVOCATION AND PLEDGE TO THE FLAG

Council Member Rawley offered the invocation. The Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Mayor Saunders recognized Dorothea Henry Chapter Daughters of the American Revolution Regent Shirley Day Primiano. Dr. Primiano was present to receive a certificate of recognition proclaiming the week of September 17-23 as Constitution Week. She said the honor was very much appreciated because it was very important that young people know the importance of the Constitution. Dr. Primiano encouraged citizens to fly the flag on September 11 and on September 17. The Constitution was signed on September 17, 1787. Mayor Saunders encouraged citizens to read the Constitution and to read it often.

COMMUNICATIONS FROM VISITORS

Westover Drive resident Thomas W. Motley said he had several items he wanted to bring to Council's attention. He asked the City administration to conduct an open investigation about a tasing incident that occurred on March 29, encouraged the City to use solar paneling when revitalizing homes, and asked that consideration be given to implementing three annual agreements that allows thirty days to pay a utility bill rather than the current two agreements and fifteen days to pay. Rev. Motley asked that no lights be turned off during winter months, especially for the elderly and disabled.

Mayor Saunders said the City was actively finding ways to address the issue of solar paneling and a study was currently underway relating to the payment of utility bills.

MINUTES

Dr. Miller noted a correction to the Minutes. Under Announcements and Special Recognition, the words "a hospitalist program has been implemented" should be corrected to read "the hospital has contracted with a new management group to administer the hospitalist program." The Clerk noted the corrections.

Upon Motion by Council Member Rawley and second by Council Member Campbell, Minutes of the August 17, 2010 Regular Council Meeting were approved as corrected. Draft copies had been distributed to Council Members prior to the Meeting.

BUDGET ADOPTION-FY 2011-RECREATION ENRICHMENT GRANT FUNDS

Upon Motion by Council Member Gilstrap and second by Council Member Jones, Ordinance No. 2010-08.04 presented by its First Reading on August 17, 2010 amending the Fiscal year 2011 Budget Appropriation Ordinance to provide for funds in the amount of \$52,811 for a Recreation Enrichment Program and Expanded Summer Program and the Local In-Kind share of \$48,559 for a total appropriation of \$101,370 and appropriating same was adopted by the following vote:

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

BUDGET ADOPTION-FY 2011-VIRGINIA DEPT. OF EMERGENCY MANAGEMENT GRANT FUNDS

Upon Motion by Council Member Miller and second by Council Member Campbell, Ordinance No. 2010-08.05 presented by its First Reading on August 17, 2010 amending the Fiscal Year 2011 Budget Appropriation Ordinance to provide for a grant from Virginia Department of Emergency Management in an amount of \$50,000 for upgrades to the Danville Regional Hazardous Material Response Team and appropriating same was adopted by the following vote:

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

PUBLIC HEARING - CITY RECORDATION AND AFFIDAVIT FEES

Mayor Saunders opened the floor for a Public Hearing to consider adopting a City fee of \$25.00 on the recordation of a list of

heirs or affidavit. Notice of the Public Hearing was published in the Danville Register and Bee on August 24 and 31, 2010. No one present desired to be heard and the Public Hearing was closed.

Upon Motion by Council Member Shanks and second by Council Member Luther, Ordinance No. 2010-08.06 presented by its First Reading on August 17, 2010 to adopt a City Fee of \$25 on the Recordation of a List of Heirs or Affidavit was adopted 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 AT 318 MAIN STREET

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit to allow for operation of a commercial recreation facility at 318 Main Street. Notice of the Public Hearing was published in the Danville Register and Bee on August 24 and 31, 2010.

Beverly Road resident Rev. Charles Walker appeared to answer questions from citizens and Council Members. Rev. Walker advised he was requesting a Special Use Permit to operate a Christian social venue for Christian entertainment and recreation at 318 Main Street. He stated the venue was part of Jehovah Ministries' outreach and is an extension of the church fellowship hall. Presently, the entertainment takes place on Friday evening only. Rev. Walker said the goal was to provide gospel music in an upscale atmosphere and to teach young people how to act in social situations. He said thousands of dollars had been spent for upgrades to the facility in order to create a positive atmosphere for participants.

Mr. Luther questioned how a commercial for-profit venue could be operated in a church that is tax-exempt. Rev. Walker stated any monies collected for admission would go back into the ministry and pay for musicians. City Attorney Whitfield advised that churches were allowed to hold events that technically were profitable, but would remain tax exempt if the money was used for church ministries.

Council Member Jones advised he had attended one such event at the church recently and was very impressed with what he saw. Rev. Campbell echoed Mr. Jones sentiments and Council Members agreed this type of activity was needed in Danville.

Mr. Jones reported the Teen Zone was just up the street and there have been multiple altercations among the participants at that facility. Mr. Jones reported that such an altercation occurred while he was at the Christian venue and adults from the venue assisted the police department in breaking up the fight.

City Manager King was asked to follow-up with the Teen Zone owner to see what could be done to alleviate those problems. Mr. King agreed to do so.

Rev. Derrick Mercer spoke in favor of the venue. He said the Danville Ministerial Alliance has given its support as well.

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

Council Member Tomer moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-09.01

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW FOR COMMERCIAL RECREATION WITH CONDITIONS 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 318 MAIN STREET.

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).

PUBLIC HEARING-AMEND ARTICLE 8, CHAPTER 41, PARKING AND LOADING REQUIREMENTS

Mayor Saunders opened the floor for a Public Hearing to consider amending Article 8, Chapter 41, of the City Code by modifying the parking requirements for medical and dental offices. Notice of the Public Hearing was published in the Danville Register and Bee on August 24 and 31, 2010.

Local dentist Dr. Albert Payne voiced his support of the modified parking requirements.

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

Planning Director Kenny Gillie recalled that Council had requested staff to research and recommend amendments to the Zoning Code relating to parking requirements for medical and dental offices. Mr. Gillie reported that information was requested from the Virginia Chapter of the American Planning Association in order to determine what parking requirements were in other Virginia localities. He advised that staff recommends the code relating to medical and dental offices be amended from four (4) spaces per examination or treatment room, plus one (1) space for each doctor and employee to one (1) space per three hundred (300) square feet of net office floor area, plus one (1) space per employee, provided that no individual unit shall have

fewer than three (3) spaces. He said the amended parking requirement is comparable to the parking requirements of an office type use.

Council Member Miller moved adoption of an Ordinance entitled:

ORDINANCE NO. 2010-09.02

AN ORDINANCE AMENDING AND REORDAINING CERTAIN SECTIONS OF CHAPTER 41, ENTITLED "ZONING ORDINANCE," OF THE DANVILLE CITY CODE, INCLUDING SPECIFIC SECTIONS IN ARTICLE 8, ENTITLED "PARKING AND LOADING REQUIREMENTS," SECTION E, ENTITLED "MINIMUM REQUIRED PARKING SPACES."

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

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

BUDGET AMENDMENT-FY 2011-FOOD SERVICE OPERATIONS-DETENTION HOME

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

ORDINANCE NO. 2011-09.03

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF APPROXIMATELY \$46,689 TO AID THE FOOD SERVICE OPERATIONS AT W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME

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

BUDGET AMENDMENT-FY 2011-TITLE III-B & III-D GRANT FUNDS

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

ORDINANCE NO. 2011-09.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET APPROPRIATION ORDINANCE BY INCREASING CERTAIN REVENUES TO PROVIDE FOR TITLE III-B AND TITLE III-D GRANT FUNDS AND LOCAL SHARE FOR SENIOR CITIZEN PROGRAMS AND APPROPRIATING SAME

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

APPROVE DONATION OF CIVIL WAR ERA ARTIFACTS TO DANVILLE MUSEUM

Council Member Shanks moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-09.01

A RESOLUTION AUTHORIZING AND APPROVING THE DONATION OF CIVIL WAR ERA ARTIFACTS TO THE DANVILLE MUSEUM OF FINE ARTS AND HISTORY.

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).

PROVIDE FOR ISSUANCE, SALE & AWARD OF GENERAL OBLIGATION BONDS

Vice-Mayor Luther moved adoption of a Resolution entitled:

RESOLUTION NO. 2011-09.02

A RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND AWARD OF CITY OF DANVILLE, VIRGINIA, GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2010, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$10,985, HERETOFORE AUTHORIZED, AND PROVIDING FOR THE FORM DETAILS AND PAYMENT THEREOF.

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

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

In response to Mr. Tomer, City Manager King advised that although an ideal site is being looked at, environmental testing and other site work must be completed before a final site is selected for the new fire station facility.

BUDGET AMENDMENT-FY 2011-PROCEEDS FROM SALE OF BONDS

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

ORDINANCE NO. 2011-09.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR THE PROCEEDS FROM THE SALE OF GENERAL OBLIGATION BONDS OF FISCAL YEAR 2011 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 and City Attorney.

City Clerk Annette Crane congratulated Tiffany and Rodney Harris on the birth of their son, Colton David, born on September 2. Ms. Harris is the Executive Secretary in the City Manager's office.

ROLL CALL

Mr. Gilstrap, who missed the August 17 Council Meeting due to illness, commended the staff at Danville Regional Medical Center for the excellent care he received while a patient there.

Mr. Jones expressed thanks and appreciation to the Danville Police Department for its assistance in controlling young people following an altercation at the Teen Zone recently.

Mr. Luther asked Mr. King for an update on the shooting that occurred late this afternoon on Monument Street. Mr. King said several individuals, including police officers, were involved in an incident where shots were fired. Mr. King said an investigation is ongoing and that was the extent of what he knew at this point.

Mr. Tomer reminded everyone of the September 11 anniversary coming up soon. He recognized his wife Robin and one of his former teachers, Mrs. Compton, who were present during the Council meeting.

Mayor Saunders expressed thanks to the men and women who put their lives on the line every day. He encouraged anyone who is aware that something is about to happen to talk to someone about it.

The Meeting adjourned at 8:25 P.M.

APPROVED:

MAYOR

ATTEST:

CLERK