

The second regular May Meeting of City Council was held on May 17, 2011 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., 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 A. Parrish, City Attorney W. Clarke Whitfield Jr. and City Clerk Susan M. DeMasi.

Other Staff Members present were: Finance Director Barbara Dameron, Budget Director Cynthia Thomasson, Director of Economic Development Jeremy Stratton, Director of Public Works Ric Drazenovich, Director of Parks, Recreation and Tourism Bill Sgrina; Interim Director of Utilities Jim Harr, Chief of Police Philip Broadfoot, Fire Chief David Eagle, Public Information Officer Arnold Hendrix, Director of Transportation Marc Adelman, Director of Information Technology Inez Harville, and Director of Inspections Division Jerry Rigney.

Mayor Saunders presided.

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

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

### **PUBLIC INPUT ON THE PROPOSED FY 2012 BUDGET**

Mayor Saunders opened the floor for Public Input on the Proposed FY 2012 Budget.

Mayor Saunders recognized the following citizens:

Ms. Dorothy Jones - asked Council to reconsider the fee for trash pick-up as the elderly and disabled cannot afford the proposed fee and cannot get their trash to the curb.

Mr. Lee Vogler, 118 Grove Park Circle – spoke against an increase in real estate tax.

Jack Binion, 605 Chatelaine Avenue - spoke against the proposed cigarette tax and how it would affect sales at convenience stores.

Dorothy Jones – 50 year resident of Danville, asked Council not to raise real estate taxes.

Linda Burns – general manager of W.D. Rowe Monument Company spoke in opposition of the cemetery fee increase.

Belinda Mitchell, Piney Forest Road – spoke to Council and noted because of City's proposal her rent may go up; that whatever increase is put on her landlord will eventually be a burden on the tenants.

Courtney Dodson, Virginia Avenue – spoke in support of curbside recycling.

Jeff Harvey – tenant whose landlord has suggested that he might have to raise his rent as well as other tenants in the area; spoke in opposition to the inspection permit fees.

Frank Armstrong – owner of Blue Ridge Tobacco and Prudence Powell, store manager both spoke in opposition to the tobacco tax.

*Council Member Gilstrap questioned Mr. Armstrong as to the cost of cigarettes in his store.*

Mary Martin, Tarheel Tobacco, Lowe's Drive - spoke in opposition to the tobacco tax.

### **PUBLIC HEARINGS ON PROPOSED FY 2012 TAX AND FEE INCREASES**

Mayor Saunders opened the floor for a Public Hearing to consider the Proposed FY 2012 Tax and Fee increases. Notice of the Public Hearing was published in the Danville Register and Bee on April 15, 2011.

Mayor Saunders recognized the following citizens:

Charlene Gunter – spoke in opposition of tax on rental properties.

Niaz Yousafzai - spoke in opposition of the cigarette tax.

Abdul Khan – spoke in opposition of the cigarette tax.

*Mr. Tomer asked Mr. Yousafzai the percentage of sales of cigarettes in his store. Mr. Yousafzai noted cigarette sales represented 60% of sales in his store.*

Mary Jane Shipman – spoke in opposition to closing the Westover Public Library.

Dave Armstrong – Fas Mart Convenience Stores, spoke in opposition to the cigarette tax.

Vicky and Junior Meeks – spoke in opposition to the rental inspection fees and the 10% real state tax.

Mary Martin – asked that the remarks made by herself and Mr. Armstrong appear in the minutes under the Public Hearing instead of the Budget.

Jerry Wegger – Sheetz Convenience Stores, spoke of his specific experience with a cigarette tax increase in Stephens City, Virginia; and spoke in opposition to the proposed cigarette tax.

Russell Piercy - convenience store operator, spoke in opposition to the cigarette tax.

Kirpal Singh – Quick 'N Plenty Market, spoke against cigarette tax.

Council Member Rawley asked City Manager and City Attorney about Items VIII 2, 3 and 4, that if there is no motion or second on these three items tonight, where would that put the Council with respect to State statutes, and to still have enough time to pass a budget before July 1.

Mr. Whitfield explained the rules regarding Public Hearings and First Readings. He also explained the Statute regarding Public Hearings for the budget and for tax increases.

Council Member Tomer noted he was under the assumption that the City can balance the budget without the tax increases. Mr. King confirmed this. Mr. Tomer then noted that he

was of the opinion that Council should not introduce these tax increases for first reading or second them and these three tax increases should die tonight and go no further.

Council Member Shanks noted that he believed it was the wrong time to raise any taxes and these items should die tonight.

Council Members questioned the City Attorney further regarding the procedure for public hearings and first readings of these ordinances.

Council Member Jones expressed his concerns about the City and its citizens; he noted the citizens have spoken with respect to the proposed ordinances.

Council Members discussed the proposed tax increases further.

After calling for a motion, Mayor Saunders Stated:

**Items VIII A, 1-4 - No Action.**

Mayor Saunders called for a 15 minute recess.

**PUBLIC HEARING – NEW FEES OR INCREASING EXISTING FEES – CERTAIN SERVICES.**

Mayor Saunders opened the floor for a Public Hearing to consider Establishing New Fees or Increasing Existing Fees for Certain Services Provided by the City of Danville, Virginia. Notice of the Public Hearing was published in the Danville Register and Bee on May 6<sup>th</sup>, May 10<sup>th</sup>, May 13<sup>th</sup>, and May 17<sup>th</sup>, 2011.

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

Upon **Motion** by Council Member Miller, an Ordinance entitled:

**ORDINANCE NO. 2011-05.11**

AMENDING AND ESTABLISHING CERTAIN FEES AND CHARGES FOR FIRE, POLICE, PUBLIC WORKS NUISANCE VIOLATIONS, INFORMATION TECHNOLOGY, INSPECTIONS, AND MASS TRANSIT EFFECTIVE JULY 1, 2011.

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

The Motion **FAILED** due to lack of a second.

Upon **Motion** by Council Member Miller, an Ordinance entitled:

**ORDINANCE NO. 2011-05.12**

ESTABLISHING CERTAIN SANITATION USER FEES OF THE CITY OF DANVILLE, DEPARTMENT OF PUBLIC WORKS, EFFECTIVE JULY 1, 2011.

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

The Motion **FAILED** due to lack of a second.

**NO ACTION WAS TAKEN ON ITEM VIII B.4**

**OLD BUSINESS**

**MINUTES**

Upon **Motion** by Council Member Shanks and **second** by Council Member Rawley, Minutes of the Regular Council Meeting held on May 3, 2011 were approved as presented. Draft copies had been distributed prior to the Meeting.

**CONSIDERATION – BUDGET OF SCHOOL BOARD FOR FY ENDING JUNE 30, 2012**

Council Member Jones **moved** adoption of a Resolution entitled:

**RESOLUTION 2011-05.01**

A RESOLUTION APPROVING THE BUDGET OF THE SCHOOL BOARD OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2012.

The Motion was **seconded** by Council Member Shanks:

Council Member Gilstrap noted that he would like to request the School or the City to address the problem with the track facility at George Washington High School.

The Motion **passed** with the following vote:

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

**PUBLIC HEARING – CONSIDERATION OF BUDGET AMENDMENTS - FY 2011**

Mayor Saunders opened the floor for a Public Hearing to consider Amendments to the Fiscal Year 2011 Budget Appropriation Ordinances. Notice of the Public Hearing was published in the Danville Register and Bee on May 10<sup>th</sup>, 2011.

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

Upon **Motion** by Council Member Rawley and **second** by Council Member Jones, the following **Ordinances** entitled:

**ORDINANCE NO. 2011-05.03**

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM THE TOBACCO REGION OPPORTUNITY FUND FOR AN ECONOMIC DEVELOPMENT INCENTIVE PACKAGE FOR NEXTGEN AERONAUTICS FOR AN APPROPRIATION IN THE AMOUNT OF \$553,000 AND APPROPRIATING THE SAME.

**ORDINANCE NO. 2011-05.04**

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE DEPARTMENT OF HOMELAND SECURITY'S 2010 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR TRAINING PROPS AND TRAINING FOR THE DANVILLE/PITTSYLVANIA FIRE TRAINING CENTER IN THE AMOUNT OF \$82,085, AND LOCAL MATCH OF \$10,261 FROM THE GENERAL FUND SUPPORT OF GRANTS AND \$10,261 FROM PITTSYLVANIA COUNTY FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$102,607 AND APPROPRIATING SAME

**ORDINANCE NO. 2011-05.05**

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE J.T. MINNIE MAUDE CHARITABLE TRUST FOR THE PURCHASE OF PERSONAL PROTECTIVE EQUIPMENT FOR THE FIRE DEPARTMENT'S TECHNICAL RESCUE TEAM IN THE AMOUNT OF \$11,494 AND APPROPRIATING SAME

**ORDINANCE NO. 2011-05.06**

AN ORDINANCE AMENDING THE FISCAL YEAR 2011 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE J.T. MINNIE MAUDE CHARITABLE TRUST TO PROVIDE FUNDS TO PURCHASE A SPARKY FIREDOG COSTUME IN THE AMOUNT OF \$4,800 AND APPROPRIATING SAME

**Passed** with the following vote:

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

**APPOINTMENTS**

Vice Mayor Luther **moved** adoption of a Resolution entitled:

**RESOLUTION NO. 2011-05.03**

A RESOLUTION APPOINTING ANDREW W. TYRELL TO THE DANVILLE-PITTSYLVANIA COMMUNITY POLICY AND MANAGEMENT BOARD TO REPRESENT THE DANVILLE PUBLIC SCHOOLS

The Motion was **seconded** by Council Member Campbell and passed with the following vote:

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

**COMMUNICATIONS**

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

**ROLL CALL**

Council Member Shanks noted he believed that City Council made an excellent decision in looking at the three tax increases and at this point not passing any of them.

Council Member Campbell thanked the citizens for their participation this evening in the democratic process and noted the City has some serious issues that need to be addressed so the City can move forward.

Council Member Gilstrap thanked the citizens for their input and not only for appearing at Council but their many emails and phone calls. Mr. Gilstrap noted that he believed the majority of the citizens of the City want to see the City move forward.

Council Member Jones thanked Mr. King and his staff for the proposal and noted it didn't take the City a short time to get in this situation and it's not going to take a short time to get out of it.

Vice Mayor Luther appreciated all the input from citizens and reiterated and agreed with Mr. Campbell wholeheartedly that the City has a mission and Council has to do what is best for the City.

Council Member Miller noted there are some capital improvement projects that need to be looked at and Council needs to do something now and get it started. He also noted the Boys & Girls Club received a grant for a computer lab, the only Boy & Girls Club in the state that received this grant.

Council Member Rawley noted the grant that the Boys & Girls Club received was a competitive grant, and they received \$15,000.00 worth of new equipment. Mr. Rawley stated he wanted to acknowledge that the City Manager and his staff who have already made some very difficult decisions.

The Meeting adjourned at 8:53 p.m.

APPROVED:

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MAYOR

ATTEST:

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CITY CLERK