

The second regular June Meeting of City Council was held on June 21, 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, Interim Director of Utilities Jim Harr, Chief of Police Philip Broadfoot, Public Information Officer Arnold Hendrix, Director of Economic Development Earl Reynolds, Planning Director Kenny Gillie, Human Resources Director Sara Weller, Tammy Owens of Human Resources, Jason Grey Telecommunications/Utilities.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Sherman M. Saunders offered the Invocation. The Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Saunders recognized Mr. Robert Dowd, Executive Director of the West Piedmont Planning District Commission and Administrator of the Danville Metropolitan Planning Organization and presented him with a Certificate of Recognition for his service. Mayor Saunders noted that Mr. Dowd has announced his retirement after serving 23 years on the Commission. Mr. Dowd thanked Mayor Saunders, the City of Danville and Council.

Council Member Rawley stated that he has served on the Board of the West Piedmont Planning Commission for the last three years and Mr. Dowd has helped thousands of citizens in this region.

Council Member Campbell noted he also had an opportunity to serve with Mr. Dowd and found him to be very caring, diligent and was honored to have been able to serve with him.

Council Member Miller noted he has been on the Commission, stating how organized and prepared Mr. Dowd was, doing his best for this area and thanked Mr. Dowd for his service.

Mr. Shanks noted it was a pleasure working with Mr. Dowd on the MPO and was impressed with the footprint he has left for the future and his forethought for our region.

Mayor Saunders noted their long friendship, recognized Mr. Dowd's professionalism and noted his name will be mentioned long after his retirement.

COMMUNICATION FROM VISITORS

Mayor Saunders read a statement from Mr. Al Newman who could not attend tonight's meeting.

No other citizens desired to be heard.

PROPOSED FY 2012 BUDGET

CONSIDERATION - AMENDING AND ESTABLISHING CERTAIN FEES

Vice Mayor Luther **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.01

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

The Motion was **seconded** by Council Member Rawley.

Mr. Shanks noted there is nothing in this budget all agree on but the cornerstones to this budget are what make the budget possible without a tax increase.

Mr. Tomer noted he doesn't agree with all of the fees but a vast majority of them are needed; he will be voting for these fees and hopes other council members join him.

Dr. Miller noted he does not agree with all of the fees but the alternative is to raise real estate taxes.

Vice Mayor Luther noted there is nothing in this budget that all like and there are things in this budget that all dislike. There are also 5,000 fewer taxpayers in the City than a decade ago and there is no way any City can operate with that kind of loss and maintain the level of service without trimming the staff and making people pay for the things that they use.

Mayor Saunders recognized Charles Franklin Easome, 334 3rd Avenue, Danville, who spoke against the increase on the Reserve A Ride Fee. Council discussed the changes in fares with respect to the Reserve A Ride services and elimination of Bus Stop to Bus Stop.

Mayor Saunders noted he would be voting no on the Motion and noted the City is having some very tough times and has to be diligent in finding ways to operate with the recession, loss of population and high unemployment.

The Motion was **carried** by the following vote:

VOTE: 7-2
 AYE: Gilstrap, Jones, Luther, Miller,
 Rawley, Shanks and Tomer (7)
 NAY: Campbell and Saunders (2)

CONSIDERATION - ESTABLISHING CERTAIN SANITATION USER FEES

Vice Mayor Luther **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.02

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

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

Council Member Miller offered an **Amendment** to the Ordinance that reads:

Any Citizen deemed physically challenged may apply to the City to continue to have their solid waste picked-up at the same location it is now being collected (such as beside or behind their house). The citizen must complete an application for this service and include a statement signed by their physician stating that the citizen is unable to transport their solid waste to the curb for pick-up. Residents who choose to have Public Works move their refuse containers from a location on the property to the curb for collection shall pay an annual fee of \$260 to the City. This fee is to be paid annually in advance at the Public Works Office by January 1 of each year.

The Amendment was **seconded** by Council Member Jones.

Council Member Tomer questioned if this amendment was for citizens unable physically to move their trash or is this for any resident who chooses to have public works move it. Mr. Tomer asked the City Attorney to change the language to reflect the "physically challenged who choose"; City Attorney suggested "residents who meet the above guidelines". Council Member Miller agreed with the change in language to the amendment.

Council Member Shanks noted that in the interest of compromise he could support the amendment if there is a strict medical certification and the wording is clear that anyone in that household cannot be in a position to help out.

Vice Mayor Luther noted he would support the amendment as long as it clear that this applies to the whole household and not just to the individual.

Council Member Rawley asked for clarification on the fee, that residents would pay \$260.00 for curbside pick-up as well as the \$16.50 monthly fee.

City Attorney Whitfield noted that the new language to the amendment would read: *residents who meet the qualifications above and have no one in the household who is physically able to take the refuse to the curb and so certified by affidavit may have Public Works move their refuse containers from a location on the property to the curb for collection and shall pay an additional fee of \$260.00 to the City.*

The **Amendment** to the Ordinance was carried by the following vote:

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

The **Ordinance, as amended**, was carried by the following vote:

VOTE: 9-0
 AYE: Campbell, Gilstrap, Jones, Luther, Miller,

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

CONSIDERATION - ESTABLISHING NEW FEES AND CHARGES - CEMETARY

Council Member Jones **moved** adoption of Ordinance entitled:

ORDINANCE NO. 2011-06.03

ESTABLISHING NEW FEES AND CHARGES FOR THE TRANSFER OF OWNERSHIP OF GRAVES, PERMITS FOR MARKERS, MONUMENTS, AND VAULTS, AND VARIOUS OTHER PERMIT AND OVERTIME CHARGES FOR SERVICES RENDERED BY THE CITY

The Motion was **seconded** by Council Member Miller.

Mayor Saunders recognized Linda Burns, representing W.D. Rowe Monument Company who spoke against the new fees and charges for cemeteries. Ms. Rowe answered Council Member's questions. Council Member Rawley noted that the City's general fund has to supplement the cemetery fund and explained that is why Council is proposing to raise the fees. Ms. Burns suggested the City instead raise the perpetual care fees.

The Motion was **carried** by the following vote:

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

CONSIDERATION - ABOLISHING HUMAN SERVICES DEPARTMENT - REASSIGNING DIVISIONS TO EXISTING DEPARTMENTS

Vice Mayor Luther **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.12

ABOLISHING THE DEPARTMENT OF HUMAN SERVICES AND REASSIGNING THE DIVISIONS OF LIBRARY, ADULT DETENTION, JUVENILE DETENTION AND SOCIAL SERVICES TO EXISTING DEPARTMENTS.

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

Mayor Saunders noted he will be voting no on this matter stating he did not see the effectiveness or efficiency in the transfer of the departments.

Council Member Jones noted his concern that the employee from the Human Services department has announced her retirement.

Council Member Campbell noted he will have to vote no on this matter as well as the citizens have voiced their concern on this matter.

Council Member Shanks noted that there were several cornerstones to the 2012 budget and this was one of them and it will carry forward in years to come. He noted that the City Manager has assured Council that the divisions will remain intact, with no changes in service levels or operations.

Mayor Saunders recognized Patrina Carter who spoke against the elimination of the Human Services Department and against increasing fees.

Vice Mayor Luther asked Director of Community Services, Earl Reynolds, to come before Council. Mayor Saunders recognized Mr. Reynolds who gave a brief summary of his educational background and work experience.

Mayor Saunders then recognized Citizen Michael Elder who spoke against the elimination of the Human Services department.

Council Members discussed the matter further and questions were answered by City Manager and Mr. Reynolds.

The Motion was **carried** by the following vote:

VOTE: 6-3
 AYE: Gilstrap, Luther, Miller,
 Rawley, Shanks and Tomer (6)
 NAY: Campbell, Jones, Saunders (3)

CONSIDERATION - FY 2012 CITY BUDGET AND CAPITAL IMPROVEMENT PLAN

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

RESOLUTION NO. 2011-06.01

APPROVING THE BUDGETS OF THE VARIOUS FUNDS OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2012

The Motion was **seconded** by Council Member Jones.

Mayor Saunders noted that he will be voting no on this budget.

Council Member Tomer noted he had some concerns about the budget however, Council needed to compromise and pass a budget.

Council Member Miller noted that he also did not agree with everything in the budget and not everyone gets 100% of what they want, but everyone has discussed it and all nine people are looking out for what is best for the City.

VOTE: 8-1
 AYE: Campbell, Gilstrap, Jones, Luther, Miller,
 Rawley, Shanks and Tomer (8)
 NAY: Saunders (1)

CONSIDERATION - FY 2012 CAPITAL IMPROVEMENTS PLAN

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

RESOLUTION NO. 2011-06.02

APPROVING THE FISCAL YEAR 2012 CAPITAL IMPROVEMENTS PLAN FOR THE CITY OF DANVILLE, VIRGINIA.

The Motion was **seconded** by Vice Mayor Luther and carried by the following vote:

VOTE: 8-1
AYE: Campbell, Gilstrap, Jones, Luther, Miller,
Rawley, Shanks and Tomer (8)
NAY: Saunders (1)

CONSIDERATION - BUDGET APPROPRIATION

Council Member Rawley **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.04

BUDGET APPROPRIATION ORDINANCE FOR FISCAL YEAR 2012

The motion was **seconded** by Council Member Miller and carried by the following vote:

VOTE: 8-1
AYE: Campbell, Gilstrap, Jones, Luther, Miller,
Rawley, Shanks and Tomer (8)
NAY: Saunders (1)

OLD BUSINESS

MINUTES

Upon **Motion** by Council Member Shanks and **second** by Council Member Jones, Approval of Minutes for the Regular Council Meeting held on June 7, 2011 were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

CONSIDERATION - BAO – FY 2011 – \$8,050 – GRANT FROM US DHS – DANVILLE POLICE DEPARTMENT – MAINTENANCE COSTS

Council Member Jones **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.09

AMENDING THE FISCAL YEAR 2011 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE TO ANTICIPATE THE RECEIPT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY THROUGH THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM IN THE AMOUNT OF \$8,050 AND APPROPRIATING SAME

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)

IX. NEW BUSINESS

CONSIDERATION – PROPOSED AMENDMENTS TO CITY’S PERSONNEL SYSTEM

Council Member Rawley **moved** adoption of an Ordinance entitled:

ORDINANCE NO. 2011-06.13

AMENDING THE PERSONNEL SYSTEM OF THE CITY OF DANVILLE, AS AMENDED, PROVIDING FOR THE CLASSIFICATION, COMPENSATION, AND EMPLOYEE DEVELOPMENT FOR EMPLOYMENT POSITIONS OF THE CITY.

The Motion was **seconded** by Council Member Campbell.

Mayor Saunders questioned Joe King and Human Resource Director Sara Weller regarding several personnel policies including departments exempt from this policy. Ms. Weller answered questions regarding this exemption. Mayor Saunders also questioned the grievance policy and the exemption of certain employees and requested this be looked into.

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)

CONSIDERATION – ADOPTING A POWER SUPPLY PLAN – PARTICIPATION IN AMP FREMONT ENERGY CENTER PROJECT

Council Member Campbell **moved** adoption of the following Resolution entitled:

RESOLUTION NO. 2011-06.16

APPROVING AND AUTHORIZING THE EXECUTION OF A POWER SALES CONTRACT WITH AMERICAN MUNICIPAL POWER, INC., AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH REGARDING PARTICIPATION IN THE AMP FREMONT ENERGY CENTER

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)

COMMUNICATIONS

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

ROLL CALL

Council Member Shanks recognized Jason Gray, Danville Utilities and the nDanville medical network which has received a worldwide award for the nDanville network. Also congratulations to the City Manager and Economic Development team for the recent announcement of the Center for High Performance Computing which is going in the Old Belt Building on Bridge Street. Congratulations to students graduating high school this past weekend. Council Member Shanks noted everyone has been through a very difficult budget process and noted his appreciation of each member of council and the amount of time spent in this process.

Council Member Tomer noted that Council has spent a lot of time together in the past couple of months, a lot got done and he noted his respect for all of Council. He also noted his optimism about the future of the City, some good announcements have been made recently and more are on the way. Mr. Tomer thanked everyone, including the staff, for all their time.

Council Member Campbell stated he is thankful for fellow council members as well. Also to the Regional Foundation for the grant money helping in the purchase of the Downtowner Hotel. He noted that Danville is moving forward.

Council Member Jones stated he would like to thank the media who has been very fair during this process as well as all the citizens who came to voice their opinions. He noted he attended several graduations recently and one that stood out was GWHS and the number of people graduating with their GEDs. Council Member Jones also recognized Brian Hood from Statehood Productions who does a lot in North Main Street keeping young people off the street.

Vice Mayor Luther noted his prayers were with the City Attorney and his family for his father's full recovery. Vice Mayor Luther also recognized the Utilities Department who did not have a single accident or lost day. And thanks to the citizens who came out to give their opinions.

Council Member Miller noted that Lifepoint and Danville Regional started a residency training program for physicians and brought in 37 new physicians and their families. One person noted that the Danville Community Market is one of the best she had ever seen. Council Member Miller noted his appreciation of all the input from citizens coming down to speak and sending e mails.

Council Member Rawley noted his prayers also were with the City Attorney and his family and his father. Council Member Rawley stated his pleasure serving with all of council.

Mayor Saunders noted his thoughts are also with the City Attorney and his family, his father and his father's service in Vietnam. Also to the family of Elder Thomas Brooks, he is thinking of them as well. Mayor Saunders noted his thanks to council members, noting it has been an interesting cycle regarding this budget and other policies. Council has learned

a lot and Mayor Saunders noted he appreciates all the council members and respects each person's right to cast their vote the way he wants to cast it.

The Meeting adjourned at 9:10 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK