

The regular July Meeting of City Council was held on July 5, 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, Interim Director of Utilities Jim Harr, Chief of Police Philip Broadfoot, Fire Chief David Eagle, Public Information Officer Arnold Hendrix, Director of Economic Development Earl Reynolds, Planning Director Kenny Gillie, Jason Grey Telecommunications/Utilities, Housing & Development Director Diane Morris, and Director of Inspections Division Jerry Rigney.

Mayor Saunders presided.

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

Reverend L.G. "Larry" Campbell offered the Invocation. The Pledge of Allegiance to the Flag followed.

### **COMMUNICATION FROM VISITORS**

Mayor Saunders recognized citizen Cecil Bridgeforth, 709 Edmonds Street, Danville, who presented several questions to Council. He asked that the City Council re-visit those areas annexed by the City some years ago, noting that he had been contacted by a family who believed that the City had not fulfilled its obligations. Mr. Bridgeforth also questioned Council regarding his Utility Bills and the fluctuating times between readings; and also commented on the City raising fees instead of raising taxes. Council questioned Mr. Bridgeforth regarding which areas of the City were affected by annexation and the problems the citizens were having. Mr. Bridgeforth noted the North Main Street area, and that the property was not connected to the City sewer or water. City Manager Joe King noted that it is up to the property owner to make the connection for City sewer service. Mr. King also noted that he had assumed Mr. Bridgeforth's meter reading problem had been corrected and he will look into this.

Mr. Bridgeforth also stated that there is an abandoned street near his church that is not maintained by the City and questioned whether his church should undertake the maintenance of this street or would the City. Mr. King noted it would be looked into.

### **OLD BUSINESS**

### **MINUTES**

Upon **Motion** by Council Member Miller and **second** by Vice Mayor Luther, Approval of Minutes for the Regular Council Meeting held on June 21, 2011 were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

### **NEW BUSINESS**

**CONSIDERATION – SUP – WAIVER OF YARD REQUIREMENTS AT 1500 FULTON HEIGHTS**

Mayor Saunders opened the floor for a Public Hearing to consider a Request for a Special Use Permit to Allow a Waiver of Yard Requirements at 1500 Fulton Heights. Notice of the Public Hearing was published in the Danville Register and Bee on June 21 and June 28, 2011.

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

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

**ORDINANCE NO. 2011-07.01**

GRANTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF YARD REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3M, SECTION C, ITEM 21, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1500 FULTON HEIGHTS, SUBJECT TO CONDITIONS.

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

Vice Mayor Luther noted that only one person had opposed this Ordinance, and he did not show up to the Planning Commission Meeting. Vice Mayor Luther questioned whether anyone knew the basis of his opposition. Planning Director Kenny Gillie noted they did not.

**STATEMENT OF CONFLICT OF INTEREST**

I, **Gary P. Miller**, do hereby state that I have a conflict of interest regarding the ordinance to consider a request for a Special Use Permit to allow a waiver of yard requirements at 1500 Fulton Heights listed as agenda item VIII(A). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this the 5<sup>th</sup> day of July, 2011.

s/Gary P. Miller

**STATEMENT OF CONFLICT OF INTEREST**

I, **Fred O. Shanks, III**, do hereby state that I have a conflict of interest regarding the ordinance to consider a request for a Special Use Permit to allow a waiver of yard requirements at 1500 Fulton Heights listed as agenda item VIII(A). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this the 5<sup>th</sup> day of July, 2011.

s/Fred O. Shanks, III

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

VOTE: 7-0-2  
AYE: Campbell, Gilstrap, Jones, Luther,  
Rawley, Saunders, and Tomer (7)  
NAY: None (0)  
ABSTAIN: Miller, Shanks (2)

**CONSIDERATION – APPLICATION – CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY – OPERATION OF SIX TAXICABS BY NELSON JOHNSON**

Mayor Saunders opened the floor for a Public Hearing to consider the Application for a Certificate of Public Convenience and Necessity for the Operation of Six Taxicabs by Nelson Johnson. Notice of the Public Hearing was published in the Danville Register and Bee on June 23, 2011.

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

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

**ORDINANCE NO. 2011-07.02**

AUTHORIZING AND APPROVING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO NELSON JOHNSON FOR THE OPERATION OF SIX (6) TAXICABS WITHIN THE CITY OF DANVILLE.

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)

**CONSIDERATION – BAO FY2012 – PROGRAMS FUNDED FROM CDBG, HOME INVESTMENT PARTNERSHIP FUNDS – HUD**

Mayor Saunders opened the floor for a Public Hearing to consider Amending the Fiscal Year 2012 Budget Appropriation Ordinance for Programs funded from the Community Development Block Grant, Home Investment Partnership Funds from the U.S. Department of Housing and Urban Development.

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

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

**ORDINANCE NO. 2011-07.03**

AMENDING THE FISCAL YEAR 2012 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE OR BEING UNDERTAKEN TO IMPROVE THE DANVILLE COMMUNITY FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP FUNDS FROM THE U.S. DEPARTMENT OF HOUSING

AND URBAN DEVELOPMENT, AND ESTIMATED PROGRAM INCOME FOR A TOTAL APPROPRIATION OF \$1,729,254

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

Vice Mayor Luther requested a print out showing how much of this money, if any, goes to the Housing Authority and/or in partnership with the Housing Authority. Dianne Morris, Housing and Development Director indicated that none of these funds would go to the Housing Authority.

**CONSIDERATION - BAO FY 2012 - GRANT - VA DEPARTMENT OF EMERGENCY MANAGEMENT - \$55,000 - FIRE DEPARTMENT'S HAZARDOUS MATERIALS TEAM**

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

**ORDINANCE NO. 2011-07.04**

AMENDING THE FISCAL YEAR 2012 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT IN AN AMOUNT OF \$55,000 FOR UPGRADES TO THE DANVILLE REGIONAL HAZARDOUS MATERIALS RESPONSE TEAM AND APPROPRIATING SAME

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

**CONSIDERATION - REPEALING AND REORDAINING CHAPTER 9, - "BUILDING AND DEVELOPMENT REGULATIONS" - DANVILLE CITY CODE**

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

**ORDINANCE NO. 2011-07.05**

ORDINANCE REPEALING AND REORDAINING CHAPTER 9, ENTITLED "BUILDING AND DEVELOPMENT REGULATIONS", OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, TO UPDATE STATE CODE AND REGULATION CHANGES AND THE CREATION OF ADDITIONAL BLIGHT REGULATIONS LOCATED IN CHAPTER 9, ARTICLE VI

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

Council Members questioned the City Manager regarding section 9.57 of the Code, with respect to a yearly report and the omission of items from this section. Jerry Rigney answered Council's questions noting that the items that have been removed from that section have not been done in over 10 years, but that the City Manager can request that information at any time and it will be provided to him. Council members also questioned Mr. Rigney regarding the new blight regulations, possible abatements and any caps on the abatements.

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 - ADDING TELECOMMUNICATION POLICIES TO CHAPTER 38, ENTITLED "UTILITY SERVICES" OF THE DANVILLE CITY CODE**

Council Member Gilstrap **moved** adoption of an Ordinance, entitled:

**ORDINANCE NO. 2011-07.06**

AMENDING AND REORDAINING CHAPTER 38, ENTITLED "UTILITY SERVICES", ARTICLE IV, ENTITLED "PROVISIONS APPLICABLE TO SPECIFIC SERVICES", OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, BY ADDING A DIVISION 4, ENTITLED "TELECOMMUNICATION".

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

City Manager Joe King noted that Wednesday, July 13<sup>th</sup>, at 7:00 p.m. at the Galileo cafeteria, there will be a River District Planning Meeting and the public is welcome to attend.

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

**ROLL CALL**

Council Member Shanks noted that the Farmer's Market will now be open Wednesdays, 4:30 to 6:30 p.m.

Council Member Campbell thanked Mr. Bridgeforth for the questions that he presented to Council tonight. Mr. Campbell also noted that he had visited the Schoolfield Preservation Foundation and commended the Foundation for saving the building and to the citizens of Danville who worked so hard to put it together.

Council Member Gilstrap thanked Parks, Recreation and Tourism and City employees for a fun filled weekend with activities everyday and a great Fourth of July.

Council Member Jones stated that there are beautiful homes off Richmond Boulevard and that if citizens haven't had a chance to see those homes yet, encouraged them to go. He noted he has received many calls about how to apply for those low income houses and he was informed by Dianne Morris that there is a property manager on site who can assist citizens.

Council Member Miller wished everyone a Happy Fourth of July and congratulated the Economic Development Team and the City Manager for procuring the super computer for Danville.

Council Member Rawley stated he would like to echo Council Member Campbell's remarks on the old Personnel Building at Dan River. He noted it is a great place, it is going to get better and better, it took a lot of people to do this and we certainly thank them.

Mayor Saunders noted a special thanks to all the City employees, citizens and neighbors who came out to the Fourth of July event this weekend. Mayor Saunders noted that 235 years ago, 56 brave men paid a horrible price to bring the freedom that we have in these United States, and Danville has not forgotten them. Danville has paid tribute to these men and to all of our service men and women who serve us all over the world. To them and to all of you we say thank you.

The Meeting adjourned at 7:40 p.m.

APPROVED:

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MAYOR

ATTEST:

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CITY CLERK