

May 5, 2009

The regular May Meeting of City Council was held on May 5, 2009 at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Ruby B. Archie, 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(9).

Staff Members present were: City Manager M. Lyle Lacy, III, Assistant City Manager for Utilities 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, Fire Chief David Eagle, Human Services Director Gwendolyn Edwards, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Management Analyst Amanda Paez, Information Technology Director Inez Pollok, Parks, Recreation, and Tourism Director Bill Sgrinia, Economic Development Director Jeremy Stratton, and Budget Director Cynthia Thomasson.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member Archie offered the Invocation. The Pledge of Allegiance to the Flag, led by Boy Scout Troup 359 from Fairview United Methodist Church, followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Mayor Saunders recognized Economic Development Director Jeremy Stratton. Mr. Stratton was present to receive a Proclamation from Mayor Saunders naming the week of May 10-16, 2009 as Business Appreciation Week. Mr. Stratton accepted the Proclamation on half of the business community.

Mr. Stratton announced that Riverside Roof Truss Company was getting ready to close, but the former owner had bought it back and saved more than two dozen jobs. He said there are plans to add more jobs over the next few years.

Mayor Saunders encouraged Mr. Stratton to let the business community know how much they are appreciated for all they do and he encouraged everyone to upgrade job skills or go back to school to be prepared for more new jobs that will be coming to the area soon.

MINUTES

Mrs. Archie called attention to a section in the April 21 Regular Work Session Minutes that had been included in the Minutes in error, specifically, the paragraph containing traffic safety concerns off Memorial Drive. The Clerk noted the error.

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Upon Motion by Council Member Luther and second by Council Member Rawley, Minutes of the April 21, 2009 Regular Meeting, Special Joint Work Session and Regular Work Session (as amended) of City Council were approved as presented. Draft copies had been distributed to Council Members prior to the Meeting.

BUDGET ADOPTION FY 2009 - DOMESTIC VIOLENCE VICTIM PROGRAM GRANT

Upon Motion by Council Member Rawley and second by Vice-Mayor Oakes, Ordinance No. 2009-04.03 presented by its First Reading on April 21, 2009 amending the Fiscal Year 2009 Budget Appropriation Ordinance to provide for a grant from the State for a Domestic Violence Victim Program Grant in the amount of \$39,976 and appropriating same was adopted by the following vote:

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

BUDGET ADOPTION FY 2009 - PURCHASE RUGGEDIZED LAPTOPS

Upon Motion by Council Member Campbell and second by Council Member Archie, Ordinance No. 2009-04.04 presented by its First Reading on April 21, 2009 amending the Fiscal Year 2009 Budget Appropriation Ordinance to anticipate revenues from the Virginia Office of Emergency Medical Services for the purchase of 9 ruggedized laptops to be used for GIS Mobile Dispatching to the Fire Department in the Amount of \$29,468 and appropriating same was adopted by the following vote:

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

CODE AMENDMENT - CHAPTER 2 - OTHER POST-EMPLOYMENT BENEFITS

Council Member Tomer moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-05.01

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 2, ENTITLED "ADMINISTRATION" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA BY ADDING A NEW ARTICLE XV, ENTITLED "OTHER POST-EMPLOYMENT BENEFITS".

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

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

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PUBLIC HEARING - FY 2010 PROPOSED SCHOOL BOARD BUDGET

Mayor Saunders recognized Danville City School Superintendent Dr. Sue Davis and Assistant Superintendent for Administrative Services Dr. Kathy Osborne. Dr. Davis reviewed the School Board's FY 2009-2010 budget with Council Members. She said the budget presented many challenges for the School Board due to reduced revenues and the continuing negative financial forecast. The Board was faced with building a budget with a \$5.1 million loss in revenues, but with level or increasing expenses. Each department was requested to develop a budget that was 10% less than the year before. Positions both centrally and at schools were identified for elimination. Staff was reduced by 33 positions, which included three (3) administrative staff members, twenty (20) licensed and office staff members, and ten (10) classified staff members, with the majority of the eliminations occurring by not refilling vacancies or through attrition. A step increase was included for teaching staff, but no across-the-board raises are forthcoming. She said the combination of prudent spending and cautious use of funds allowed staff to recommend a strong budget without sacrificing the progress made up to this point in the school system.

Several Council Members stated they would like to have had a joint meeting with School Board members to go over the budget in more detail prior to this evening's Public Hearing. Dr. Davis stated Council Members would be added to the email list and would be sent budget information when that information is provided to the school district.

Following an extensive question and answer period, Mayor Saunders and Council Members thanked Dr. Davis and Dr. Jennings for being such good stewards of School funds.

Mayor Saunders opened the floor for a Public Hearing to consider the proposed FY 2009-2010 Budget for the School Board of the City of Danville. Notice of the Public Hearing had been published in the Danville Register and Bee on April 26, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Luther moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-05.01

A RESOLUTION APPROVING THE BUDGET OF THE SCHOOL BOARD OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2010.

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

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

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PUBLIC HEARING - REZONE PROPERTY AT 114 WITHERS ROAD

Mayor Saunders opened the floor for a Public Hearing to consider a request to rezone property located at 114 Withers Road for the purpose of bringing a legal non-conforming multi-family complex into compliance. Notice of the Public Hearing was published in the Danville Register and Bee on April 21 and 28, 2009. No one present desired to be heard and the Public Hearing was closed.

Vice-Mayor Oakes moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-05.02

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL DISTRICT TO M-R MULTIFAMILY RESIDENTIAL DISTRICT, 114 WITHERS ROAD.

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

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

PUBLIC HEARING - REZONE PROPERTY AT 130 WITHERS ROAD

Mayor Saunders opened the floor for a Public Hearing to consider a request to rezone property located at 130 Withers Road for the purpose of bringing a legal non-conforming multi-family complex into compliance. Notice of the Public Hearing was published in the Danville Register and Bee on April 21 and 28, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-05.03

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL DISTRICT TO M-R MULTIFAMILY RESIDENTIAL DISTRICT, 130 WITHERS ROAD.

The Motion was seconded by Vice-Mayor Oakes and carried by the following vote:

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

PUBLIC HEARING-AMEND 2020 LAND USE PLAN-24 ACRES-RIVER OAK DRIVE

Mayor Saunders opened the floor for a Public Hearing to consider a request to amend the Year 2020 Land Use Plan and to rezone approximately 24 acres to the east of River Oak Drive to allow for the consolidation of property. Notice of the Public Hearing was published in the Danville Register and Bee on April 21 and

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28, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-05.04

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM ATTACHED AND MIXED RESIDENTIAL TO SUBURBAN SINGLE FAMILY AND REZONING FROM "CONDITIONAL" A-R ATTACHED RESIDENTIAL TO S-R SUBURBAN RESIDENTIAL DISTRICT, APPROXIMATELY 24 ACRES TO THE EAST OF RIVER OAK DRIVE.

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

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

PUBLIC HEARING-AMEND 2020 LAND USE PLAN-28 ACRES-RIVER OAK DRIVE

Mayor Saunders opened the floor for a Public Hearing to consider a request to amend the Year 2020 Land Use Plan and to rezone approximately 28 acres to the east and north of River Oak Drive to allow for the consolidation of property. Notice of the Public Hearing was published in the Danville Register and Bee on April 21 and 28, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-05.05

AN ORDINANCE AMENDING THE YEAR 2020 LAND USE PLAN FROM ATTACHED AND MIXED RESIDENTIAL TO SUBURBAN SINGLE FAMILY AND REZONING FROM "CONDITIONAL" A-R ATTACHED RESIDENTIAL AND S-R SUBURBAN RESIDENTIAL DISTRICT TO T-R THRESHOLD RESIDENTIAL DISTRICT, APPROXIMATELY 28 ACRES TO THE EAST OF RIVER OAK DRIVE.

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

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

GRANT SPECIAL USE PERMIT AT ABREU-GROGAN PARK - MEMORIAL DRIVE

Mayor Saunders opened the floor for a Public Hearing to consider granting a Special Use Permit to allow for the construction of an open shelter with an enclosed 10' x 12' area to store recreational equipment at Abreu-Grogan Park on Memorial Park.

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Notice of the Public Hearing had been published in the Danville Register and Bee on April 21 and 28, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Miller moved adoption of an ordinance entitled:

ORDINANCE NO. 2009-05.06

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION OF AN OPEN SHELTER WITH AN ENCLOSED 10' X 12' AREA TO STORE RECREATIONAL EQUIPMENT IN ACCORDANCE WITH ARTICLE 23.T, SECTION E, ITEM 6, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT ABREU-GROGAN PARK ON MEMORIAL DRIVE.

The Motion was seconded by Vice-Mayor Oakes and carried by the following vote:

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

SPECIAL USE PERMIT AT ANGLER'S PARK - NORTHSIDE DRIVE

Mayor Saunders opened the floor for a Public Hearing to consider a request for a Special Use Permit for the purpose of constructing a 30' by 60' open shelter and an enclosed 14' x 24' restroom at Angler's Park. Notice of the Public Hearing was published in the Danville Register and Bee on April 21 and 28, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Campbell moved adoption of an Ordinance entitled:

ORDINANCE NO. 2009-05.07

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 30' X 60' OPEN SHELTER AND AN ENCLOSED 14' X 24' RESTROOM ARE IN ACCORDANCE WITH ARTICLE 3.T, SECTION E, ITEM 6, OF CHAPTER 41 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT ANGLER'S PARK.

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

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

PUBLIC HEARING-FY 2010 ONE-YEAR ACTION PLAN-COMMUNITY DEVELOPMENT

Mayor Saunders opened the floor for a Public Hearing to consider the approval of the 2009-2010 One-Year Action Plan, CDBG and HOME

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Investment Partnership programs. Notice of the Public Hearing was published in the Danville Register and Bee on April 1, 2009. No one present desired to be heard and the Public Hearing was closed.

Council Member Archie moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-05.02

A RESOLUTION APPROVING THE 2009-2010 ONE YEAR ACTION PLAN, COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME ENTITLEMENT FUNDS FROM THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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

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

TRANSFER \$200,000 CDBG FUNDS-WESTMORELAND SCHOOL RENOVATIONS

Council Member Rawley moved adoption of a Resolution entitled:

RESOLUTION NO. 2009-05.03

A RESOLUTION APPROVING THE TRANSFER OF \$200,000 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FROM THE PREVIOUSLY APPROVED PUBLIC INFRASTRUCTURE FUNDS FOR THE BETHEL/BROAD STREET ALLEY DEVELOPMENT IN THE BUILDING BLOCKS REVITALIZATION AREA TO COMMUNITY IMPROVEMENT COUNCIL, INC./HEAD START FOR THE RENOVATION OF WESTMORELAND SCHOOL CONTINGENT UPON FINAL APPROVAL FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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

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

COMMUNICATIONS

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

ROLL CALL

Council Members extended sincere appreciation to Governor Tim Kaine and Congressman Tom Perriello for bringing \$29.5 million in stimulus funds to Danville for construction of the Robertson Bridge and commended City Manager Lacy for his hard work and persistence in getting the bridge project funded.

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CLOSED MEETING

At 8:40 P.M. Vice-Mayor Oakes moved that the meeting be recessed and that Council immediately convene in Closed Meeting for discussion and consideration of the acquisition and disposition of real property for a public purpose where discussion in an open meeting would adversely impact the bargaining position of the City as permitted by Subsection (A) (3) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, and consideration of an Economic Development update and discussion concerning prospective business or industry where no previous announcement has been made as well as the expansion of an existing business or industry where no previous announcement has been made as permitted by Subsection (A) (5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended. The Motion was seconded by Council Member Campbell carried by the following vote:

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

Upon unanimous vote, at 9:39 P.M. Council reconvened in open session and Vice-Mayor Oakes moved adoption of the following Resolution.

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted by the open requirements of Virginia Law were discussed in the Closed Meeting to which this Certification Resolution applies, and (ii) only such public business matters as were identified in the Motion convening the Closed Meeting were heard, discussed, or considered by the Committee.

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

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

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The Meeting adjourned at 9:39 P.M.

MAYOR

CITY CLERK