

November 17, 2009

The second regular November Meeting of City Council was held on November 17, 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, Deputy City Manager 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, Public Works Director Ric Drazenovich, Human Services Director Gwen Edwards, Community Development Director Jerry Fischer, Planning Director Kenny Gillie, Housing and Development Director Dianne Morris, Economic Development Project Manager Anne Moore-Sparks, Deputy Public Works Director/City Engineer Kent Shelton and Economic Development Director Jeremy Stratton.

Mayor Saunders presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

MINUTES

Upon Motion by Council Member Archie and second by Council Member Rawley, Minutes of the October 22, 2009 Regular Meeting of City Council were approved as presented. Draft copies were distributed to Council Members prior to the Meeting.

BUDGET ADOPTION-FY 2010-ENERGY EFFICIENCY & CONSERVATION BLOCK GRANT

Upon Motion by Council Member Campbell and second by Vice-Mayor Oakes, Ordinance No. 2009-11.09 presented by its First Reading on October 22, 2009 amending the Fiscal Year 2010 Electric Fund Budget Appropriation Ordinance by increasing revenue from a \$202,000 Energy Efficiency and Conservation Block Grant from the U. S. Department of Energy 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).

PUBLIC HEARING - AMEND CHAPTER 5 - CITY CODE- ANIMALS AND FOWL

Mayor Saunders opened the floor for a Public Hearing to consider amending Chapter 5 of the City Code entitled "Animals and Fowl"

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to add a New Section 5-25 to address adequate space for animals and time restrictions on tethering companion animals. Notice of the Public Hearing was published in the Danville Register and Bee on November 11, 2009.

Local veterinarian Dr. Laura Sobacki, local attorney Claudette Robinson, city resident Kelsey Hannaford and Pittsylvania County resident Debbie Flint spoke in support of the proposed amendments to Chapter 5 of the City Code. It was the consensus of the speakers the new requirements would provide for animal welfare and safety and would prepare children to be better custodians of companion animals.

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

Council Member Rawley stated several questions had arisen since the public hearing on October 22. Some concerns were noted about the cost to citizens for erecting chain link fences for their pets and what type of fencing would be required in the City's Historic Districts. Mr. Rawley stated he was in favor of the amendment but felt the issue should be tabled in order to get answers to questions that had arisen during the week.

Mr. Rawley moved to **table** the issue until the next Council meeting in order to discuss the matter in the work session that follows the meeting tonight. Mr. Shanks seconded the Motion.

Mr. Shanks felt the matter should be tabled in order to review guidelines for installing a dog lot in Historic Districts.

Council Member Luther called for a point of order. He said it was improper to table a Motion that had not been put on the floor.

Mayor Saunders responded that a motion was made to table the matter; a motion had not been made to table the motion. Mayor Saunders ruled and the motion to table stood.

Mr. Tomer stated there had been two public hearings on the proposed amendment and felt Council should proceed. He said no one had been present for either public hearing to discuss fencing in the historic districts; if this was a matter of concern, it could be addressed during the meeting presently. Mr. Tomer commented that the proposed Ordinance could be amended to meet those needs should Council desired to do so and since it would not take effect until July 2010, there was plenty of time for any additional amendments.

Mr. Shanks suggested the issue be discussed further in another meeting so the Ordinance considered by Council for formal action would address all concerns deemed necessary.

The Motion to **table** carried by the following vote:

VOTE: 6-3

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AYE: Archie, Campbell, Miller, Rawley, Saunders
and Shanks (6)
NAY: Luther, Oakes, and Tomer (3).

BUDGET AMENDMENT-FY 2010-UDAG PROGRAM GRANT-DOWNTOWN DEVELOPMENT

Upon Motion by Council Member Archie and second by Council Member Campbell, an Ordinance entitled:

ORDINANCE NO. 2009-11.10

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE UNDERTAKEN WITHIN THE CITY TO BE FINANCED THROUGH THE COMMUNITY DEVELOPMENT FUND BALANCE OF URBAN DEVELOPMENT ACTION GRANT (UDAG) PROGRAM FUNDS IN THE AMOUNT OF \$292,000

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

BUDGET AMENDMENT-FY 2010-HUD NEIGHBORHOOD INITIATIVE PROGRAM

Upon Motion by Council Member Campbell and second by Council Member Miller, an Ordinance entitled:

ORDINANCE NO. 2009-11.11

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE TO APROVIDE FOR A U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT NEIGHBORHOOD INITIATIVE PROGRAM GRANT IN THE AMOUNT OF \$475,000

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

BUDGET AMENDMENT - FY 2010 - ELECTRONIC MONITORING & OUTREACH DETENTION PROGRAMS

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

ORDINANCE NO. 2009-11.12

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING REVENUES IN THE AMOUNT OF \$58,110 FROM THE OPERATION OF AN ELECTRONIC MONITORING PROGRAM AND \$54,027 FROM THE OPERATION OF AN OUTREACH DETENTION PROGRAM FOR PITTSYLVANIA COUNTY FOR A TOTAL APPROPRIATION OF \$112,137

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

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BUDGET AMENDMENT - FY 2010 - LITTER CONTROL AND RECYCLING

Upon Motion by Vice-Mayor Oakes and second by Council Member Archie, an Ordinance entitled:

ORDINANCE NO. 2009-11.13

AN ORDINANCE AMENDING THE FISCAL YEAR 2010 BUDGET APPROPRIATION ORDINANCE TO ANTICIPATE GRANT FUNDS FROM THE COMMONWEALTH OF VIRGINIA FOR LITTER CONTROL AND RECYCLING EFFORTS IN THE AMOUNT OF \$8,375 AND APPROPRIATING SAME

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

COMMUNICATIONS

City Manager Lacy called attention to an article from *Public Power Magazine* that had been placed at the desk of each Council Member. The handout contained an article extolling Danville's LED lighting at the Institute, which exemplifies the City's commitment to move forward in the new economy. The new lighting will be more energy-efficient and is the largest demonstration of this type of lighting in North America.

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

ROLL CALL

Council Members extended Happy Thanksgiving wishes to everyone.

Rev. Campbell said the high crime rate continues in Danville. He encouraged citizens to attend a community input forum that is scheduled for November 23, 6:00 P.M., at the School Board Office.

Mr. Luther advised that Roberts' Rules of Order stated that when an item was placed on the table it could not be debated and considerable debate had taken place following a Motion to Table. He felt the Motion was out of order. Referring to the proposed Code amendment on Animals and Fowl, Mr. Luther stated he preferred not to table the item since sufficient discussion had taken place during the two public hearings.

Dr. Miller said he felt it was time to do something about the high murder rate in Danville. He stated the rate was rising every year. He urged that a large number of citizens attend the community input forum next Monday.

Vice-Mayor Oakes congratulated the City's Tourism staff for initiating another brew fest. He reported that last year approximately 400 people attended and over 1,000 attended this

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year's event. Mr. Oakes said this was an example of another great event to attend in Danville.

Mr. Rawley expressed appreciation to employees of Danville Regional Medical Center for the work they do.

Referring to the proposed amendment relating to Animals and Fowl, Mr. Shanks stated he wanted the Ordinance to be a good one and that Council should get it right before formal action is taken.

Mr. Shanks and Mr. Tomer encouraged citizens to do all their holiday shopping in local stores in order to keep revenues in Danville.

Mayor Saunders stated he had not heard a Council Member speak in opposition to the proposed Code amendment. It was stated the Ordinance should be very clear and a Council Member had requested additional time for review of the Ordinance. The request came in the form of a Motion to table to allow more time for clarity. Mr. Saunders continued that Roberts' Rules of Order contained procedures on how to conduct meetings and the rules contained a provision that allows voting members of a body to challenge the chair by a majority vote of the members. There is also a provision for the chair to rule if something is not crystal clear and that is what the chair chose to do.

Mayor Saunders extended good wishes to Danville Regional Medical Center. He reported that all nine members of City Council met with the hospital board last Friday. Mayor Saunders advised City Council had no authority over the hospital since it was a for-profit organization. He encouraged citizens to take their complaints directly to the hospital.

The Meeting adjourned at 7:55 P.M.

MAYOR

CITY CLERK