

AGENDA CITY COUNCIL MEETING  
CITY OF MARTINSVILLE, VIRGINIA  
Council Chambers – Municipal Building  
**7:30 p.m.** – Tuesday, October 26, 2010

Invocation – Council Member Mark Stroud  
Pledge to the American flag

1. [Consider approval of minutes of City Council meeting of September 28, 2010.](#) (2 minutes)
2. [Conduct public hearing on a recommendation from the Planning Commission to amend the Zoning Ordinance related to electronic game rooms and consider approval of ordinance, on first reading.](#) (15 minutes)
3. [Conduct public hearing and consider disposition of surplus property at 230 Moss Street.](#) (5 minutes)
4. [Conduct public hearing and consider disposition of surplus property at 1320 Memorial Blvd.](#) (5 minutes)
5. [Conduct public hearing and consider disposition of surplus property at 1322 Memorial Blvd.](#) (5 minutes)
6. [Consider approval of a Solar Power & Services Agreement between the City and HelioSage LLC for a solar power project at the City's Wastewater Treatment Plant.](#) (10 minutes)
7. [Hear a report from the Green Committee.](#) (15 minutes)
8. [Consider approval, on first reading, the Preliminary Ordinance making initial findings regarding issuance of bonds for the landfill-methane project.](#) (5 minutes)
9. [Consider approval of consent agenda.](#) (2 minutes)
  - A. Accept & appropriate budget adjustments FY11
10. [Consider discussion of 2011 Legislative agenda.](#) (10 minutes)
11. Business from the Floor  
This section of the Council meeting provides citizens the opportunity to discuss matters, which are not listed on the printed agenda. In that the Council meetings are broadcast on Martinsville Government Television, the City Council is responsible for the content of the programming. Thus, any person wishing to bring a matter to Council's attention under this Section of the agenda should: (1) come to the podium and state their name and address; (2) state the matter that they wish to discuss and what action they would like for Council to take; (3) limit their remarks to five minutes; and (4) refrain from making any personal references or accusations of a factually false and/or malicious nature. Persons who violate these guidelines will be ruled out of order by the presiding officer and will be asked to leave the podium. Persons who refuse to comply with the direction of the presiding officer may be removed from the chambers.
12. Comments by Members of City Council (5 minutes)
13. Comments by City Manager. (5 minutes)
14. Items to be considered in Closed Session, in accordance with the Code of Virginia, Title 2.2, Chapter 37—Freedom of Information Act, Section 2.2-37(11(A)—Closed Meetings, the following:
  - A. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City of Martinsville would be adversely affected, as authorized by Subsection 6.



## City Council Agenda Summary

**Meeting Date:** October 26, 2010

**Item No:** 1.

**Department:** Clerk of Council

**Issue:** Consider approval of the minutes of City Council's meeting of September 28, 2010.

**Summary:** None

**Attachments:** [Minutes September 28, 2010](#)

**Recommendations:** Motion to approve minutes as presented

September 28, 2010

The regular meeting of the Council of the City of Martinsville, Virginia, was held on September 28, 2010, in Council Chambers, Municipal Building, at 7:30 PM, with Mayor Kim Adkins presiding. Council Members present included: Mayor Kim Adkins, Vice Mayor Kimble Reynolds, Jr., Gene Teague, Mark Stroud, Sr., and Danny Turner. Staff present included: Clarence Monday, City Manager, Brenda Prillaman, Eric Monday, Leon Towarnicki, Linda Conover, Bobby Phillips, Wayne Knox, Donna Odell, Wanda Jessup, Mary Kay Washington, Lisa Holiday, and Robert Ramsey.

Following the invocation by Mayor Kim Adkins and Pledge to the American Flag, the Mayor welcomed everyone to the meeting.

On a motion by Gene Teague, seconded by Danny Turner, with a 5-0 vote, Council approved the minutes of the August 24, September 13 tour, and September 13, 2010.

Mayor Adkins presented a proclamation to Jeannie Frisco of Activate designating October as International Walk to School Month. The Mayor also presented a proclamation to Barbara Parker recognizing Piedmont Arts Big Read events in October.

Jim Tobin of Piedmont Community Services Board updated Council on his concerns for the agency and how the loss of funding will affect programs. He reported on the increase in crisis situations with family and children's services and the fact that the long term unemployment crisis causes many mental health difficulties.

Mayor Adkins recognized Finance staff members, Clarence Monday, Donna Odell, Linda Conover, Lisa Holiday, Mary Kay Washington, and Wanda Jessup for receiving the Certificate of Achievement for Excellence in Financial Reporting for the City of Martinsville by the Government Finance Officers Association of the United States and Canada (GFOA) for its FY2009 Comprehensive Annual Financial Report. The Certificate is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by a government and its management. This achievement was attained through the collective efforts of the Finance Department staff, the full cooperation of other city departments and our auditing firm, Robinson, Farmer & Cox. Finance Director, Clarence Monday, pointed out this award assures the citizens that our Finance Department staff are watchdogs of taxpayer dollars in the \$83-\$90 million a year budget.

Bobby Phillips reviewed The City of Martinsville Emergency Operations Plan (EOP) noting that it directs actions intended to preserve life and protect property from further destruction in the event of an emergency. The document establishes an emergency

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organization to direct and control operations during an emergency situation by assigning responsibilities to specific entities. Due to the nature of constant change, regarding the needs, threats and response capabilities of the community, it is necessary for the EOP to be considered a living document and regularly updated. The Virginia Emergency Services and Disaster Law as amended in 2008 requires that the plan be reviewed and formally adopted by City Council every four years. Such review shall be certified in writing to the Virginia Department of Emergency Management. On a motion by Gene Teague, seconded by Kimble Reynolds, with a 5-0 vote, Council adopted the following resolution to approve the updated EOP:

**WHEREAS**, there exists many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and  
**WHEREAS**, the safety and protection of the citizens and property is of foremost concern to the City Council of the City of Martinsville, Virginia; and  
**WHEREAS**, the City Council desires and the Commonwealth of Virginia statutes require the adoption of appropriate planned protective measures and  
**WHEREAS**, by Resolution adopted on April 13, 2004, City Council adopted the current City of Martinsville Basic Emergency Operations Plan and now it has become necessary to update said plan; now, therefore,  
**BE IT RESOLVED** by the Council of the City of Martinsville, Virginia, in regular session assembled September 28, 2010, that said Council does hereby adopt the updated City of Martinsville Basic Emergency Operations Plan.

City Attorney, Eric Monday, briefed Council on the proposed graffiti ordinance noting that at the most recent community meeting, citizen concerns were raised about removal of graffiti. He reported that after reviewing ordinances from communities around the state, the proposed draft ordinance provides the most comprehensive response to the issue. Section 13-18 expands our current graffiti ordinance to add docketing the fine as a civil judgment. The new code sections add parental liability for the actions of their juvenile children, and procedures for removing graffiti. After lengthy discussion, Council directed staff and the City Attorney to work with the Planning Commission to vet the ordinance and get further input for future development and implementation and bring the recommendation back to Council for consideration.

Wayne Knox briefed Council on the amendment to the zoning ordinance related to electronic game rooms as recommended by the Planning Commission. The legalizing of internet cafés, aka internet sweepstakes, in the Commonwealth of Virginia, along with the impending ban of the same type of use in the State of North Carolina as of December 2010, has focused attention on our community. The owner/operators are seeking to relocate to our area and several of the vendors have opened and are conducting business already. At present the City of Martinsville allows such uses identified as electronic game rooms as a use permitted by right. Due to concerns reported by other communities regarding the negative effects of these businesses, the Planning Commission felt that a

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special use process would safeguard existing and future businesses. Several work sessions were held by the Planning Commission to develop definitions for electronic game rooms and the like, while also developing conditions for special use permits for electronic game rooms, and exclusion from the C-2, Commercial District (Uptown). The City Council endorsed Uptown Master Plan recommends residential, retail, and professional enterprise in Uptown. The Planning Commission held a duly advertised public hearing on September 16, 2010 and there were 4 people in attendance at the public hearing with one person speaking in favor of the amendment to the Zoning Ordinance and no one speaking against the proposed amendment. City staff recommends amending the proposed definitions and some of its uses in order to meet current and future needs. The request for this action is based upon safeguarding the already existing businesses and future businesses from being unduly inconvenienced. It would also ensure that the newly arriving entities have any necessary health and safety amenities in place to safeguard their customers as they partake of the new enterprise in town. On a motion by Kimble Reynolds, seconded by Gene Teague, with a 5-0 vote, Council agreed to set a public hearing to consider amending the zoning ordinance for the October 26, 2010 Council meeting.

Council had brief discussion on the semi-annual reports submitted from outside agencies that received FY11 funding. Piedmont Arts' report was commended as a good example and will be posted on the city website.

Linda Conover, Budget Analyst, presented the following information regarding the monthly finance report:

**FY10 – Combined Balance Sheet – UNAUDITED**

The total of combined fund balances for FY10 is \$12,353,910, representing a difference of \$1,229,047 from FY09. This month's report reflects an increase of \$559,381 over last month's reported year-end fund balance. As stated in previous reports, this figure is still subject to change as the audit process progresses, with several annual adjustments yet to be made.

**FY11 – July & August Revenue & Expenditure Reports**

In July, total expenditures exceeded revenues by \$2,155,809. In August, expenditures continued to exceed revenues by an additional \$3,599,065, for a cumulative difference of \$5,924,760. This activity is typical for the first few months of the new fiscal year, due to receipt of the majority of revenues one to two months in arrears. Also, real estate tax revenues will not begin to trickle in until early November. In July and August, many annual one-time expenditures are processed along with a major share of our annual debt service payments. This gap will narrow as we continue into the fiscal year when quarterly and biannual revenues are received, such as real estate taxes and street maintenance payments.

**FY11 – Combined Balance Sheet**

The total of combined fund balances for FY11 at the end of July is \$8,766,146, representing a difference of \$3,587,764 from the unofficial FY10 year-end fund balances. The total of combined fund balances for FY11 at the end of August is \$6,819,415, representing a difference of \$5,534,495 from the unofficial FY10 year-end fund balances. **Again as stated before, the main contributing factors are the many annual one-time expenditures and the timing of the receipt of funds.** Also, remember that the FY10 year-end fund balance is still unaudited and not the absolute final balance with which to calculate current year standing. **The current year fund balance changes several times throughout the day, and is therefore nearly impossible to predict this early in the new fiscal year.** FY10 re-appropriations are being evaluated by staff and should be ready for presentation to Council at the October 12<sup>th</sup> meeting.

Clarence Monday pointed out to Council that staff has been working for months knowing that AMP would be offering AMPGS replacement project(s) and it was time to

September 28, 2010

evaluate our options. He briefed Council on four electric power options the city will have to compare and evaluate for what is best for the city: (1) the natural gas combined cycle facility, (2) APCO formula rate, (3) general RFP for 8MW of baseload power, (4) baseload 100 MW replacement strategy for AMPGS. He noted that if the Power Advisory Committee reviews all 4 options, there would most likely be another \$40,000 cost for consultants' work in addition to the \$40,000 cost already in the existing budget for consultants' work through GDS and Blue Ridge Power. Council agreed by consensus on the following Scope of Work for the Power Advisory Committee:

**City of Martinsville--Power Advisory Committee—October 2010**

**Purpose:**

This is a citizen committee selected by application to City Council and appointed to serve as members of the Power Advisory Committee for the purpose of evaluating City participation in a Natural Gas Combined Cycle (NGCC) generation plant being built by American Municipal Power Inc. (AMP) in Meigs County, Ohio.

Participation in the project will consist of City Council authorizing the execution of a Power Sales Contract which will obligate the City to purchase power from the generation plant for a pre-determined time frame.

**Scope of Work**

**Review of NGCC Offering**

Over the next few weeks AMP will release member packets containing information related to participation in the NGCC generation project including:

- A NGCC Feasibility Study (not for public release)
- A subscription letter from AMP recommending a level of participation (KW) by the City in the project
- A Beneficial Use Analysis by R. W. Beck (not for public release)

Much of the information provided by AMP is confidential and cannot be shared publically as doing so could affect AMP's negotiating position on this project and future projects. Committee members will be required to honor the confidentiality agreement between the City and AMP and withhold from public release certain information deemed confidential by AMP and its membership.

Additional information will be made available to the Power Advisory Committee after a thorough analysis of the project offering is conducted by GDS Associates Inc. GDS will provide an overview of the project and recommendation to the Committee upon completion of its review.

The Power Advisory Committee will be charged with the task of analyzing the provided data, selecting a committee spokesperson and delivering a recommendation to City Council.

**Power Advisory Committee Support Staff**

The committee will have access to City staff consisting of City Manager, Clarence Monday, Director of Electrical Operations, Dennis Bowles and professional support by Duane Dahlquist P.E., General Manager of Blue Ridge Power Agency which will be available to provide a project overview and answer questions as necessary.

**AMP Project Proposal Review Process**

1. Scope Defined/Power Advisory Committee (PAC) defined.
2. AMP releases member packets to City of Martinsville.
3. Detailed information provided to GDS/Blue Ridge Power (BRP).
4. GDS, BRP and staff presents to City Council and Power Advisory Committee (PAC)
  - a. Information available in packet, and Executive Summary of all the information reviewed that recommendation is based upon.
  - b. Recommendation.
5. Power Advisory Committee meets to review:
  - a. GDS/BRP Recommendation
  - b. Request any additional information not reviewed by GDS/BRP related to the specific project.
  - c. Review any information in member packets that PAC wishes to dive further into.
  - d. PAC supported by Staff, GDS, and BRP.
6. CC schedules Public Hearings.
7. PAC makes presentation to CC on its recommendation and logic behind it. Public Hearings conducted.
8. After input from Staff, GDS, BRP, PAC and the public, CC makes informed decision.

Business from the floor: Ural Harris, 217 Stuart St., pointed out he would be in favor of spending another \$40,000 for the Power Committee to look at all 4 options.

Comments from City Manager: City staff and Council will attend the 2 day VML Annual Conference and the Council/staff strategic planning session is set for Oct.15 & 16 at the VMNH using a local facilitator.

In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon a motion by Danny Turner, seconded by Kimble Reynolds, with the following 5-0 recorded vote: Adkins, aye; Reynolds, aye; Teague, aye; Stroud, aye; and

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Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matter: (A) Appointments to Boards and Commissions as authorized by Subsection 1. (B) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected as authorized by Subsection 6. (C) A prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community as authorized by Subsection 5.

At the conclusion of Closed Session, each returning member of Council certified that (1) only public business matters exempt from open meeting requirements were discussed in said Closed Session; and (2) only those business matters identified in the motion convening the Closed Session were heard, discussed, or considered during said Session. On a motion by Danny Turner, seconded by Gene Teague, with the following recorded 5-0 vote: Adkins, aye; Reynolds, aye; Teague, aye; Stroud, aye; and Turner, aye, Council returned to Open Session.

The following action was taken on appointments to Boards and Commissions:

Southern Virginia Recreation Facilities Authority: on a motion by Mark Stroud, seconded by Gene Teague with a 5-0 vote, Ron Epperly, 1704 Meadowview Lane, and Jay Wilson (Harvest Foundation recommendation), 1239 Sam Lions Trail, were appointed to four terms ending 10/31/2014. Transportation Safety Commission: on a motion by Danny Turner, seconded by Gene Teague, with a 5-0 vote, John R. (Tripp) Smith III was appointed to an unexpired 4 year term ending 12/31/2013. Industrial Development Authority: on a motion by Kimble Reynolds, seconded by Gene Teague, with a 5-0 vote, Natalie Harder, 722 Corn Tassel Trail, and Doug Goldstein, 816 Mulberry Road, were appointed to unexpired 4 year terms ending 9/26/2013. No other action was taken. There being no further business, Mayor Adkins adjourned the meeting at 10:30 PM.

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Clarence C. Monday  
Clerk of Council

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Kim E. Adkins  
Mayor

**Meeting Date:** October 26, 2010  
**Item No:** 2.  
**Department:** Community Development

**Issue:** Conduct a public hearing on a recommendation from the Planning Commission to amend the Zoning Ordinance related to electronic game rooms (aka internet café or sweepstake) and consider approval of ordinance, on first reading.

**Summary:** The legalizing of internet cafés aka internet sweepstakes in the Commonwealth of Virginia, along with the impending ban of the same type of use in the State of North Carolina as of December 2010, has focused attention on our community. The owner/operators are seeking to relocate to our area. Several of the vendors have opened and are conducting business already. At present, the City of Martinsville allows such uses, identified as electronic game rooms, as a use permitted by right. Due to concerns reported by other communities regarding the negative effects of these businesses, the Planning Commission felt that a special use process would safeguard existing and future businesses.

Several work sessions were held by Planning Commission to develop definitions for electronic game rooms and the like, while also developing conditions for special use permits for electronic game rooms, and exclusion from the C-2, Commercial District (Uptown). The City Council endorsed Uptown Master Plan recommends residential, retail, and professional enterprise in Uptown.

Planning Commission held a duly advertised public hearing on September 16, 2010 with four people in attendance at the public hearing. One person spoke in favor of the amendment to the Zoning Ordinance and no one spoke against the proposed amendment.

City staff recommends amending the proposed definitions and some of its uses in order to meet current and future needs. The request for this action is based upon safeguarding the already existing businesses and future businesses from being unduly inconvenienced. It would also ensure that the newly arriving entities have any necessary health and safety amenities in place to safeguard their customers as they partake of the new enterprise in town.

**Attachments:** [Planning Commission Letter](#)  
[Proposed Amendment to the Zoning Ordinance](#)

**Recommendations:** Conduct a public hearing on the proposed amendment to the Zoning Ordinance and approve on first reading.



September 20, 2010

Mayor Kim Adkins  
Members of City Council  
City of Martinsville  
P. O. Box 1112  
Martinsville, VA. 24112

RE: Amendment to the Zoning Ordinance (electronic game rooms aka internet sweepstake)

Dear Mayor and City Council Members:

The Planning Commission, at its meeting on September 16, 2010, conducted a duly advertised Public Hearing on a request by the City of Martinsville, for a proposed amendment to the Martinsville Zoning Ordinance related to electronic game rooms.

At the public hearing it was noted that this request would define electronic game rooms and the like, while also developing conditions for special use permits for electronic game rooms, and exclusion from the C-2, Commercial District (Uptown). There were several citizens present at the public hearing. Only one person spoke in favor of the amendment. No one spoke against the amendment.

Following evidence heard at the public hearing, the Planning Commission voted unanimously (5-0) to recommend the proposed amendment to City Council. The Planning Commission respectfully submits the recommendation for further consideration.

Yours Truly,

James A. Crigger, Sr., Secretary

  
Wayne D.P. Knox

Director of Community Development

WDPK

Cc: Barbara Cousin, Vice-Chairperson  
James A. Crigger, Sr., Secretary

# PROPOSED AMENDMENTS – ZONING ORDINANCE

(Strikethrough indicates deletion; *italicized bold* indicates addition)

## SECTION II-DEFINITIONS

***Amusement arcade*** - Establishments in which a principal use is the operation of video, mechanical, electronic, and/or coin operated games and/or devices for the amusement of the general public.

***Amusement machine*** - Any video, mechanical, electronic and/or coin operated game and/or device for the amusement of patrons. This definition shall not be construed to include coin operated music players, coin operated mechanical children's rides or coin operated television.

***Electronic Game Room (internet sweepstake/internet café)*** – A business enterprise, whether principal or accessory, where persons utilize electronic machines, including but not limited to computers and gaming terminals to conduct games of odds or chance, including sweepstakes, and where cash, merchandise, or other items of value are deemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic Gaming Operations do not include operations associated with the official Virginia Lottery or amusement arcades.

***Internet café***- See Electronic game room

***Internet sweepstake***- See Electronic game room

## SECTION XII: COMMERCIAL DISTRICTS

### A. **C-1 Neighborhood Commercial District.**

#### B. Uses permitted by right in the C-1 District.

53. ~~Electronic game rooms.~~ ***Amusement arcades.***

#### C. Uses permitted by special use permit in the C-1 District.

7. ***Electronic game rooms, subject to the following conditions:***

- a) ***Alcohol is prohibited;***
- b) ***Bladed weapons are prohibited;***
- c) ***Establishment must be located at least 1000 feet from churches, schools, and playgrounds;***
- d) ***Establishment cannot open for business prior to 10 a.m. and must close by midnight;***

- e) Establishment must abide by all building and zoning codes;*
- f) Prohibited in any local historic district without regard to zoning classification;*
- g) Other conditions as deemed appropriate.*

**E. C-1A Intermediate Commercial District.**

**F. Uses permitted by right in the C-1A District.**

53. ~~Electronic game rooms.~~ *Amusement arcades.*

**G. Uses permitted by special use permit in the C-1A District.**

**7. Electronic game rooms, subject to the following conditions:**

- a) Alcohol is prohibited;*
- b) Bladed weapons are prohibited;*
- c) Establishment must be located at least 1000 feet from churches, schools, and playgrounds;*
- d) Establishment cannot open for business prior to 10 a.m. and must close by midnight;*
- e) Establishment must abide by all building and zoning codes;*
- f) Prohibited in any local historic district without regard to zoning classification;*
- g) Other conditions as deemed appropriate.*

**I. C-2 Central Business District.**

**J. Uses permitted by right in the C-2 District.**

54. ~~Electronic game rooms.~~ *Amusement arcades.*

**M. C-3 General Commercial District.**

**N. Uses permitted by right in the C-3 District.**

51. ~~Electronic game rooms.~~ *Amusement arcades.*

**O. Uses permitted by special use permit in the C-3 District.**

**7. Electronic game rooms, subject to the following conditions:**

- a) Alcohol is prohibited;*
- b) Bladed weapons are prohibited;*
- c) Establishment must be located at least 1000 feet from churches, schools, and playgrounds;*
- d) Establishment cannot open for business prior to 10 a.m. and must close by midnight;*
- e) Establishment must abide by all building and zoning codes;*

- f) Prohibited in any local historic district without regard to zoning classification;*
- g) Other conditions as deemed appropriate.*

### **SECTION XIII: BUSINESS AND MANUFACTURING DISTRICTS**

#### **E. M-1 Light Manufacturing District.**

##### **F. Uses permitted by right in the M-1 Light Manufacturing District.**

50. ~~Electronic game rooms.~~ *Amusement arcades.*

##### **G. Uses permitted by special use permit in the M-1 District.**

*7. Electronic game rooms, subject to the following conditions:*

- a) Alcohol is prohibited;*
- b) Bladed weapons are prohibited;*
- c) Establishment must be located at least 1000 feet from churches, schools, and playgrounds;*
- d) Establishment cannot open for business prior to 10 a.m. and must close by midnight;*
- e) Establishment must abide by all building and zoning codes;*
- f) Prohibited in any local historic district without regard to zoning classification;*
- g) Other conditions as deemed appropriate.*

#### **I. M-2 Heavy Manufacturing District.**

##### **J. Uses permitted by right in the M-2 Heavy Manufacturing District.**

All uses are allowed in the M-2 District with exception of the following:

*24. Electronic game rooms.*

##### **K. Uses permitted by special use permit in the M-2 District.**

*4. Electronic game rooms, subject to the following conditions:*

- a) Alcohol is prohibited;*
- b) Bladed weapons are prohibited;*
- c) Establishment must be located at least 1000 feet from churches, schools, and playgrounds;*
- d) Establishment cannot open for business prior to 10 a.m. and must close by midnight;*
- e) Establishment must abide by all building and zoning codes;*

- f) Prohibited in any local historic district without regard to zoning classification;***
- g) Other conditions as deemed appropriate.***

**Meeting Date:** October 26, 2010

**Item No:** 3.

**Department:** Public Works / City Attorney

**Issue:** Conduct public hearing and consider disposition of surplus property at 230 Moss Street.

**Summary:** Three (3) properties have been authorized for disposition, and the required public hearing must be conducted to receive any comments on the sale of this publically owned land.

**Attachments:**

1. [230 Moss Street](#)
2. [1320 Memorial Boulevard](#)
3. [1322 Memorial Boulevard](#)

**Recommendations:** Council is asked to conduct the necessary public hearing and approve sale of these properties.



Lot – 230 Moss Street

Zoned R-6, Size: 15,926 sq. ft.

Offer made by Martinsville Cemetery Association

Intended Use: Buffer zone for cemetery

**Recommended Action: Sell Property**

**Meeting Date:** October 26, 2010

**Item No:** 4.

**Department:** Public Works / City Attorney

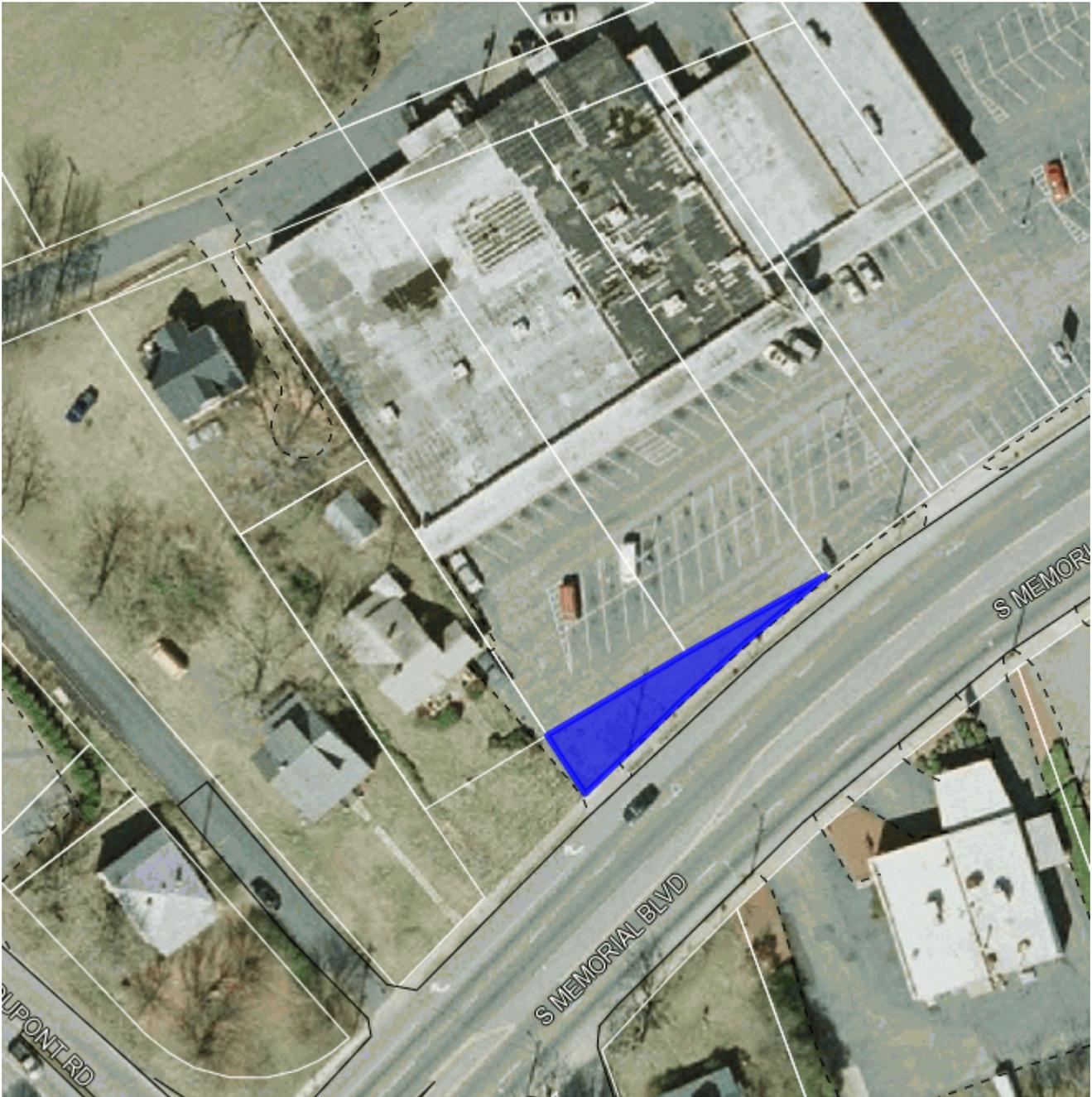
**Issue:** Conduct public hearing and consider disposition of surplus property at 1320 Memorial Boulevard.

**Summary:** Three (3) properties have been authorized for disposition, and the required public hearing must be conducted to receive any comments on the sale of this publically owned land.

**Attachments:**

1. [230 Moss Street](#)
2. [1320 Memorial Boulevard](#)
3. [1322 Memorial Boulevard](#)

**Recommendations:** Council is asked to conduct the necessary public hearing and approve sale of these properties.



Residual Tract – 1320 S. Memorial Blvd.

Zoned C-3, Size: 2400 sq. ft.

Offer made by adjacent property owner

Intended Use: Consolidation with adjoining property

**Recommended Action: Sell Property**

**Meeting Date:** October 26, 2010

**Item No:** 5.

**Department:** Public Works / City Attorney

**Issue:** Conduct public hearing and consider disposition of surplus property at 1322 Memorial Boulevard.

**Summary:** Three (3) properties have been authorized for disposition, and the required public hearing must be conducted to receive any comments on the sale of this publically owned land.

**Attachments:**

1. [230 Moss Street](#)
2. [1320 Memorial Boulevard](#)
3. [1322 Memorial Boulevard](#)

**Recommendations:** Council is asked to conduct the necessary public hearing and approve sale of these properties.



Residual Tract – 1322 S. Memorial Blvd.

Zoned C-3, Size: 2200 sq. ft.

Offer made by adjacent property owner

Intended Use: Consolidation with adjoining property

**Recommended Action: Sell Property**

**Meeting Date:** October 26, 2010

**Item No:** 6.

**Department:** Public Works

**Issue:** Consider approval of a Solar Power & Services Agreement between the City and HelioSage LLC for a solar power project at the City's Wastewater Treatment Plant.

**Summary:** In 2009, the City was approached by SolSage LLC regarding interest in a possible solar power project. Several months of discussions occurred and eventually, a request for proposals was issued by the City. Two solar power proposals were received and SolSage was selected as best meeting the interests of the City. (SolSage later changed the company name to HelioSage) Ultimately, a 200KW solar project was proposed for the City's Wastewater Treatment Plant, and in that regard, a solar power & services agreement has been developed. HelioSage representatives have indicated approval of the agreement is necessary in order to begin pursuit of funding for the project. HelioSage's execution of the project is contingent upon receipt of the funding sources they are trying to obtain.

**Attachments:** None

**Recommendations:** Staff recommends approval of the agreement

**Meeting Date:** October 26, 2010

**Item No:** 7.

**Department:** Clerk of Council

**Issue:** Hear a report from the Green Committee.

**Summary:**

Dave Maddox will give a power point presentation about his analysis of our recycling efforts titled "One Year Later" that focuses on Stewardship, Sustainability, and Leadership on how our resources have been managed and used during the past year. The presentation also provides analytical detail on recycling efforts and gives council guidance on approaching issues of resource management and cost containment going forward.

Kathy Lawson will review and give an update on projects currently being worked on by the Green Committee.

**Attachments:** [Analysis from Green Committee](#)

**Recommendations:**

## CITY OF MARTINSVILLE - MUNICIPAL SOLID WASTE GENERATED 2006-2009

2007 Facts and Figures - EPA Municipal Solid Waste in the United States <sup>1</sup>	Percent of Municipal Solid Waste <sup>1</sup>	Municipal Solid Waste Generated 2006		Municipal Solid Waste Generated 2007		Municipal Solid Waste Generated 2008		Municipal Solid Waste Generated 2009		TOTAL Municipal Solid Waste Generated 2006-2009	Municipal Solid Waste Generated 2006-2009
		(Tons)	By Category	(Tons)	(Tons)						
		Martinsville	2006	Martinsville	2007	Martinsville	2008	Martinsville	2009	Martinsville	2006-2009
Paper & Paperboard	32.7%	9,068.45	2,965.38	8,418.56	2,752.87	9,016.20	2,948.30	9,701.47	3,172.38	36,204.68	11,838.93
Yard Trimmings	12.8%	9,068.45	1,160.76	8,418.56	1,077.58	9,016.20	1,154.07	9,701.47	1,241.79	36,204.68	4,634.20
Food Scraps	12.5%	9,068.45	1,133.56	8,418.56	1,052.32	9,016.20	1,127.03	9,701.47	1,212.68	36,204.68	4,525.59
Plastics	12.1%	9,068.45	1,097.28	8,418.56	1,018.65	9,016.20	1,090.96	9,701.47	1,173.88	36,204.68	4,380.77
Metals	8.2%	9,068.45	743.61	8,418.56	690.32	9,016.20	739.33	9,701.47	795.52	36,204.68	2,968.78
Rubber-Leather-Textiles	7.6%	9,068.45	689.20	8,418.56	639.81	9,016.20	685.23	9,701.47	737.31	36,204.68	2,751.56
Wood	5.6%	9,068.45	507.83	8,418.56	471.44	9,016.20	504.91	9,701.47	543.28	36,204.68	2,027.46
Glass	5.3%	9,068.45	480.63	8,418.56	446.18	9,016.20	477.86	9,701.47	514.18	36,204.68	1,918.85
Other	3.2%	9,068.45	290.19	8,418.56	269.39	9,016.20	288.52	9,701.47	310.45	36,204.68	1,158.55

<sup>1</sup> Data used for this analysis was obtained from the United States Environmental Protection Agency from the most recent EPA study of Municipal Solid Waste generated in the United States during calendar year 2007

**Meeting Date:** October 26, 2010

**Item No:** 8.

**Department:** Finance

**Issue:** Consider adoption of a Preliminary Ordinance, on first reading, for further consideration of Phase II of the Landfill-Methane Project.

**Summary:** At the October 12, 2010 Council Meeting, a Resolution was adopted, authorizing the advertisement of a Public Hearing, allowing requests for proposals (RFPs) for financing and equipment needs, and to define the process for further consideration by the Council. The Resolution did not commit the City to issue bonds and/or any other instrument of debt for the stated purpose.

Before the Council at this meeting is an Ordinance that serves three primary purposes, as follows:

1. **Sets the purpose of the proposed project** - The City Council proposes to issue bonds for the purpose of assisting in the acquisition, construction, expansion, renovation and equipping of City public works facilities, including landfill improvements, including facilities for electricity generation from landfill gas, and wastewater treatment plant improvements, including an automatic bar screen device, all for municipal purposes.
2. **Sets the maximum amount of the project debt** – The maximum amount of the issuance of general obligation bonds is an original principal amount not to exceed \$1,950,000, to be issued by the City, for the acquisition, construction and equipping of the Project and for certain costs related to issuance of the Bonds.
3. **Sets the maximum length of time the bonds will be outstanding** - The maximum length of time that the Bonds will be outstanding is eleven years from the date of issuance of the Bonds.

If adopted, this Ordinance still does not commit the City to the issuance of such bonds, but rather achieves the previously identified points. There will be a second reading of the same Ordinance at the Nov. 9 Council Meeting. Also on November 9<sup>th</sup>, the Council will consider first reading of the actual bond ordinance with final approval of “the commitment” Ordinance on November 23 after Council is informed of Bond interest rates, total project costs, analyzing data from a cost-benefit analysis of the proposed project, and a Public Hearing.

The process timeline is as follows:

- Oct. 12 - council adopted a Resolution authorizing issuance of RFP to banks, setting public hearing for Nov. 23, authorizing publication and broadcast of notice of public hearing
- Oct. 15 - RFPs were distributed to banks
- Oct. 26 - first reading of Preliminary Ordinance as outlined in points 1-3 above
- Nov. 1 - bank proposals are due
- Oct. 28 and Nov. 4 (give or take a day) - publication/broadcast of notice of hearing
- Nov. 9 - City Council selects bank, second reading and final adoption of Preliminary Ordinance (the October 26<sup>th</sup> Ordinance), first reading of Ordinance Authorizing issuance of bonds
- November 23 - Council conducts Public Hearing, second reading and final adoption of Ordinance Authorizing issuance of bonds
- Closing - week of Nov. 29

**Attachments:** [Ordinance.](#)

**Recommendations:** Adopt the Ordinance on first reading.

**CITY OF MARTINSVILLE, VIRGINIA**

**AN ORDINANCE RECITING THE EXPEDIENCY OF THE ISSUANCE OF UP TO \$1,950,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF MARTINSVILLE, VIRGINIA, AND SETTING FORTH THE PURPOSE, IN GENERAL TERMS, FOR WHICH THE BONDS ARE TO BE ISSUED, THE MAXIMUM AMOUNT OF THE BONDS TO BE ISSUED AND THE MAXIMUM LENGTH OF TIME SUCH BONDS WILL BE OUTSTANDING**

**Adopted on October 26, 2010**

Be it Ordained by the Council of the City of Martinsville, Virginia:

### **Section 1 - Findings and Determinations**

The City Council ("**City Council**") of the City of Martinsville, Virginia (**the "City"**) proposes to issue bonds for the purpose of assisting in the acquisition, construction, expansion, renovation and equipping of City of Martinsville public works facilities, including landfill improvements (including facilities for electricity generation from landfill gas) and wastewater treatment plant improvements (including an automatic bar screen), all for municipal purposes (**together, the "Project"**) and hereby finds and determines that: (i) the City is in need of funds to be used by the City for such construction and equipment needs brought to the attention of the City Council by the Martinsville City Manager, specifically for the Project, for costs of issuance of the Bonds (defined below) and for payment of interest on the Bonds; (ii) the obtaining of such funds will be for municipal purposes of the City, for the welfare of citizens of the City for purposes which will serve the City and its citizens pursuant to the authority of the City to provide funds for and otherwise support the City's public works solid waste disposal and wastewater treatment services; (iii) the most effective, efficient and expedient manner in which to provide such funds to the City is through the issuance of general obligation bonds in an original principal amount not to exceed \$1,950,000 to be issued by the City as further described herein (**the "Bonds"**) to be used for the acquisition, construction and equipping of the Project and for certain costs of issuance of the Bonds; (iv) the issuance of the Bonds is within the power of the City to contract debts, borrow money and make and issue evidence of indebtedness; and, (iv) the issuance of the Bonds is in the best interests of the City and its citizens.

### **Section 2 - Description of the Bonds**

The City Council finds that it is expedient for the City to borrow money and issue the Bonds for the Project in a maximum amount not to exceed ONE MILLION NINE HUNDRED FIFTY THOUSAND DOLLARS (\$1,950,000). The maximum length of time that the Bonds will be outstanding is eleven years from the date of issuance of the Bonds. The form and details of the Bonds which are proposed to be issued will be more specifically set forth in a City Ordinance to be entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,950,000 MAXIMUM PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF MARTINSVILLE, VIRGINIA AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF, which will be introduced before the Council and considered for passage following a public hearing on the issuance of the Bonds, as required by law.

### **Section 3 - Further Actions Authorized**

The City Manager, Clerk of the Council, City Treasurer, City Attorney, Sands Anderson PC as bond counsel, Davenport & Company LLC as financial advisor to the City and all other officers, employees and agents of the City are hereby authorized and directed to take any and all such further action as shall be deemed necessary or desirable to facilitate consideration of the

issuance of the Bonds. All actions of the City Manager, Clerk of the Council, City Treasurer, City Attorney, bond counsel, the City's financial advisor and all other officers, employees and agents of the City in furtherance of the issuance of the Bonds and the financing of the Project are hereby approved and ratified.

**Section 4 - Invalidity of Sections**

If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this Ordinance.

**Section 5 - Headings of Sections**

The headings of the sections of this Ordinance shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of such sections of this Ordinance.

**Section 6 - Effective Date and Filing of Ordinance**

Council hereby declares in the public interest that this Ordinance shall become effective immediately upon its passage. A copy of this Ordinance, certified by the Clerk of the Council, shall be filed with the Clerk of the Circuit Court of the City of Martinsville, Virginia.

The Members of the Council voted as follows on the foregoing Ordinance:

Ayes

Nays

Absent

Abstentions

Adopted this 26th day of October, 2010 (first reading).

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The undersigned Clerk of the City Council of the City of Martinsville, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on October 26, 2010, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly called meeting and that, during the consideration of the foregoing Ordinance, a quorum was present.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2010.

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Clerk, City Council of  
City of Martinsville, Virginia



## City Council Agenda Summary

**Meeting Date:** October 26, 2010  
**Item No:** 9.  
**Department:** Finance  
**Issue:** Consider approval of consent agenda.

**Summary:**

The attachments amend the FY11 Budget with appropriations in the following funds:

**FY11:**

General Fund: \$7,248 – donations and recovered costs

**Attachments:** [Spreadsheet](#)

**Recommendations:** Approve

BUDGET ADDITIONS FOR 10/26/10

<b>ORG</b>	<b>OBJECT</b>	<b>DESCRIPTION</b>	<b>DEBIT</b>	<b>CREDIT</b>
<b><u>FY11</u></b>				
<b><u>GENERAL FUND</u></b>				
01100909	490104	Recovered Costs		1,432
01311085	506008	Police Dept - Vehicle Repairs & Maintenance appropriate insurance payment	1,432	
01100908	480411	Miscellaneous - Donations/Skate Park		5,816
01713211	508220	Park Maintenance - Physical Plant Expansion appropriate donated funds for Skate Park	5,816	
<b>Total General Fund:</b>			<b>7,248</b>	<b>7,248</b>



**City Council  
Agenda Summary**

**Date:** October 26, 2010

**Item No:** 10.

**Department:** City Attorney

**Issue:** Consider discussion of 2011 legislative agenda

**Summary:** The City annually determines its legislative priorities. Attached is 2011's tentative legislative agenda for adoption.

**Attachments:** [Proposed 2011 Legislative Agenda](#)

**Recommendations:** Approve.



The City of Martinsville appreciates the efforts its legislators undertake at both the state and federal level on behalf of its citizens. Listed below are the City's priorities requested of its legislative delegation in 2011.

## **General Assembly**

### **Transportation**

1. Urge the CTB to reach a final conclusion on the I-73 corridor.
2. In the short term, upgrade those portions of Route 220 overlaying I-73 to interstate standards. Any construction or upgrades to the I-73 corridor should begin on those sections passing through Henry County.
3. Continue to place priority on Route 58 improvements, particularly the section between Stuart and Hillsville, Virginia.
4. Endorse the rapid development of the Trans-Dominion Express, with particular emphasis on extension of passenger rail service to Roanoke.
5. Request that the Trans-Dominion Express be extended to include a spur from Lynchburg to Danville.
6. Encourage the enactment of a long-term capital funding formula for the future transportation needs of the Commonwealth.

### **Education**

1. City Council endorses the agenda proposed by the Martinsville City School System and also endorses the educational priorities adopted by Henry County, on behalf of its school system.
2. Oppose the imposition of unaided education mandates and in the event of revenue cuts by the Commonwealth opposes targeted cuts by the Commonwealth, instead preferring local decision making authority on where to make any such cuts.
3. Continue support for the development and funding of the New College Institute, and urge that any funding reductions to New College Institute, if considered, be minimized to the greatest extent possible as New College Institute is in the critical stage of growth and its success is critical to the revitalization of uptown Martinsville and its ultimate development as a stand-alone four-year university is critical.

### **Economic Development**

1. Maintain current levels of funding for economic development incentives, including but not limited to the Governor's Opportunity Fund.
2. Enhance the authority granted to localities to address and eliminate blighted properties, and the formation of interstate compacts to allow expedited recourse against out-of-state property owners.
3. Continue current funding levels of the Virginia Museum of Natural History.
4. Support the development of a multiuse trail traversing Southern Virginia from the Blue Ridge Parkway to the Chesapeake Bay in order to stimulate economic growth and promote regional tourism.
5. Include Mayo River State Park on the Commonwealth's list for future capital funding, as a benefit to the entire southern Virginia region.
6. Request enhanced state and federal financial assistance for localities which exceed the average state unemployment rate by 300% or more.
7. Request that any state and federal economic development reimbursements to Martinsville and Henry County for development of the Commonwealth Crossing site include in its computation any sewer revenue lost by the City of Martinsville.

### **Governance**

1. Request the appointment of a joint gubernatorial/legislative commission to examine the structure of local government in Virginia, the commission's mandate to include:

- a. Examination of local government in the other 49 states for potential adaptation to Virginia.
  - b. Enable cities to expand their revenue base
  - c. Elimination of the “zero-sum” revenue base structure, which creates friction between cities and counties.
  - d. Elimination of redundant services and programs between contiguous cities and counties.
2. Require full funding for HB 599 funds, in fulfillment of the Commonwealth’s commitment to cities in return for their acquiescence in the annexation moratorium.
  3. Explore all potential options for the generation of revenue by localities.
  4. Elimination of all unfunded mandates from the Commonwealth to localities.
  5. Oppose any elimination or alteration of local revenue streams, and specifically oppose any amendment to the current manner in which the Business Occupation and Licensing Tax and the Machinery and Tools Tax are levied.
  6. Request additional funding to adequately accommodate the space and office requirements of the Henry-Martinsville Department of Social Services.
  7. Request that the General Assembly leaves intact the fire programs fund and the rescue squad assistance funds and not use these funds as a way to balance the state budget.
  8. Support legislation directing health insurance credit for retirees of local government, constitutional officers, school division employees, and state employees.
  9. Request that the Commonwealth fully fund its obligations to constitutional officers.
  10. Oppose any attempt to curtail the doctrine of sovereign immunity for localities.
  11. Oppose any attempt to permit collective bargaining for state and local government employees.
  12. Request that the 2011 legislative redistricting result in at least the same number of legislative districts and members as are currently representing Martinsville and Henry County and that Martinsville and Henry County remain in the Fifth Congressional district.
  13. Oppose any amendment of the existing burden of proof or process in local tax appeals cases.

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### **United States Congress**

1. Continue to place priority on Route 58 improvements and the development of I-73.
2. In the short term, upgrade those portions of Route 220 overlaying I-73 to interstate standards.
3. Oppose any change in the route of the Amtrak Crescent train service. Encourage Amtrak to provide motorcoach transfer service between Danville and Martinsville.
4. Request \$3.72M in funds for the redevelopment of brownfields extending from the former Sara Lee site, along Aaron Street, to Rives Road.
5. Request \$6.25M in funds for the elimination and redevelopment of blighted areas in the city.
6. Request legislation to provide special federal incentives to businesses locating in regions which have experienced job losses in excess of 5% of the total workforce and/or declines in median incomes since the adoption of NAFTA, WTO or GATT. Target such areas for increased federal funding in education or workforce retraining.
7. Extend high speed broadband service throughout southern Virginia.
8. Request enhanced state and federal financial assistance for localities which exceed the average state unemployment rate by 300% or more.
9. Request that any state and federal economic development reimbursements to Martinsville and Henry County for development of the Roma site include in its computation any water and sewer revenue lost by the City of Martinsville.

#### Staff Designations

**City Council empowers the following staff members to speak on its behalf and in its best interests to the General Assembly, its members and committees:**

City Attorney Eric Monday

City Manager Clarence Monday

Other department heads as appointed by the City Manager