

October 27, 2009

The regular meeting of the Council of the City of Martinsville, Virginia, was held on October 27, 2009, in Council Chambers, Municipal Building, at 7:30 PM, with Mayor Kathy Lawson presiding. Council Members present included: Mayor Kathy Lawson, Gene Teague, Mark Stroud, Sr., and Danny Turner. Vice Mayor Kimble Reynolds was absent. Staff present included: Clarence Monday, City Manager, Brenda Prillaman, Eric Monday, Susan McCulloch, Wayne Knox, Tim Porter, Linda Conover, Leon Towarnicki, Mike Scaffidi, Esther Artis, and Kathy Vernon.

Following the invocation by Council Member Mark Stroud and Pledge to the American Flag, Mayor Lawson welcomed everyone to the meeting.

On a motion by Gene Teague, seconded by Danny Turner, with a 4-0 vote, Council approved the minutes of the September 30, 2009 Council meeting.

Dr. Barry Dorsey of New College Institute presented an update on NCI. There was discussion on future name of NCI as well as the facility becoming a stand alone university in the future. Dr. Dorsey praised City Council and administration for the fiber optic capabilities and how that helps NCI.

Mike Scaffidi, Telecommunications Coordinator, presented an update on the MINet WiFi and did a live demonstration in Council Chambers. He briefed Council on options for a logo for the WiFi areas and he discussed statistics on usage. Council asked that screen shots of the WiFi demonstration be put on the website and on MGTV to encourage use and to assist users. Council also noted a declaration should be put on the website that the city is not going to sell email addresses of those using the WiFi.

Wayne Knox briefed Council on a recommendation from the Planning Commission regarding establishing an Arts/Cultural District. This district will fit within the parameters of the recently approved Comprehensive Plan which encourages development of such a district along Starling Avenue. It also is in concert with the City's Strategic Plan of 2008 which encourages economic development, cultural enhancement, leadership opportunities, enhanced community development, recreation and self-image. The Planning Commission recommends that City Council hold public hearings to designate this area as an Arts/Cultural District and a City of Martinsville Arts/Cultural Committee be formed and meet regarding activities in this district until a formal Arts/Cultural

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Council is established. The committee would work in concert with the ARB, contain representatives from all Arts/Cultural stakeholders and report to the Planning Commission. On a motion by Gene Teague, seconded by Mark Stroud, Council agreed to set a public hearing for the December 8 Council meeting

Leon Towarnicki briefed Council on the AARA Energy Grant available through the Virginia Department of Mines, Minerals and Energy and asked for Council to authorize the City Manager to apply for the grant and sign the application. On a motion by Mark Stroud, seconded by Danny Turner, with a 4-0 vote, Council authorized the City Manager to apply for the grant. After discussion and with a 4-0 vote, Council approved the followed resolution to strengthen the City's endorsement for solar energy on a motion by Gene Teague, seconded by Mark Stroud:

RESOLUTION

AUTHORIZING THE PREPARATION AND FILING OF AN APPLICATION FOR AN ARRA ENERGY GRANT THROUGH THE VIRGINIA DEPARTMENT OF MINES MINERALS AND ENERGY (DMME) – HANDLED BY WPPDC

WHEREAS, the City of Martinsville has the opportunity to participate in State Energy Program (SEP) Stimulus Grant by conserving energy; and
WHEREAS, the City of Martinsville is eligible for and wishes to submit a 2009 State Energy Program grant application to the VA DMME via WPPDC for grant funds by November 6, 2009 for consideration during the funding round; and
WHEREAS, the City has identified projects applicable to the grant involving the City's Hydro Plant that would allow it to generate around the clock at peak times, thus becoming more energy efficient and lessening the City's need to purchase power; and
NOW, THEREFORE, be it resolved by the Council of the City of Martinsville, Virginia that: The City of Martinsville wishes to apply for a State Energy Grant (final amount TBD) for the purpose of energy conservation due to upgrades at the Hydro Plant; and hereby authorizes the City Manager to execute and file all appropriate documents necessary for the submission of the City of Martinsville 2009 Virginia Energy Efficiency and Conservation Block Grant (EECBC) application of November 6, 2009 and to provide such additional information as may be required by the Virginia Department Mines Minerals and Energy.

Leon Towarnicki briefed Council on the solar energy project and asked that Council consider endorsing the concept of a solar energy project and authorize the City Manager to execute documents, grant applications, and/or agreements as may be necessary for development of such a project. Council's endorsement of the concept of a solar project may enhance the ability to obtain grant or other funding at this time, recognizing the endorsement is non-binding and the details of any such project would be fully disclosed at a future Council meeting before a final decision is made on proceeding with such a project. On a motion by Gene Teague, seconded by Mark Stroud, with a 4-0 vote, Council adopted the following resolution supporting the concept of a solar energy project and authorized the City Manager to execute documents, grant applications, and/or agreements as may be necessary for development of such a project:

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RESOLUTION

SUPPORTING THE CONCEPT OF A SOLAR POWER PROJECT IN MARTINSVILLE

WHEREAS, the City of Martinsville is continuing to investigate options related to alternative energy sources including landfill methane to energy, hydropower, and solar power; and

WHEREAS, the City is currently publicly advertising a Request For Proposals regarding a possible solar energy project at one or more City facilities and sites; and

WHEREAS, there is an application process for possible grant funding for such projects through several sources with applications due in early to mid-November, 2009, now therefore;

BE IT RESOLVED, by the Council of the City of Martinsville, Virginia, in regular session assembled October 27, 2009, that it does hereby affirm and support efforts to further investigate and develop a solar power project for the City of Martinsville, and that the City Manager is hereby authorized to execute documents, grant applications, and/or agreements as may be necessary for the development of such a project.

After discussion and on a motion by Danny Turner, seconded by Mark Stroud, Council approved the following ordinance, on second reading, with the following 4-0 recorded vote: Mrs. Lawson, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, (Mr. Reynolds-absent):

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on October 13, 2009 that Section 5-49 of the City Code, currently reserved, is hereby amended to read as follows:

Sec. 5-49. Removal of dog defecation.

(a) It shall be unlawful for any person owning, keeping, or having in his care or custody any dog, to fail, refuse, or neglect to remove any feces of such dog immediately and to dispose of it in a sanitary manner whenever such dog has defecated upon the following described property located within the city:

- (1) All city parks;
- (2) Any historic district established in the City of Martinsville;
- (3) All public school property;
- (4) The property on which the Martinsville Municipal building is located; and
- (5) Any other publicly maintained rights-of-way and paved sidewalks, streets, and bicycle paths.

(b) This section shall not apply to a person with a disability being accompanied by a guide dog; and provided further, that this section shall not be construed to require or countenance any act of trespass upon public or private property.

(c) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

Eric Monday, City Attorney, briefed Council on 2010 City Legislative issues. After discussion, Council agreed to have the City Attorney invite elected officials to the November 10 Council meeting and complete the City's Legislative package with the addition of suggestions made by Council. Council also heard remarks from Amanda Witt of the Chamber of Commerce regarding the Chamber's Legislative 2010 package. On a motion by Danny Turner, seconded by Gene Teague, with a 4-0 vote, Council endorsed the Chamber's Legislative package. After discussion, and on a motion by Gene Teague, seconded by Mark Stroud, with a 3-1 vote (Danny Turner abstained), Council endorsed the 2010 Legislative package from West Piedmont Planning District Commission.

Linda Conover briefed Council on the monthly finance report as follows:

For FY09, overall revenues were \$91,374,966 and overall expenditures were \$93,237,864, both of which are less than the amended budget of \$95,954,541. Based on the Auditor's draft, the total of combined fund balances for FY09 is \$13,582,957, which is \$2,134,112 less than the audited fund balance as of June, 30, 2008. One major item making a

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significant impact on the final total was the audit adjustment for recording the updated Post-Closure liability costs for the Landfill of \$1,056,746. Another major factor is the re-appropriation of \$1,950,516 from FY08. While the draft is still being reviewed, I feel that no more adjustments will be made. The final Fund Balance projected seventeen months ago when the FY09 budget was adopted was \$13,118,437. We finished FY09 with \$464,520 more than originally projected.

FY10 – 1st QTR

To date, the total revenues are \$16,687,517, representing 19.9% of the budget, and are slightly greater than anticipated. The total expenditures are \$19,052,352, which is 22.8% of the budget, and are slightly less than anticipated. These revenue figures are typical for this time of year since Real Estate and Personal Property taxes are due December 5th, and are starting to trickle in. Expenditure figures are also typical at this time of year due to many one-time payments being expensed at the beginning of the Fiscal Year.

Council requested a update on the long term closure costs for the landfill at a future Council meeting. On a motion by Gene Teague, seconded by Danny Turner, with a 4-0 vote, Council approved the monthly finance report.

On a motion by Danny Turner, seconded by Gene Teague, with a 4-0 vote, Council approved the following consent agenda Part A:

BUDGET ADDITIONS FOR 10/27/09					
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT	
FY10					
GENERAL FUND					
01100909	490104	Recovered Costs			13,656
01413147	506010	Traffic Signal Maintenance - Supplies	13,656		
		Reimb from Activate M-HC for pedestrian signal projects			
01100908	440402	Misc. Revenue - Donations/Hooker Field			2,000
01720420	506014	Hooker Field - Field Materials & Supplies	2,000		
		Donations from Rec Assoc & Nelson Ford			
01100908	480406	Misc. Revenue - Donations/Recreation			3,500
01711210	506007	Leisure Services - Equipment & Supplies	3,500		
		Donation from Rec Assoc for football uniforms			
01101918	443156	State Grants - VDEQ Environm Site Assessments			23,970
01812242	503143	Misc Dev Exp - Environmental Evaluation	23,970		
		Appropriation of State Grant Award			
Total General Fund:			43,126	43,126	

The City Manager commended Activate, Nelson Automotive and M-HC Recreation Association for their donations toward the Uptown traffic signals, Hooker Field, and sports equipment.

On a motion by Gene Teague, seconded by Danny Turner, with a 4-0 vote, Council approved the following consent agenda Part B regarding re-appropriations:

RE-APPROPRIATIONS FY09 TO FY10					
ORG CODE	OBJECT	DEPARTMENT	ACCOUNT DESCRIPTION	DEBIT	CREDIT
GENERAL FUND					
01103938	462101		Contribution From Fund Balance		\$ 281,346
01125049	503320	Utility Billing	Maintenance Service Contracts	\$ 1,000	
01125049	505210	Utility Billing	Postal Services	\$ 2,179	
01125049	506008	Utility Billing	Vehicle Equipment & Maintenance	\$ 3,148	
01132068	505230	Registrar	Postage	\$ 2,550	
01216076	508208	Clerk of Circuit Court	ADP Software	\$ 9,117	
01221082	506105	Commonwealth's Attorney	State - Confiscated Assets	\$ 116	
01221082	506118	Commonwealth's Attorney	Local - Confiscated Assets	\$ 416	
01217078	506104	Sheriff - Courts	Non-Capital Equipment	\$ 11,327	

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01311085	501206	Police	Overtime - DMV Grant	\$	7,961
01311085	501210	Police	Overtime - Proj Safe Neighborhood	\$	19,632
01311085	506061	Police	Ammunition	\$	8,195
01311085	506078	Police	State - Confiscated Assets	\$	61
01311085	506079	Police	Federal - Confiscated Assets	\$	36,283
01311085	506106	Police	Non-Capital Equipment - JAG	\$	5,575
01311085	506118	Police	Local - Confiscated Assets	\$	1,056
01321102	506110	Fire	Fire Programs	\$	52,849
01322105	506114	EMS	Four for Life	\$	27,752
01341135	508208	Inspections	ADP Software	\$	30,025
01913250	505620	General Expense	Goals & Initiatives (uptown lts; recycling cans; gardens)	\$	62,104

REFUSE FUND

09103938	462101		Contribution From Fund Balance		\$ 770,067
09425302	503140	Landfill	Professional Services - Engineering	\$	103,000
09425302	508220	Landfill	Physical Plant Expansion (methane project)	\$	667,067

WATER FUND

12103938	462101		Contribution From Fund Balance		\$12,000
12542312	508220	Reservoir	Physical Plant Expansion	\$	12,000

SEWER FUND

13103938	462101		Contribution From Fund Balance		\$40,000
13550325	508220	Wastewater Plant	Physical Plant Expansion	\$	40,000

ELECTRIC FUND

14103938	462101		Contribution From Fund Balance		\$491,918
14564339	508205	Electric Construction	Vehicle	\$	185,067
14563338	506400	Electric Maintenance	Pole Maintenance	\$	20,000
14565340	506900	Electric General Expense	Disaster Recovery	\$	251,851
14565340	503140	Electric General Expense	Professional Services - Engineering	\$	35,000

CAPITAL RESERVE FUND

16103938	462101		Contribution From Fund Balance		\$ 58,965
16575365	508120	Vehicles	Sr Citizens	\$	7,200
16576366	508058	ADP Equipment	Computer Replacement	\$	31,400
16577367	508140	Physical Plant Expansion	City Hall (Courtroom Renovations)	\$	20,365

CDBG FUND

47103938	462101		Contribution From Fund Balance		\$357,156
47827291	503130	Cherry Street Phase I	Management Consultant	\$	66,400
47827291	503191	Cherry Street Phase I	Demolition	\$	25,000
47827291	508250	Cherry Street Phase I	Acquisition	\$	164,569
47828506	503188	RP Thomas Homeownership	Ownership Assistance	\$	13,500
47828516	503195	RP Thomas Program Income	Construction	\$	9,873
47829375	503189	W Church Corr Improv Project	Relocation	\$	65,790
47829375	506702	W Church Corr Improv Project	Signage	\$	12,024

HOUSING CHOICE FUND

49103938	462101		Contribution From Fund Balance		\$16,329
49535280	503300	HAP Administration	ADP Software	\$	8,929
49535280	505500	HAP Administration	Travel	\$	2,620
49535280	505540	HAP Administration	Training	\$	4,033
49535280	506001	HAP Administration	Office Supplies	\$	747

TOTAL CITY FUNDS:

\$2,027,781

SCHOOL FUNDS

18103938	462101		Contribution From Fund Balance		\$93,561
65001050	561121	NASA Program	Teachers Salaries & Wages	\$	20,959
65001050	562210	NASA Program	Retirement payments	\$	673
65001050	565503	NASA Program	Travel	\$	3,695
65001050	566001	NASA Program	General Supplies	\$	7,095
65001050	566013	NASA Program	Instructional Materials & Supplies	\$	7,085
65001050	566014	NASA Program	Other Operating Supplies	\$	1,396
82001031	561120	Harvest	Salaries & Wages	\$	7,087

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82001031	565503	Harvest	Travel	\$	20,000
82001031	566013	Harvest	Instructional Materials & Supplies	\$	10,000
82001031	566027	Harvest	In-Service	\$	10,000
82001039	561153	Harvest - Special Ed Lit	Teacher Supplement	\$	4,084
82001039	562150	Harvest - Special Ed Lit	Medicare	\$	41
82001039	563140	Harvest - Special Ed Lit	Contracted Services	\$	300
82001039	566013	Harvest - Special Ed Lit	Instructional Materials & Supplies	\$	444
82001039	566027	Harvest - Special Ed Lit	In-Service	\$	102
85001014	566032	Executive Administration	Public & Community Outreach	\$	600
TOTAL SCHOOL FUNDS:					\$ 93,561
TOTAL FY09 RE-APPROPRIATIONS INTO FY10					\$2,121,342

City Attorney Eric Monday briefed Council on the Code of Virginia requirement of holding a public hearing to consider the disposition of real property, specifically, the transfer by quitclaim of residual parcels to the adjacent landowners. The alleyway to be considered is a paper alleyway extending from the Norfolk-Southern Railway corridor, across the former site of the American of Martinsville furniture factory (presently Young, Haskins et al., attorneys and the VA Department of Motor Vehicles) to Cleveland Avenue, all located to the north of Starling Avenue; the alleyway has never been used and runs through several of the buildings on the site. Mayor Lawson opened the public hearing and hearing no comments, the public hearing was closed. On a motion by Gene Teague, seconded by Mark Stroud, with a 4-0 vote, Council agreed to authorize the City Manager to make the transfers by quitclaim as requested.

Business from the floor: Wayne Knox, Community Development Director, announced neighborhood focus meetings planned for Northside area regarding a possible CDBG grant for properties in the Warren Ct., Franklin & Dillard Street areas. City Attorney Eric Monday reminded residents that Precinct 3 is now at the new Virginia Museum of Natural History on Starling Avenue. Mayor Lawson welcomed the new restaurant owners present in the audience.

Comments by Council members: Stroud-commended NCI & WiFi for good reports and hydro potential funds for city; reminded citizens to get flu vaccine. Turner-reminded citizens of Chili Cook Off fundraiser for United Way; asked that a Veterans' Day ceremony be held at the municipal building flagpole on Nov. 11. Teague—comments on two sessions from VML conference he would like to suggest the city look into: (1) open up budget process to citizens as was done in Chesapeake (2) use of social media like Facebook, Twitter, and city fan page—noting this could be very useful for emergency response; Mayor Lawson-VML conference was very good information for Council members that attended; Mayors

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Conference she attended showed that Martinsville is far ahead of other communities in the visionary process; pointed out that when Gov. Kaine was in Martinsville, he said we had the best schools; noted that Vice Mayor Reynolds is with our visitors from Martinsville Canada; thanked Council Member Turner for hosting Rives Theater event for our Canadian visitors; reminded citizens to change batteries in their smoke detectors.

Comments by City Manager: Reported the budget process will include input from the public at a planned meeting on December 7 and again on date of the March Neighborhood meeting. Council agreed this was a good process to proceed with. Mr. Monday also reported that American Municipal Power has two renewable energy hydro projects and is offering the city the opportunity to participate. Council agreed it would be a good idea to have the AMP representative come to the November 10 Council meeting to brief Council and public. Mr. Monday commented on the four pieces of property (former American Furn. Site, Rives Rd. industrial site, VM Draper site on Church St., Sara Lee site) that DEQ will award funds to complete a Phase I Environment Assessment, with no local match required. All work must be invoiced by December 31, 2009 and all such property owners have granted consent.

There being no further business, Mayor Lawson adjourned the meeting at 9:35 pm.

Clarence C. Monday
Clerk of Council

Kathy C. Lawson
Mayor