

November 24, 2009

The regular meeting of the Council of the City of Martinsville, Virginia, was held on November 24, 2009, in Council Chambers, Municipal Building, at 7:30 PM, with Mayor Kathy Lawson presiding. Council Members present included: Mayor Kathy Lawson, Vice Mayor Kimble Reynolds, Gene Teague, Mark Stroud, Sr., and Danny Turner. Staff present included: Clarence Monday, City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Jeff Joyce, Gary Cody, and Betsy Pace.

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

On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Council approved the minutes of the October 27, 2009 Council meeting.

Mayor Lawson called on City Manager Clarence Monday to introduce Al Weed, Chairman of Public Policy Virginia, to make a presentation regarding the Virginia Biomass Action Plan and efforts to secure grant funding for possible demonstration/pilot projects. Mr. Weed briefed Council on Public Policy Virginia, Inc. which is attempting to secure grant funding through the Tobacco Commission and other sources to implement the Virginia Biomass Action Plan which calls for local/community based energy production utilizing locally available wood residues and warm season grasses as fuel for a combined heat and power production facility. Martinsville may be considered as possible site for a demonstration projects and Mr. Weed requested the City's support. He noted the Tobacco Commission meets in December and he is asking for \$100,000 and is working on revenue sources such as the Harvest Foundation to get the matching \$100,000. After lengthy discussion, and on a motion by Kimble Reynolds, seconded by Gene Teague, with a 5-0 vote, Council adopted the following resolution supporting development with the added words "to coincide with methane recovery project": RESOLUTION SUPPORTING THE DEVELOPMENT

OF THE VIRGINIA BIOMASS ACTION PLAN

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, Public Policy Virginia, Inc. has been instrumental in the development of the Virginia Biomass Action Plan which supports biomass-fueled combined heat and power energy production facilities; and

WHEREAS, Public Policy Virginia, Inc. is pursuing grant funding through the Tobacco Commission and other sources for implementation of the Virginia Biomass Action Plan, which includes the development of appropriately-scaled demonstration projects; now therefore

BE IT RESOLVED, by the Council of the City of Martinsville, Virginia, in regular session assembled November 24, 2009, that it does hereby support the development of the Virginia Biomass Action Plan, efforts by Public Policy Virginia, Inc. to secure grant funding for development of the Plan, and efforts by Public Policy Virginia, Inc. to develop a pilot/demonstration project in the City of Martinsville or the Martinsville Landfill site to coincide with methane recovery project

Gary Cody briefed Council on the name change request of Leisure Services Department to Parks & Recreation noting that the Martinsville Leisure Services and Facilities Department is the only department in the state out of 97 parks and

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recreation departments to be named Leisure Services. He pointed out that there will not be any immediate cost associated with the name change as the department will phase out signage, letterheads, and small changes to the logo will be done in small segments to alleviate costs. On a motion by Kimble Reynolds, seconded by Danny Turner, with a 5-0 vote, Council adopted the following resolution:

RESOLUTION OF THE CITY COUNCIL RENAMING THE DEPARTMENT OF LEISURE SERVICES

Whereas, the Council deems it advisable to rename the City's Department of Leisure Services to "The Department of Parks and Recreation";

Now therefore be it resolved, by the City Council of Martinsville, Virginia, in regular session assembled on November 24, 2009, that Council renames the City's Department of Leisure Services to "The Department of Parks and Recreation"

Be it further resolved, that the City Attorney is directed to redraft such portions of the City Code as may be affected by the name change; and

Be it further resolved, that the City manager is authorized to expend such funds as may be necessary to effect changes in signage and other nomenclature on such timetable as he deems advisable; and

Be it finally resolved, that until such time as necessary changes in nomenclature is effected, both "Leisure Services" and "Parks and Recreation" shall refer to the Department.

City Attorney Eric Monday explained the request for amending the taxi cab ordinance to reflect new deadlines to coincide with business license dates and that this change is a more efficient use of staff time, since all permits would now be on the same schedule. On a motion by Gene Teague, seconded by Kimble Reynolds, with the following 5-0 recorded vote: Mrs. Lawson, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council approved the following ordinance, on first reading:

City of Martinsville, Virginia Ordinance No. 2009-_____ (City Code Section 22-66)

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in Regular Session held on November 24, 2009, that Sections 22-44, 22-56 and 22-66 of the Code of the City of Martinsville, be, and hereby are, amended to read as follows:

Sec. 22-44. Application generally.

Any person desiring a certificate required by this division shall make written application therefor to the city manager upon a form approved by him, giving the name, age and residence of the applicant and such information as is required as to the make, description and condition of the vehicle proposed to be operated and as to the character and responsibility of the applicant. *Applications for any given calendar year shall be due on or before March first.*

(Code 1971, § 16-20)

Sec. 22-56. Application generally.

Any person desiring a public vehicle driver's permit required by this division shall make application therefor in writing to the chief of police, upon forms to be provided by the chief of police, giving the name, sex, color and residence of the applicant. *Applications for any given calendar year shall be due on or before March first.* (Code 1971, § 16-43)

Sec. 22-66. Term.

A public vehicle driver's permit issued under this division shall be effective *on or before January first of the license year, or no later than March first of the current license year if the applicant had been issued a license for the preceding license year*, unless sooner suspended or revoked.

Public Information Officer, Scott Coleman, updated Council on the use of social media to promote the city. He reported the City's Facebook page is now up and running and linked on the city website and the City Attorney is working on a formal policy.

Scott Coleman reported to Council that plans are moving ahead for the Public Input Session on the FY11 Budget scheduled for Monday, Dec. 7, 2009 with promotions taking place on local television channels. Mayor Lawson pointed out the City of Roanoke is having a similar session. Council Member Teague asked that an invitation be extended to the schools to participate in this session. Teague also

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asked that Scott Coleman call the PIO at Chesapeake about her presentation at the VML meeting.

Jeff Joyce, Assistant Public Works Director, reported to Council on various aspects of post closure requirements for the city landfill and expected costs involved. He reviewed details of the report on the Cost for Financial Assurance which totaled \$3,691,852.50 as an estimated total post-closure cost as of 9/25/09. He noted that any landfill has to deal with these same issues and we must work very closely with DEQ. Council thanked him for his thorough report.

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

Comparison of Revenues & Expenditures

Through the end of October, the total revenues are \$20,519,617, representing 24% of the budget, and are slightly greater than anticipated. Since Real Estate and Personal Property taxes are due December 5th, revenues are typically low at this time of year. In anticipation of the deadline, tax payments are expected to increase in November. The total expenditures through October are \$26,344,393 which is 30.9% of the budget, and are slightly less than anticipated. Expenditure figures are also typical for this time of year due to many one-time payments being expensed at the beginning of the Fiscal Year. The Electric Department's expenditures were higher mostly due to increased overtime expense and purchased power costs that have escalated above FY10 projections. Without the use of the power cost adjustment clause, annual increases in power costs cannot be fully absorbed. Prior years' non-use of rate adjustments is continually compounding the annual shortfalls that began in July 2008. The reduction of revenues is a product of the reduced kilowatt hour sales due to the recession and conservation efforts on the part of our customers. Although the Electric Department's revenues are less than anticipated and expenditures are slightly greater than anticipated, we do not foresee this creating a deficit of the total fund balance in this department at the end of FY10.

Combined Balance Sheet & Projected Fund Balance

As of November 13, the combined fund balance for FY10 is \$8,178,678. The aforementioned tax deadline and annual one-time payments both affect the fund balance overall. After accounting for the re-appropriations of \$2,121,342, the current balance is \$3,336,115 less than year-end FY09. The current balance is also impacted by cash-flow timing, again due to the tax payment deadline of December 5.

Currently, the projected fund balance for FY10 will be \$9,779,273, a decrease of \$3,034,795 from FY09's final fund balance of \$13,636,135. This decline will occur due in part to:

- \$95,000 for the purchase of the Henry Hotel;
- \$799,000 for the Department of Social Services project;
- \$270,863 loaned to the City Schools for capital improvement;
- \$2,121,342 in FY09 reappropriations.

On a motion by Gene Teague, seconded by Kimble Reynolds, with a 5-0 vote, Council approved the monthly financial report.

On a motion by Kimble Reynolds, seconded by Mark Stroud, with a 5-0 vote, Council approved the following consent agenda:

BUDGET ADDITIONS FOR 11/24/09				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY10				
<u>GENERAL FUND</u>				
01100903	432316	Fees - Court Reporter Fees		40,000
01431162	508220	City Hall - Physical Plant Expansion for court renovations	40,000	
01101916	434705	Categorical Shared Expenses - Clerk of Cir Ct/Equip		11,240
01216076	508208	Clerk of Circuit Court - ADP Software Technology Trust funds	11,240	
Total General Fund:			51,240	51,240

There were no comments during business from the floor.

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Comments by Council members: Turner-commented on the new hiking trail in City park; Stroud-commended the public works employees for getting the lights repaired on the handicapped ramp in front of city hall and voiced his appreciation for being able to serve on the VML Steering Committee; Reynolds-pleased that Council was willing to look into the Public Policy of VA alternative, asked that we make sure the community is sensitive to all handicap accessibility issues at the reservoir and throughout the city, pointed out the sidewalk near Henry Hotel is somewhat raised and needs to be checked; Mayor Lawson-congratulated City Manager Clarence Monday for completing the LEAD VA program, reminded citizens of ribbon cutting at nature trail at city park, reported there are plans to make the reservoir ADA compliant, reminder of Christmas Parade is Dec. 5, reminder of the Dec. 7 Public Input Session on the Budget as well as the Dec. 7 Neighborhood meeting for Southside at Fuller Church at 7:30 pm, reported that on Dec. 3, that she along with the City Manager and PIO will attend an event in Richmond where the Piedmont Dental Clinic is to receive an award.

Comments by City Manager: Clarence Monday thanked Council for allowing him to be out of the office to attend the LEAD VA program and he thanked the Harvest Foundation for funding the class for him to attend; reminded citizens of the days the municipal building will be closed for Thanksgiving; reported information has been received in email from AMP for future hydro projects to be considered--it is available on the city website and printed copies will be made available for Council members requesting copies.

In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon a motion by Kimble Reynolds, seconded by Danny Turner, with the following 5-0 recorded vote: Mrs. Lawson, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matters: (A) appointments to Boards and Commissions as authorized by Subsection 1 and (B) consultation with legal counsel and briefings by staff members, attorneys or consultants pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by such counsel, as authorized by Subsection 7.

At the conclusion of Closed Session, each returning member of Council certified that (1) only public business matters exempt from open meeting

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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 Kimble Reynolds, seconded by Mark Stroud, with the following 5-0 recorded vote: Mrs. Lawson, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council returned to Open Session. The following action was taken on the Board appointment: on a motion by Gene Teague, seconded by Danny Turner, Robert C. Vogler, 301 Oakdale Street, was re-appointed to a two year term expiring 12/31/11 on the Comprehensive Services Act Community Policy Team.

There being no further business, Mayor Lawson adjourned the meeting at 9:31 pm.

Clarence C. Monday
Clerk of Council

Kathy C. Lawson
Mayor