

November 27, 2012

The regular meeting of the Council of the City of Martinsville, Virginia, was held on November 27, 2012, in Council Chambers, Municipal Building, at 7:30 PM, Closed Session beginning at 7:00PM, with Mayor Kim Adkins presiding. Council Members present included: Mayor Kim Adkins, Vice Mayor Kimble Reynolds, Gene Teague, Mark Stroud and Danny Turner. Council Member-elect Sharon Hodge was also present. Staff present included: Leon Towarnicki, Interim City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Kris Shrader, Kenneth Draper, and Danny Wimmer.

Mayor Adkins called the meeting to order and advised Council will go into Closed Session. In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon a motion by Mark Stroud, seconded by Danny Turner, with the following 5-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; Reynolds, aye; and Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matters: (A) A personnel matter as authorized by Subsection 1. (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. Council then returned to open session and Mayor Adkins advised Closed Session has recessed and will re-convene at the end of regular meeting.

Following the invocation by Vice Mayor Reynolds and Pledge to the American Flag, the Mayor welcomed everyone to the meeting.

Minutes: On a motion by Gene Teague, seconded by Mark Stroud, Council approved the minutes of the November 3, 2012 meeting.

Employee Service Awards: Mayor Adkins recognized City employees eligible for Service Awards from October 1 through December 31, 2012 by reading the following list:

Employee	Department	Years of Service
Eddie Frazier	Public Works	40
Bobby Setliff	Electric	35
Janet Hiatt	Police	30
Cynthia Barbour	Registrar	25
Linda Conover	Finance	20
Curtis Millner	Water Resources	15
Teresa George	Sheriff	15
John Kaczor	Fire	15
Edward Gauldin	Waste Water Plant	10
David Mena	Police	10
Timothy Jamison	Fire	10
Laura Lawson	Utility Billing	5
Bradley Barker	Sheriff	5
Elwood Bryant	Public Works	5
Mark LaPrade	Fire	5

911 Update: J. R. Powell, Director of the Martinsville-Henry County 911 Center, provided an overview of the Emergency Medical Dispatching system and how the staff certifications are an enhancement to citizens in the community

Fire Engine Purchase: Kenneth Draper and Kris Shrader briefed Council on the fire engine purchase. In a previous Council session, approval was given to allow the department to develop specifications for a new fire engine and obtain pricing. City Council set the maximum amount to be expended at \$475,000. Since that time, the Department has developed a set of specifications, met with four separate fire apparatus manufacturers/vendors, and reviewed various payment options. Over the past several months the Department has determined: a)Of the four fire apparatus manufacturers/vendors, only one is able to fully meet (actually exceed) the Department's fire engine specification. b)There is an existing open contract between that manufacturer/vendor and the City of Suffolk, which allows other Virginia localities to purchase

November 27, 2012

from it, thus eliminating the need to go out to bid. c)The quoted price from that manufacturer/vendor for the new fire engine is \$472,583. d)The proposed manufacturer/vendor does offer a discount should the Council opt to 100% prepay for the fire engine, which would make the price for the new fire engine drop to \$456,436 (a decrease of \$16,147). e)Once a contract is signed it will take approximately seven months to build the fire engine. The City's Finance Department is in the process of requesting RFPs for financing options for the new fire engine. It is expected to get a rate between 1.75% and 2.0%, over five years with the first payment being differed until after July 1, 2013. The Fire & EMS Department is recommending that City Council give the Department final approval to work with the selected manufacturer/vendor, Purchasing Department and Finance Department to finalize and sign a contract; which takes advantage of the 100% prepayment option, and allows the first payment to the financial institution to not be made until after July 1, 2013. After Council discussion, a motion was made by Mark Stroud, seconded by Danny Turner, with a 5-0 vote, to approve staff going forward with the fire engine contract and take advantage of the prepayment option allowing the first payment to be made after July 1, 2013.

Resolution establishing rental rates for 8 cubic yard waste containers: Leon Towarnicki briefed Council on the need for establishing rental rates for 8 cubic yard waste containers to be serviced by the City. The City currently owns a number of 8 cubic yard ("dumpster") waste containers located at various City facilities and buildings, and also provides waste pickup and disposal services for those containers as well as privately owned or leased containers. There also several City/School facilities currently renting such containers from commercial providers. City staff proposes to purchase a small quantity of such containers for use at City buildings and facilities as well as for use at private/commercial facilities in situations where City services are requested. In order to recover costs associated with purchase of the containers, it is necessary that a monthly rental/lease rate for the containers be established. The attached resolution establishes the container rental rates which will be added to the monthly refuse collection bill for services provided by the City. After Council discussion, a motion was made by Gene Teague, seconded by Kimble Reynolds, with a 5-0 vote, to approve the following resolution establishing rates:

**RESOLUTION**

**ESTABLISHING MONTHLY RENTAL RATES FOR STANDARD 8 (EIGHT)  
CUBIC YARD "DUMPSTER-TYPE" WASTE CONTAINERS**

**WHEREAS**, the City of Martinsville provides fee-based refuse collection and disposal services for its citizens and businesses; and,

**WHEREAS**, the City provides bulk solid waste collection services for various City buildings and facilities through use of standard 8 cubic yard "dumpster-type" waste containers; and,

**WHEREAS**, there is a demand to expand such collection through the services currently offered by the City's Refuse Collection Division and in order to do so it is necessary to establish monthly rental rates to recover the cost of such containers, said rate to be applied to the monthly customer bill; now therefore,

**BE IT RESOLVED**, by the City Council of the City of Martinsville, Virginia, in regular session November 27, 2012, that it does hereby establish the following monthly rental rates, said rates to be effective December 1, 2012,

Rental of 1 (one) or 2 (two) containers - \$26 per container per month

Rental of 3 (three) or 4 (four) containers - \$23 per container per month

Rental of 5 (five) or more containers - \$21 per container per month

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ATTEST:



Brenda Prillaman, Clerk of Council

November 27, 2012

Date Adopted

November 27, 2012

City 2013 Legislative Agenda: City Attorney Eric Monday briefed Council regarding the 2013 Legislative Agenda. During the discussion, Mr. Monday publically disclosed that he personally supports the moratorium on uranium mining. Council discussion included: abolishing local aid to Commonwealth and maintaining moratorium on uranium mining. Mr. Teague pointed out it would be prudent to consider adoption of a resolution on the uranium mining issue outlining conditions the community would put in place if the ban was lifted. Mayor Adkins opened the floor for public comment. Naomi Hodge Muse thanked Council for standing up for the people of this area in regard to the uranium mining issue. On a motion by Danny Turner, seconded by Kimble Reynolds, with a 5-0 vote, Council approved the following amended City 2013 Legislative Agenda and directed the City Attorney to distribute to appropriate officials:

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 2013.

**Virginia General Assembly**

**Transportation**

1. 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.
2. Continue to place priority on Route 58 improvements, particularly the section between Stuart and Hillsville, Virginia.
3. Endorse the rapid development of the Trans-Dominion Express, with particular emphasis on extension of passenger rail service to Roanoke.
4. 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. Recognizing its potential to promote economic development within our community and region, continue support for the development and funding of the New College Institute; urge that any funding reductions to New College Institute, if considered, be minimized to the greatest extent possible; and support the affiliation of The New College Institute as a branch of a four-year public university.

**Economic Development**

1. Urge the General Assembly to maintain the current moratorium on uranium mining; engaging in uranium mining would result in highly damaging effects on all other economic development efforts in the region, excluding the jobs created by a mine itself.
2. Maintain current levels of funding for economic development incentives, including but not limited to the Governor's Opportunity Fund.
3. 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.
4. Continue current funding levels of the Virginia Museum of Natural History.
5. 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.
6. Include Mayo River State Park on the Commonwealth's list for future capital funding, as a benefit to the entire southern Virginia region.
7. Request enhanced state and federal financial assistance for localities which exceed the average state unemployment rate by 300% or more.
8. Urge the issuance of necessary permits from the Environmental Protection Agency and Army Corps of Engineers for development of the Commonwealth Crossing Site.
9. Support continued tourism awareness initiatives in the Martinsville-Henry County region.

**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. Request the elimination of "local aid to the Commonwealth" in the state budget; local aid artificially inflates state revenues by shifting responsibility for cuts in vital services onto localities.
5. Elimination of all unfunded mandates from the Commonwealth to localities.
6. 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.
7. Request at a minimum, level funding for operational requirements of the Henry-Martinsville Department of Social Services.
8. 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.
9. Support legislation directing health insurance credit for retirees of local government, constitutional officers, school division employees, and state employees.
10. Request that the Commonwealth fully fund its obligations to constitutional officers.

November 27, 2012

11. Oppose any attempt to curtail the doctrine of sovereign immunity for localities.
12. Oppose any attempt to permit collective bargaining for state and local government employees.
13. Oppose any amendment of the existing burden of proof or process in local tax appeals cases.

**United States Congress**

1. Urge the Federal Highway Commission to adopt the CTB's designated route for I-73, or alternatively to preserve the current record of decision in the event the CTB's route is rejected.
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.
10. Urge the issuance of necessary permits from the Environmental Protection Agency and Army Corps of Engineers for development of the Commonwealth Crossing Site.

**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 , City Manager , Other department heads as appointed by the City Manager

**Martinsville Mustangs contract ratification:** Leon Towarnicki briefed Council on Mustangs contract that has now been finalized. At the November 13, 2012 Council meeting, staff presented a recommendation to contract for management services for the Martinsville Mustangs baseball team for the 2013 season with Gastonia, NC – based Team Cole & Associates. The main points of the proposed contractual arrangement were discussed although a final document was not available at the meeting. Council voted to approve the contractual arrangement, authorized the Interim City Manager to finalize negotiations and execute the contract, but requested the final contract document be presented to Council at a later meeting for ratification. After Council discussion, a motion was made by Gene Teague, seconded by Mark Stroud, with a 4-1 vote (Reynolds-nay), to ratify the following contract for Martinsville Mustangs management for the 2013 baseball season:

**THIS CONTRACT**, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 2012 and between the City of Martinsville, Virginia, a municipal corporation created and existing under and by virtue of the laws of the State of Virginia (hereinafter referred to as “City”), party of the first part, and Team Cole & Associates, Gastonia, North Carolina, (“Contractor”) party of the second part;

**WITNESSETH:**

**THAT, WHEREAS** the City caused to be prepared a Request For Proposals for private management options for the Martinsville Mustangs baseball team for the 2013 season, and the party of the second part did on the 3<sup>rd</sup> of October, 2012, file with the party of the first part a copy of its Proposal at the terms therein fully stated and set forth; and,

**WHEREAS**, the City desires to contract for management services for the Martinsville Mustangs baseball team for the 2013 baseball season,

**NOW, THEREFORE**, that for and in consideration of the mutual and respective covenants and agreements contained herein and made with respect to the performance of the services by the Contractor, the parties to this Agreement hereby agree as follows:

1. **Term and Renewals** – The term of this Agreement shall generally cover the 2013 baseball season, specifically commencing with the date of execution of this Agreement and ending August 31, 2013. An option for a one-year (1 year) renewal of this contract for the 2014 baseball season is included subject to (1) mutual agreement by both parties to the renewal, including any changes to conditions of the contract; and (2) approval of continued funding by the City of Martinsville.
2. **Agreement Protections for the City** – Under the terms of this Agreement, the Contractor will not have the opportunity to move the team to another location. The Contractor will be responsible for reimbursing the City for amounts paid under this Agreement if Contractor's responsibilities under Section 7 are breached.
3. **Compensation** – The City shall compensate the Contractor under the terms of this Agreement a total of \$50,000 for the 2013 season, with 5 monthly \$10,000 payments occurring on December 1, 2012; January 1, 2013; February 1, 2013; March 1, 2013, and April 1, 2013.
4. **Sale of Team** – If the City sells the team while under contract with Team Cole & Associates, Team Cole will receive 30% of the net gain in value after the City's investment in the team is recovered.
5. **Use of Facility** – Use of Hooker Field under this Agreement shall be for Martinsville Mustangs' baseball. Contractor is permitted to use the facility for events/activities to help defray team costs subject to (1) approval of any such events through the City's Special Event application process, and (2) approval by the City to ensure no conflicts with other facility usages. It should be noted that Martinsville High School, Patrick Henry Community College, and the local American Legion team currently use Hooker Field for their home games and in some cases, practices. The City currently has a contract for tournaments scheduled at Hooker Field in early May in both 2013 and 2014 with the National Club Baseball Association and retains the right to seek and/or schedule other events.

November 27, 2012

6. This Agreement shall be interpreted and governed under the laws of the Commonwealth of Virginia. In the event any portion of it is found to be unenforceable, such portion shall be severable and the remainder shall continue in full force and effect. In the event of any disagreement between the parties as to enforcement or interpretation of this Agreement, the parties shall first attempt to resolve their dispute through mediation. Any litigation arising from this Agreement shall be venued in Martinsville, Virginia.
7. Under this Agreement, the City will:
  - A. Provide maintenance of the facility, including but not limited to mowing; turf maintenance/care; preparation of the field for Mustangs home games; maintenance of the sprinkler system; maintenance of field lighting; scoreboard; painting when done as normal maintenance; maintenance of heating, cooling, plumbing, and electrical systems in the clubhouse, restrooms, and concession buildings; maintenance and cleanup of dugouts, and any other usual and customary maintenance that would be considered as regular facility maintenance.
  - B. Provide and make available use of the various buildings located at the Hooker Field facility. The original locker room building is used during the spring and fall by Patrick Henry Community College.
  - C. Provide City utilities for the facility – water, sewer, electric, refuse collection, telephone, and Internet.
  - D. Maintain insurance on the facility
  - E. Continue to provide use of parking facilities currently used for Mustangs' games.
  - F. Provide the existing inventory of team uniforms for use during the 2013 (and future) seasons. If the contract is terminated/not renewed at a future date, the contractor will return to the City a similar inventory of uniforms.
8. Under this Agreement, the Contractor will:
  - A. Agree to operate the Martinsville Mustangs baseball team as a team affiliated with the Coastal Plain League, in accordance with all CPL requirements.
  - B. Hire all game day and related staff as necessary including but not limited to the general manager, coaching staff, concession workers, ticket personnel, ushers, announcers, press box personnel as needed to meet CPL requirements, and other personnel as needed.
  - C. Be responsible for payment of league dues and umpire fees, handle team travel arrangements and related expenses, meal costs, arrangement of housing for players and/or staff, purchasing/providing game day supplies including bats, balls, uniforms, playing equipment, purchase of concession and souvenir supplies, clean up of concession and/or game related trash and debris from the seating and surrounding areas; tickets, marketing, advertising, promotions, etc.
  - D. Provide and maintain general liability insurance coverage related to any events (including games) held, sponsored, or organized by the contractor at the facility. The City shall be furnished a COI and the City shall be endorsed to the insurance policy as an additional insured prior to any such events.
  - E. Be responsible for any permits (ABC, Health, Business License, etc.) and/or licensing requirements related to operation of the Martinsville Mustangs.
  - F. Have the opportunity to rebrand, change logos currently in use, change uniforms, offer new/different merchandise, etc. The City will be allowed input in any such changes.

**IN WITNESS WHEREOF**, the said City of Martinsville, party of the first part, has caused Agreement to be executed in its name by its City Manager; and the said Team Cole & Associates, party of the second part, has caused this Agreement to be executed in its name by its President; this the day and year first above written.

**CITY OF MARTINSVILLE, VIRGINIA**

**TEAM COLE & ASSOCIATES**

BY: \_\_\_\_\_

\_\_\_\_\_

City Manager

President

Fund balance policy: Finance Director Linda Conover briefed Council on the need for the city to approve a fund balance policy. The City Council is dedicated to maintaining an appropriate level of fund balance sufficient to mitigate current and future financial risks and to ensure stable tax rates; and, therefore, formally establishes this policy for the City's Fund Balance. This policy also authorizes and directs the Finance director to prepare financial reports which accurately categorize fund balance as required by Governmental Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. Adoption of this policy enhances the usefulness of fund balance information through clearer fund balance classifications that can be more consistently applied and by clarifying existing governmental fund type designations. There are some differences between fund balance and liquidity (cash-on-hand) because some assets reported in the governmental funds inherently cannot be spent – the nonspendable portion of fund balance. If resources are limited in how they can be spent due to externally enforceable legal restrictions, they roll into fund balance as restricted. If the governing body limits the use of fund balance and that limitation can only be removed by that same governing body through similar action, those fund balance resources are considered committed. If a government has intentions for certain resources,

November 27, 2012

but they are not externally restricted or committed through formal governing body action, those resources are considered assigned fund balance. If the general fund has net resources in excess of the other four categories that surplus is considered unassigned. After Council discussion, Mrs. Conover was asked to bring information as requested for further consideration at next meeting.

Consent agenda: On a motion by gene Teague, seconded by Kimble Reynolds, with a 5-0 vote, Council approved the following consent agenda after remarks made by Dr. Gordon Green of the local Health Department:

BUDGET ADDITIONS FOR 11/27/12				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<b>FY13</b>				
<b>General Fund:</b>				
01100909	490105	Recovered Costs - Health Department		6,059
01816244	505676	Contributions - Public Health Center	6,059	
		Amount required to fund 3% Bonus for Health Department Employees as mandated by the Commonwealth.		
<b>Total General Fund:</b>			<b>6,059</b>	<b>6,059</b>

Overview of Nov. 26, 2012 Neighborhood meeting: Mayor Adkins gave a brief overview of citizen concerns expressed at Council's Southside Neighborhood meeting.

Business from floor: Chad Martin-encouraged food donations for special efforts through Dec. 19 and asked for permission to put a collection box at city hall. Mary Rives Brown-comments on Mustangs costs; Paula Burnette-farewell comments to Vice Mayor Kimble Reynolds and comments on Health Department raises.

Council comments: Turner-reminder about Tree Lighting this week; Stroud-comments on citizen concerns expressed at recent Southside meeting relating to trash; Teague-asked that Mr. Knox inquire on Section 8 properties inspections as it relates to citizen concerns expressed at Neighborhood meeting.

Interim City Manager comments: reminder about Silver Bell Spur Trail ribbon cutting; reminder about upcoming budget season schedule. City Attorney Eric Monday pointed out that it was due to proactive Council action in acquiring the derelict property that the Silver Bell Trail was developed.

Closed Session: Council recessed regular session and re-convened Closed Session. 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 Session. On a motion by Kimble Reynolds, 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.

There being no further business, the meeting adjourned at 9:53 pm.

\_\_\_\_\_  
Brenda Prillaman  
Clerk of Council

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Kim Adkins  
Mayor