

AGENDA--CITY COUNCIL -- CITY OF MARTINSVILLE, VIRGINIA
Council Chambers – Municipal Building
7:00 pm CLOSED SESSION **7:30 pm regular session**
Tuesday, January 22, 2013

7:00--Closed Session

1. Items to be considered in Closed Session, in accordance with the Code of Virginia, Title 2.2, Chapter 37—Freedom of Information Act, Section 2.2-3711(A)—Closed Meetings, the following:
 - A. 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.

7:30—Regular Session

Invocation & Pledge to the American Flag– Vice Mayor Gene Teague

1. [Consider approval of Council meeting minutes November 27, 2012.](#) (2 mins)
2. [Hear an update from Mark Heath of M-HC Economic Development Corporation.](#) (10 mins)
3. [Presentation of proclamation regarding Teen Dating Violence Awareness Month.](#) (2 mins)
4. [Conduct a public hearing on establishing the City's long-term highway construction priorities.](#) (10 mins)
5. [Consider skateboarding issue.](#) (20 mins)
 - A. Hear staff recommendation regarding draft skateboarding ordinance.
 - B. Conduct a public input session regarding skateboarding.
6. [Hear an update from Team Cole & Associates regarding preparations for the 2013 Martinsville Mustangs baseball season.](#) (10 mins)
7. [Hear an update from staff on the Henry Hotel.](#) (15 mins)
8. [Consider authorization of refund resulting from Verification Update of Estimated BPOL Tax for Local Business for Tax Year 2009.](#) (5 mins)
9. [Consider approval of consent agenda.](#) (2 mins)
 - A. Accept & appropriate budget adjustments.
10. 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 name and address;**
 - (2) state the matter that they wish to discuss and what action they would like for Council to take;**
 - (3) limit remarks to five minutes;**
 - (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.
11. Comments by members of City Council. (5 minutes)
12. Comments by City Manager. (5 minutes)



City Council Agenda Summary

Meeting Date: January 22, 2013

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes of City Council meeting November 27, 2012.

Summary: None

Attachments: [November 27, 2012](#)

Recommendations: Motion to approve minutes as presented

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

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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

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.

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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 3rd 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.

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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,

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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
FY13				
General Fund:				
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.		
Total General Fund:			6,059	6,059

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

Kim Adkins
Mayor



City Council Agenda Summary

Meeting Date: January 22, 2013

Item No: 2.

Department: City Manager

Issue: Hear an update from Mark Heath of the Martinsville-Henry County Economic Development Corporation.

Summary: Mark Heath of the EDC will give this update and answer any questions.

Attachments: None

Recommendations: No action required



City Council Agenda Summary

Meeting Date: January 22, 2013

Item No: 3.

Department: City Manager

Issue: Presentation of proclamation regarding Teen Dating Violence Awareness Month-February 2013

Summary: Mitzi Marsh, Prevention Coordinator, Citizens Against Family Violence will be present to accept the proclamation.

Attachments: [Proclamation](#)

Recommendations: Presentation only



PROCLAMATION

TEEN DATING VIOLENCE PREVENTION AND AWARENESS MONTH FEBRUARY 2013

WHEREAS, dating violence is a pattern of behavior involving the use or attempted use of physical, sexual, verbal, emotional, economic, technological or other abusive behavior by a person to harm, threaten, intimidate, harass, coerce, control, isolate, restrain or monitor another person with whom they have or have had a social relationship that involves a physical, sexual, or emotional component; and

WHEREAS, the youth of Martinsville are its most precious resource and greatest hope for the future, and ensuring their safety, well-being, positive development, and growth into healthy citizens is a priority and a responsibility that we all share; and

WHEREAS, in a single year, nearly 1.5 million high school students nationwide experience physical abuse from a dating partner; and one in three teens say they are sent text messages 10 to 30 times an hour by a partner inquiring where they are, what they are doing, or who they are with, but 82% of parents, whose teens were e-mailed or texted 30 times per hour, did not know this was happening; and

WHEREAS, violent relationships in adolescence can have serious ramifications for victims, who are at higher risk for alcohol and drug abuse, eating disorders, risky sexual behavior, suicide, and adult re-victimization; and

WHEREAS, most community leaders, parents, teachers, school personnel, healthcare providers, and other important youth service providers are unaware of the scope of the problem; and

WHEREAS, it is essential to raise awareness about this issue and provide training for teachers, counselors and school staff so they may recognize when youth are exhibiting signs of dating violence; and

WHEREAS, Teen Dating Violence Prevention and Awareness Month provides an excellent opportunity for all citizens to learn about preventing dating violence and show support for Citizens Against Family Violence and other individuals who provide critical advocacy for and assistance to victims and it will benefit young people, their families, schools and communities regardless of socioeconomic status, ability, gender, sexual orientation, religion, or ethnicity; and

WHEREAS, every person has the right to a safe and healthy relationship free from abuse.

NOW, THEREFORE, I, Kim Adkins, Mayor of the City of Martinsville do hereby proclaim February 2013, Teen Dating Violence Prevention and Awareness Month, throughout Martinsville. Furthermore, I encourage all Martinsville citizens to embrace this cause and work together to wipe out Teen Dating Violence in our community and our nation.

Kim Adkins
Mayor

Meeting Date: January 22, 2013

Item No: 4.

Department: Public Works

Issue: Conduct a Public Hearing on establishing the City's long-term highway construction priorities.

Summary: At the November 13, 2012 Council meeting, a suggested list of priorities for the FY 2014-2019 VDOT Six-Year Improvement Plan was endorsed. This list of projects was submitted to the Commonwealth Transportation Board by the West Piedmont Planning District Commission. Attached is the list of Priority Projects endorsed by Council.

In the adopted list of priority projects, the City requested that due to cost, repairs to the Commonwealth Boulevard bridge be added as the City's top priority in the Six-Year Plan. When requesting the inclusion of a project in the Six-Year Plan, the City must hold a public hearing to receive public input, and make a formal request to VDOT by submitting an adopted resolution.

Staff will review the approved list of priority projects with Council and address questions that may arise.

Attachments: (1) [List of Transportation Priority Projects](#) for FY 2014-2019 Six-Year Improvement Plan

(2) [Resolution](#) of Transportation Priorities Programming for the Inclusion of the Commonwealth Boulevard Bridge Repairs

Recommendations: Hold the public hearing and adopt the resolution as presented, or with any changes Council deems appropriate.

EXHIBIT A
**West Piedmont Area List of Priority Projects
for Salem & Lynchburg Construction Districts
Six-Year Improvement Program
VDOT/Commonwealth Transportation Board**

Martinsville

1. Reconstruction of the Commonwealth Boulevard Bridge, Structure #1803, located between Lester Street and Northside Drive.
2. Complete the remaining component of the Liberty Street (Route 174) improvement project from Clearview Drive south to Commonwealth Boulevard;
3. Widen and realign the section of Fayette Street (Route 57) : (Phase I) From Pine Hall Road west to the Norfolk and Western Railroad underpass including curb, gutter, and sidewalk; and (Phase II) Replace the Norfolk and Western Railroad underpass and widen and realign the section of Fayette Street (Route 57) from the Norfolk and Western Railroad underpass to the corporate limits including curb, gutter, and sidewalk.

Specific Projects as identified in the 2035 Rural Long-Range Transportation Plan

Fayette Street under Norfolk Southern Railroad

Long-term widen to four lane facility and replace underpass.

Specific Project as identified in the 2020 Martinsville-Henry County Small Area Urban Transportation Plan

Fayette Street under Norfolk Southern Railroad

Long-term widen to four lane facility and replace underpass.

4. Endorsement for the Interstate 73 project.

Specific Projects as identified in the 2035 Rural Long-Range Transportation Plan

I-73 from North Carolina State Limit to Franklin County Limit (Henry County)

Long-term construct new facility, four lanes with median.

I-73 from VA 40 to VA 635 (Franklin County)

Long-term construct new facility, four lanes with median.

5. Endorsement for completion of U.S. Route 58 westward to its intersection with Interstate 77.

Specific Projects as identified in the 2035 Rural Long-Range Transportation Plan

US 58 / US 220 at bridge over Smith River

Mid-term replace westbound direction with two lane structure.

US 58 West at VA 684 (Carver Road)

Mid-term implement access management to clearly define access points to gas station along US 58 and VA 684. Continue to monitor intersection for impact of rumble strips along westbound approach. Consider signalization, when warranted, to provide gaps for Carver Rd and Friendly Church Rd traffic. Long-term lower roadway profile of westbound approach.

US 58 from Floyd County Limit to VA 600 (Patrick County)

Long-term widen to four lanes with median.

US 58 from East US 58 Bypass to West US 58 Business (Patrick County)

Long-term widen to four lanes with median.

US 58 Business at US 58 Bypass (Jeb Stuart Bypass) (Patrick County)

Short-term relocate stop control on southbound approach of the connector road from US 58 Bypass to US 58 Business (Jeb Stuart Highway). Long-term reconstruct intersection to improve connectivity.

US 58 from West Ramps Blue Ridge Parkway to East US 58 Bypass (Patrick County)

Long-term widen to four lanes with median.

RESOLUTION

**RESOLUTION ESTABLISHING CHANGES IN THE CITY OF MARTINSVILLE'S
TRANSPORTATION PRIORITIES FOR INCLUSION IN THE VDOT 2014 -2019 SIX-
YEAR IMPROVEMENT PROGRAM**

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council Resolution be made in order that the Department add or make changes in programmed urban highway projects in the City of Martinsville; and

WHEREAS, to address the needs of the City of Martinsville in regard to highway projects Council desires to revise the City's previously established list of highway construction priorities, adding repairs/improvements to the Commonwealth Boulevard Bridge, Structure #1803, as the City's top priority; now, therefore;

BE IT RESOLVED, that the Council of the City of Martinsville, Virginia, requests the Virginia Department of Transportation to establish an urban system highway project for the improvement of the Commonwealth Boulevard Bridge, Structure #1803; and

BE IT FURTHER RESOLVED, that the Council of the City of Martinsville hereby agrees to pay its share of the total cost for preliminary engineering, right of way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City of Martinsville subsequently elects to cancel this project, the City of Martinsville hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 22nd day of January 2013

ATTEST:

Clerk of Council

Date

Date: January 22, 2013

Item No: 5.

Department: City Attorney

Issue: Consider skateboarding issue.
A. Hear staff recommendation regarding draft skateboarding ordinance
B. Conduct a public input session regarding skateboarding regulation

Summary: At present, the only city ordinance on skating/skateboarding makes it a Class 4 misdemeanor for anyone over 14 to skate on city sidewalks. The issue of skateboarding and in particular, destruction of private property, has arisen, primarily in the Uptown area. The proposed amendment bans this conduct Uptown and imposes an alternative civil penalty of \$50.

Attachments: [Draft ordinance](#).

Recommended Action: Take comments from the public and consider approval of ordinance on first reading.

City of Martinsville, Virginia

Ordinance No. 2013-1 (City Code Section 19-22)

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on February 12, 2013, that Section 19-22 of the Code of the City of Martinsville be, and hereby is, amended to read as follows:

Sec. 19-22. – Skating and Skateboarding on sidewalks in the City.

- (A) It shall be unlawful and a Class 4 misdemeanor for any person over the age of fourteen (14) years to skate on any paved public sidewalk of the city.
- (B) It shall be unlawful and a Class 4 misdemeanor for any person shall ride or use rollerskates, rollerblades, skateboards, scooters, or similar devices on wheels or runners in any area whatsoever located within the Uptown Enterprise Zone, Uptown Historic District and Uptown Arts and Cultural District; provided however, that this prohibition shall not apply to on-duty police or other law enforcement officers and other uniformed emergency services personnel.
- (C) In lieu of criminal prosecution, a violation of this section may be subject to a civil penalty of \$50.00.
 - (1) Any city officer, or employee of the city who is (a) responsible for the enforcement of any provision of this code, (b) wearing a uniform and (c) carrying identification, may approach and question any person concerning a civil violation of this code and may cause a notice of the violation to be served on any or all persons committing or permitting such violation.
 - (2) The notice shall state that the person served has been charged with violating this section and shall provide that the person may elect to make an appearance in person before or in writing by mail to the treasurer of the city, and admit liability for or plead no contest to the violation and pay the civil penalty, all within the time period fixed in the notice.
 - (3) If a person charged with a violation does not elect to admit liability or plead no contest the violation shall be tried in the Martinsville general district court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law. In the event the violation exceeds the jurisdictional limits of the general district court, the violation shall be tried in the circuit court.
 - (4) A finding or admission of liability for, or a plea of no contest to, a civil violation shall not be deemed a criminal conviction for any purpose. An admission of liability shall have the same force and effect as a judgment in court.

(Code 1971, § 15-11)

Cross reference— Penalty for Class 4 misdemeanor: Code of Virginia §18.2-11.

State law reference— Riding bicycles on sidewalks, Code of Virginia, §46.2-904.

* * * * *

Attest:

Brenda Prillaman, Clerk of Council

Date Adopted

Date Effective



City Council Agenda Summary

Meeting Date: January 22, 2013

Item No: 6.

Department: City Manager

Issue: Hear update on Mustangs from Jesse Cole of Team Cole & Associates on activities related to the 2013 Mustangs season.

Summary: Jesse Cole of Team Cole & Associates will give an update and answer questions.

Attachments: None

Recommendations: No action required. For information only.



City Council Agenda Summary

Meeting Date: January 22, 2013

Item No: 7.

Department: City Manager

Issue: Hear a staff update on Henry Hotel.

Summary: Staff will provide information on redevelopment efforts for Henry Hotel.

Attachments: None.

Recommendations: No action required. For information only.

Meeting Date: January 22, 2013
Item No: 8.
Department: Commissioner of the Revenue, City Treasurer
Issue: Consider authorization of refund resulting from Verification Update of Estimated BPOL Tax for Local Business for Tax Year 2009

Summary: The Commissioner of the Revenue office annually verifies and updates BPOL license fees based on federal tax return gross receipts information that is provided to the office by individual business taxpayers. Until the gross receipts can be verified by the federal tax return gross receipts, the reported receipts are considered an estimate. A local business overestimated their gross receipts for the 2009 license year for their second year in business. The city's business license is based on the actual gross receipts that a business had for the prior tax year, or the current year for first year businesses. Corrections to the 2009 license year assessment have been made by the Commissioner of the Revenue office and forwarded to the City Treasurer. Because the refund amount is over \$2,500, City Council must authorize the City Treasurer to issue the refunds so that the timing of the refund does not negatively impact the city's cash flow.

City of Martinsville Ordinances address updates of estimated business licenses that were not based on a prior year's actual gross receipts. The city's ordinance §11-23(f) provides that there shall be no interest charged or refunded on an adjustment of estimated tax liability to actual liability at the conclusion of the base year. We would not have assessed interest if the taxpayer had underestimated their gross receipts and we updated the assessment based on verification of actual gross receipts. Consequently, the city ordinances provide that we do not refund interest on these types of estimated assessments when they are overestimated.

This refund is different from other refunds that City Council has authorized in that it did not result due to an appeal or audit on a verified and adjusted actual assessment. This 2009 BPOL assessment remained an estimate until it could be verified with actual gross receipts as reported on the business federal tax returns. The necessary federal return to verify the gross receipts for the business was provided in late December 2012.

The Code of Virginia authorizes the City Treasurer to issue refunds up to \$2,500 without prior authorization of City Council. Because the refund amount is over this limit, City Council must authorize the City Treasurer to issue the refund. Pursuant to City Ordinance §11-23(f) there is no need to calculate interest provided the refund is made within 30 days of the adjustment to reflect actual tax liability.

Attachments: None

Recommendations: Motion to authorize City Treasurer to issue refund of \$2,662.75 to a city business for their 2009 business license effective January 23, 2013.



City Council Agenda Summary

Meeting Date: January 22, 2013

Item No: 9.

Department: Finance

Issue: Consider approval of consent agenda. Accept and appropriate budget adjustments.

Summary:

The attachments amend the FY13 Budgets with appropriations in the following funds:

FY13:

General Fund: \$5,190 – Sales of surplus

School Federal Programs Fund: \$2,150,421 – Federal Program funding

Attachments: [Consent Agenda - 1-22-13.xls](#)

Recommendations: Motion to approve

BUDGET ADDITIONS FOR 1/22/13

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<u>FY13</u>				
<u>General Fund:</u>				
01100905	450209	Revenue from Use of Money/Prop - Surplus		5,190
01321102	506007	Fire Dept - Repair & Maint Supplies	2,000	
01322105	503300	EMS - ADP Software Maintenance	3,190	
		Sales of Hurst Tools through GovDeals for Ambulance Equipment		
Total General Fund:			5,190	5,190

FY13

School Federal Programs Fund:

20102926	401038	Title I		1,058,763
86011100	561120	Instructional S&W	516,957	
86011100	561151	Instructional S&W Aides	47,049	
86011100	562100	Social Security	43,512	
86011100	562210	Retirement	67,437	
86011100	562300	Insurance	72,240	
86011100	562400	Life Insurance	1,579	
86011100	562520	Disability	487	
86011100	563000	Purchased Services	91,817	
86011100	565503	Travel	19,984	
86011100	566013	Materials & Supplies	165,103	
86011310	561120	Admin S &W	25,200	
86011310	562100	Social Security	1,562	
86011310	562210	Retirement	2,855	
86011310	562300	Insurance	2,890	
86011310	562400	Life Insurance	71	
86011310	562520	Disability	21	
20102926	436738	Title IIA		128,829
86111100	561120	Instructional S & W	75,741	
86111100	562100	Social Security	5,794	
86111100	562210	Retirement	9,036	
86111100	562400	Life Insurance	212	
86111100	563000	Purchased Services	38,046	
86111100	565503	Travel	0	
20102926	436583	Title III		11,154
86311100	563000	Purchased Services	210	
86311100	565503	Travel	1,194	
86311100	566013	Materials & Supplies	9,750	
20102926	435838	Title VI Rural Ed		44,049
86411310	561120	Instructional S & W	20,000	
86411310	562150	Social Security	1,586	

86411310	563000	Purchased Services	22,463	
20102926	417338	Title VIB IDEA Pre School		6,472
86611100	561120	Instructional S&W	5,000	
86611100	562100	Social Security	310	
86611100	562150	Medicare	73	
86611100	566013	Materials & Supplies	1,089	
20102926	402738	Title VIB Flow Through		534,849
86511100	561120	Instructional S&W	134,883	
86511100	561151	Instructional S&W Aides	195,015	
86511100	562100	Social Security	20,454	
86511100	562150	Medicare	4,784	
86511100	562210	Retirement	51,662	
86511100	562300	Insurance	51,336	
86511100	562400	Life Insurance	3,926	
86511100	562520	Disability	452	
86511100	562750	retirement Credit	3,661	
86511100	563140	Purchased Services	35,000	
86511100	565503	Travel	5,000	
86511100	566013	Materials & Supplies	28,676	
20102926	428728	21st Century Community Learning		366,305
86901100	563000	Purchased Services	301,455	
86901100	565503	Travel	13,560	
86901100	565240	Communications	3,600	
86901100	566000	Supplies	47,690	
Total School Federal Program Fund:			2,150,421	2,150,421