

AGENDA--CITY COUNCIL -- CITY OF MARTINSVILLE, VIRGINIA  
Council Chambers – Municipal Building  
**7:00 pm CLOSED SESSION**                      **7:30 pm regular session**  
**Tuesday, June 25, 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. Appointments to Boards & Commissions as authorized by Subsection 1.
  - B. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body as authorized by Subsection 29.
  - C. 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.

**7:30—Regular Session**

Invocation & Pledge to the American Flag-Mayor Kim Adkins

1. Consider approval of minutes of April 24, 2013, April 25, 2013 and May 2, 2013. (2 mins)
2. Hear an update from Dr. Noel Boaz, founder and President of the Integrative Centers for Science and Medicine regarding progress made toward development of the College of Henricopolis School of Medicine in Martinsville. (15 mins)
3. Hear quarterly report from Workforce Investment Board. (10 mins)
4. Consider approval of amended Electric Terms and Conditions. (10 mins)
5. Consider approval of resolutions regarding Virginia Retirement System contributions beginning July 1, 2013. (5 mins)
6. Consider approval of an ordinance, on first reading, changing the Special Events Itinerant Merchant BPOL fee to \$5.00. (10 mins)
7. Consider request by Virginia Municipal League to submit nominations for membership on the VML 2013 Policy Committees. (5 mins)
8. Consider approval of consent agenda. (2 mins)
9. 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.**
10. Comments by members of City Council. (5 minutes)
11. Comments by City Manager. (5 minutes)



## City Council Agenda Summary

**Meeting Date:** June 25, 2013

**Item No:** 1.

**Department:** Clerk of Council

**Issue:** Consider approval of minutes of City Council meetings April 24, 2013, April 25, 2013, and May 2, 2013.

**Summary:** None

**Attachments:**

- a. April 24, 2013
- b. April 25, 2013
- c. May 2, 2013

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

April 24, 2013

A special joint meeting of the Council of the City of Martinsville, Virginia, and Martinsville City School Board was held on April 24, 2013, in Council Chambers, at the Municipal Building, at 6:00PM, to conduct a budget worksession. Council Members present included: Mayor Adkins, Vice Mayor Gene Teague, Sharon Brooks Hodge, Danny Turner, and Mark Stroud. School board present: Bill Manning, Robert Williams, Carolyn McCraw and Craig Dietrich. Staff present included: Leon Towarnicki, City Manager, Brenda Prillaman, Linda Conover, Mike Rogers, Esther Artis, Eddie Cassidy, Kathy Vernon, Donna Odell, Karen Mays, Betsy Pace, Donna Harris, Andy Lash, Bobby Phillips, Kenneth Draper, Kris Shrader, Ted Anderson, Jeff Joyce and Wayne Knox.

Mayor Adkins called the Council to order and School Board Chairman Bill Manning called the school board meeting to order. Council agreed no budget actions would be taken until the last worksession. Mayor Adkins turned the meeting over to Bill Manning for school budget presentation.

After brief remarks by Mr. Manning, Superintendent Pam Heath reviewed a powerpoint presentation with Council regarding school budget needs with emphasis on being able to hire qualified teachers and the school system being in compliance.

Council then heard detailed reports from the following city departments as to their departmental budget needs: Police, Fire/EMS/Inspections/Safety, Electric, Water, Sewer, Public Works/Refuse, Community Development, Parks & Recreation/Senior Center, Purchasing, Finance, Human Resources, and MIS.

No action taken at this worksession and there being no further business, Mayor Adkins adjourned the meeting at 10:20 pm.

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Brenda Prillaman, Clerk of Council

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Kim Adkins, Mayor

April 25, 2013

A special meeting of the Council of the City of Martinsville, Virginia, was held on April 25, 2013, in Council Chambers, Municipal Building, at 6:00PM, to conduct a budget worksession with Mayor Adkins presiding. Council Members present included: Mayor Adkins, Vice Mayor Gene Teague, Sharon Brooks Hodge, Danny Turner, and Mark Stroud. Staff present included: Leon Towarnicki, City Manager, Brenda Prillaman, Linda Conover, Mike Rogers, Ashby Pritchett, Steve Draper, Ruth Easley, Joan Ziglar, Cindy Barbour, and Cindy Dickerson.

Mayor Adkins opened the meeting and noted budget presentations will be given by the constitutional offices as well as outside agencies.

Council then heard detailed reports from constitutional offices: Circuit Court Clerk, Commissioner of Revenue, Commonwealth Attorney, Voting Registrar, Sheriff, and Treasurer.

The following outside agencies presented budget requests to Council: Piedmont Arts Association, Social Services, Economic Development Corporation, Health Department, 911 Center, Boys & Girls Club, Citizens Against Family Violence, FOCUS, Gateway, Historical Society, Longwood Business Development Center, Martinsville Uptown, Patrick Henry Community College, Piedmont Community Services, Southern Area Agency on Aging, SBTC-Launch Place—(Mayor Adkins pointed out that she would refrain from any discussion on the Launch Place as she is contracted with the agency), SPCA, VA Cooperative Extension, VMNH, West Piedmont Business Development Center, West Piedmont Planning District Commission, Western VA EMS Council, and Blue Ridge Airport.

No action was taken at this worksession and there being no further business, the meeting adjourned at 11:00 pm.

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Brenda Prillaman, Clerk of Council

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Kim Adkins, Mayor

May 2, 2013

A special meeting of the Council of the City of Martinsville, Virginia, was held on May 2, 2013, in Council Chambers, Municipal Building, at 6:00PM, to conduct a budget worksession with Mayor Adkins presiding. Council Members present included: Mayor Adkins, Vice Mayor Gene Teague, Sharon Brooks Hodge, Danny Turner, and Mark Stroud. Staff present included: Leon Towarnicki, City Manager, Brenda Prillaman, Linda Conover, Eric Monday, Mike Rogers, Dennis Bowles and Kenneth Draper.

Mayor Adkins opened the meeting and Council continued with the budget requests from several outside agencies including: Blue Ridge Regional Library, West Piedmont Planning District Commission, Anchor, Pittsylvania County Community Action (Mayor Adkins stated she will abstain from vote or discussion on Pittsylvania County Community Action as she works directly with the agency), and Virginia Legal Aid Society.

City Manager Leon Towarnicki presented the following information regarding FY14 budget adjustments/changes and reviewed it with Council:

DATE: May 2, 2013  
TO: Honorable Mayor and Council  
FROM: Leon Towarnicki, City Manager  
SUBJECT: FY14 Budget Adjustments/Changes

From additional staff review and previous work sessions:

- Fire Department Overtime – Reduction of \$13,450
- Moving expenses and revenue related to the Henry from the Housing Fund to the General Fund – net increase of \$38,802
- Reduction in transfer from General Fund to CDBG fund - \$7,000
- Reduction in transfer from General Fund to Housing Fund - \$384,732
- Add expense related to reversion studies - \$120,000

In the 4/11/13 FY14 budget presentation, a projected use of fund balance from the General Fund was shown as \$906,080.

\$906,080	projected use of fund balance
-\$384,732	savings from reduction in transfer from General Fund to Housing
-\$13,450	fire department overtime reduction
-\$7,000	CDBG transfer reduction
+38,802	add net costs related to the Henry to General Fund
<u>+120,000</u>	add cost related to reversion studies
\$246,380	possible reduction in use of fund balance (or reallocation)

Finance Director Linda Conover briefed Council on the usage of fund balance from 2004 through 2012.

A motion was made by Danny Turner, seconded by Sharon Brooks Hodge, to cut the EDC budget to \$100,000 city funding. After lengthy discussion, a vote was taken with Turner and Hodge voting aye and Teague, Adkins, Stroud voting nay. The motion failed with a 3-2 vote.

May 2, 2013

A motion was made by Danny Turner to have the city withdraw from the Commonwealth Crossing commitment. Mr. Turner withdrew his motion after discussion concerning the legality of the contract already signed for this commitment.

A motion was made by Danny Turner to cut SBTC/Launch Place funding \$3,800. The motion died for lack of a second.

A motion was made by Sharon Brooks Hodge to cut the \$40,000 funding for Martinsville Mustangs. Danny Turner amended the motion to cut funding to Team Cole & Associates to \$25,000. Mr. Turner's amended motion died for lack of a second. Mrs. Hodge motion to cut the Mustangs budget died for lack of a second.

A motion was made by Danny Turner to eliminate the Assistant City Manager position. The motion died for lack of a second.

A motion was made by Danny Turner to eliminate the Budget Analyst position. The motion died for lack of a second.

Mayor Adkins turned the gavel over to Vice Mayor Teague and she made a motion to full fund the schools, which was seconded by Mark Stroud. Danny Turner amended the motion to fund schools \$175,000 instead of the full amount requested, which was seconded by Gene Teague for discussion purposes. After lengthy discussion, the Vice Mayor asked for a vote on the amended motion for \$175,000 for school budget. Before the votes were taken, City Attorney Eric Monday pointed out that the Mayor had signed a disclaimer disclosing that a family member works for the schools. The amended motion failed 4-1, with Mr. Turner voting aye and all others voting nay. Vice Mayor Teague asked for vote on the original motion to fully fund the schools budget request which passed 3-2, with Mr. Teague and Mr. Turner voting nay and all others voting aye.

Vice Mayor Teague returned the gavel to Mayor Adkins and the meeting adjourned at 8:05pm.

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Brenda Prillaman, Clerk of Council

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Kim Adkins, Mayor



## **City Council Agenda Summary**

**Meeting Date:** June 25, 2013

**Item No:** 2.

**Department:** City Manager

**Issue:** Hear an update from Dr. Noel Boaz, founder and President of the Integrative Centers for Science and Medicine regarding progress made toward development of the College of Henricopolis School of Medicine in Martinsville.

**Summary:** Dr. Boaz will provide a brief presentation regarding efforts and progress made toward the establishment of a medical college in Martinsville.

**Attachments:** None

**Recommendations:** For information purposes



## City Council Agenda Summary

**Meeting Date:** June 25, 2013

**Item No:** 3.

**Department:** City Manager

**Issue:** Hear a quarterly report regarding activities of the Workforce Investment Board.

**Summary:** Lisa Fultz, Executive Director of the West Piedmont Workforce Investment Board, will provide an update for Council.

**Attachments:** None

**Recommendations:** No Council action needed; for information purposes only.

**Meeting Date:** June 25, 2013

**Item No:** 4.

**Department:** Electric

**Issue:** Consider approval of revisions to Electric Terms and Conditions to reflect the addition of a Time of Day rate to the City's rate schedules and an increase in the fee charged for returned checks and returned bank drafts.

**Summary:**

**Time of Day Rate:**

A Time of Day (TOD) rate, as the name implies, is an electric rate that varies according to the time of day. Staff is recommending the implementation of a TOD rate on experiential bases to assess the impact to system load and revenue generated from the schedule for a small sampling of potential new customer base load. The rate may offer some energy savings over the Medium General Service Rate for new customers where power consumption for the facility mainly occurs after the on-peak hours of the day, usually before 7:00 a.m. and after 8:00 p.m.

A copy of the Medium General Service Time of Day Rate schedule is attached.

**Returned Checks and Bank Draft**

A fee of \$20 is currently assessed for returned checks or debit bills returned for insufficient funds related to Direct Payments by bank draft.

In order to more adequately recover cost associated with returned checks and returned debit bills, staff recommends paralleling the Commonwealth of Virginia's returned check fee presently set at of \$50.00 as allowed by the Code of Virginia Section 15.2-106 as follows:

§ 15.2-106. Ordinances providing fee for passing bad checks to localities.

Any locality may by ordinance provide for a fee, not exceeding \$50, for the uttering, publishing or passing of any check, draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft, or order by the drawer. (1973, c. 103, § 15.1-29.4; 1982, c. 20; 1997, c. [587](#); 1998, c. [502](#); 2004, c. [565](#); 2010, c. [708](#); 2011, c. [255](#).)

**Attachments:** \*Medium General Service, Time of Day Rate Schedule,  
\*Revisions to Electric Terms and Conditions, Article VI, Section 6.1 and 6.4 related to the returned check and returned debit bills.

**Recommendations:** Motion to approve City Electric Terms and Conditions as amended with the Time of Day rate and increasing fees for returned checks and bank drafts.

CITY OF MARTINSVILLE

SCHEDULE OF ELECTRIC SERVICE

Schedule: Medium General Service Time-of Day (M.G.S.-T.O.D)

EFFECTIVE DATES: 07-01-13

Availability of Services

Available upon the customer's request as an optional rate schedule to the Medium General Service Schedule M.G.S. where normal maximum electrical capacity requirements are less than 100 KW per month but more than 25 KW. Availability of service under this schedule is restricted to the first 15 customers applying for service on and after July 1, 2013. This rate schedule is experimental and may be modified or withdrawn at any time solely at the discretion of the City of Martinsville.

When a customer being served under this Schedule establishes or exceeds a normal maximum requirement of 100 KW per month for more than two months during the past twelve months, the customer will be placed on the appropriate rate Schedule.

Monthly Rate

Customer Charge -----	\$15.66	per Month
Energy Charge		
All On-Peak Metered KWH-----	\$ 0.1250	per KWH
All Off-Peak Metered KWH-----	\$ 0.0525	per KWH

Minimum Charge

<u>Power Cost Adjustment (P.C.A.)</u>		
All Metered KWH-----	\$ 0.0068	per KWH

The charges in the above Monthly Rate are subject to the provisions of the City of Martinsville's Schedule P.C.A., which is included herein by reference.

Definition of On-Peak and Off-Peak Billing Periods

The Energy Charges stated above shall be applied to the customer's kilowatt-hours measured during the following time periods expressed in terms of the prevailing Eastern Standard Time:

On-Peak Billing Period

During the months of January through December, on-peak billing period is defined as the hours beginning at 7:00 a.m. and ending at 8:00 p.m., Monday through Friday, excluding observed national holidays.

Off-Peak Billing Period

Off-Peak Hours are all hours not defined herein as On-Peak Hours.

Special Terms and Conditions

1. Service under this Schedule will normally be delivered through not more than one single phase or one polyphase demand meter, and the customer's demand will be taken monthly to be the highest registration for a

15-minute period on that meter.

2. Where a customer has more than one building or facility on the same site or where a single building is allowed more than one service, the monthly billing demand will be taken as the sum of all the separate meters involved.

3. This Schedule shall be used to serve apartment houses where the individual units are not separately metered. An apartment shall be defined as a building or portion thereof used or designed as a residence for two or more families living independent of each other. Families shall be considered to be living independently of each other where their respective units have separate ingress and kitchen facilities.

4. For the purpose of this Schedule, commercial operations are considered to include hotels, motels and boarding houses with more than five boarders.

5. This Schedule shall be used to service certain residences where businesses are conducted therein as defined in paragraph 4, page A-1 -- Schedule: Residential (R.S.) -- where the maximum electrical capacity of equipment for the portion of the residence used for business exceeds 2.5 KW when served by a single meter. If these services are separated, this schedule shall be used to service the business portion of such residences.

6. When the customer owns, operates, and maintains the complete substation equipment, including any and all transformers and/or switches and/or other apparatus necessary for the customer to take his entire service at the Primary voltage of the transmission or distribution line from which said customer is to receive service; a credit of \$0.32 per KW of monthly billing demand will be applied to each monthly bill.

7. This Schedule shall be used for all temporary service installations.

**ARTICLE VI**  
**Payments**

Sec. 6.1 Regular

Meters will be read and bills rendered monthly, except that readings may be estimated on occasions as necessary. All initial and final bills will be based on actual meter readings. In the event of the stoppage of or the failure of any meter to register the full amount of energy consumed, the customer will be billed for such period on an estimated consumption based upon the customers use of energy in a similar period of like use.

A delayed payment service charge will be applied to all accounts under all schedules if a bill is not paid within twenty-two (22) days of the billing date. The delayed payment charge shall be ten (10) percent of any balance in arrears. The delayed payment charge shall not apply to any amount of the bill which the City collects as a consumer utility tax.

The customer will be charged a service charge as set forth by the Code of Virginia, Section 15.2-106 for any check received by the City and returned by a bank.

Regular payments are due by 5:00 PM of the due date, except Saturday, Sunday, and Holidays. Payments are then due the next business day by 5:00 pm in the Treasures Office.

Sec. 6.2 Budget Plan

Residential customers with a satisfactory payment record shall have the option of paying bills under the City's equal payment plan (Budget Plan), whereby the total electric service for the succeeding twelve-month period will be estimated in advance, and bills will be rendered monthly on the basis of one-twelfth of the twelve-month estimate. The City or customer may, at any time during the twelve-month period, adjust to the estimate to conform more nearly with the actual charge for service being experienced. The normal equal payment period will be twelve months, commencing in any month selected by the City, but in those cases where billing is commenced during a month which leaves less than twelve months until the beginning of the next normal equal payment period to which the customer is assigned, payments shall be calculated on the basis of the months in such period.

In case the actual service used during any equal payment period exceeds the bills as rendered on the equal payment plan, the amount of such excess shall be paid on or before the due date of the bill covering the last month of the equal payment period. In case the actual service used during the equal payment period is less than the amount paid under the equal payment plan during such period, the amount of such overpayment shall, at the option of the City, either be refunded to the customer or credited on his last bill for the period.

If the customer fails to pay bills as rendered on the equal payment plan, the City shall have the right upon written notice to withdraw

the plan with respect to such customer, to restore the customer to regular billing, and to recover any amounts which may be in arrears at that time. Once enrolled, a customer may not disenroll from the budget plan until the end of the budget period. A customer who chooses to withdraw from the equal payment plan may not re-enroll in the plan for at least six months.

Sec. 6.3 Place of Payment

All bills are payable at the City Treasurer's Office. Drive through and night depository facilities are available for customer convenience.

Online payments are also available at:  
<http://martinsville-va.munisselfservice.com>

Sec. 6.4 Direct Payment (Debit) by Bank Option

All customers with current paid in full accounts shall have the option to have their bills paid directly by any cooperating banks from either checking or saving accounts. Such an arrangement shall require execution by a customer of a standard authorization form to be supplied by the City. Upon acceptance of the authorization form by the City and the customer's bank, the customer's bill will be forwarded to the customer's bank for direct debiting to the customer's checking account.

The customer will receive a duplicate of the bill, stamped "Advisory Notice" three to five days before the original of the bill is processed by the bank.

Upon receiving the bill, the bank will handle it as though the bill were a check, debiting the account and forwarding payment to the City Treasurer within three working days. The customer's portion of the bill will be forwarded by the bank to the customer in accordance with the bank's standard procedures.

In the event a bank returns a debit bill, the customer will be required to pay a service charge as set forth by the Code of Virginia, Section 15.2-106. Should a second such incident occur, a second charge will be incurred and the customer's option for Direct Payment (Debit) by Bank will be terminated.

**Meeting Date:** June 25, 2013

**Item No:** 5.

**Department:** City Manager

**Issue:** Consider adoption of a resolution regarding the City's decision to implement employer and member Virginia Retirement System contributions for FY14.

**Summary:** The adoption of the attached resolution is required by VRS and confirms the City's decision to require full-time VRS-covered employees to provide a 1% employee contribution to VRS, offset by a 1% pay increase to employees effective July 1, 2013. Last year it was decided to implement the required 5% VRS employee contribution by phasing in 1% increments over a 5 year period, and FY14 will be the second year of the implementation schedule.

**Attachments:** Resolution for Council's approval.

**Recommendations:** Motion to adopt the resolution

# Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

## Resolution

WHEREAS, the CITY OF MARTINSVILLE [Political Subdivision Name] ~~55223~~ [employer code] employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the CITY OF MARTINSVILLE [Political Subdivision Name] employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the CITY OF MARTINSVILLE [Political Subdivision Name] may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2013, to each such employee in service on June 30, 2013, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the percentage increase of the member contribution paid by such pursuant to this resolution (For example, if the member contribution paid by the employee increases from two to three percent pursuant to this resolution, the employee must receive a one percent increase in creditable compensation.)

BE IT THEREFORE RESOLVED, that the CITY OF MARTINSVILLE [Political Subdivision Name] does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2013:

PLAN 1	Percent
Employer Paid Member Contribution	3 %
Employee Paid Member Contribution	2 %
Total	5%

PLAN 2	Percent
Employer Paid Member Contribution	3 %
Employee Paid Member Contribution	2 %
Total	5%

(Note: Each column must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the CITY OF MARTINSVILLE [Political Subdivision Name] in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the CITY OF MARTINSVILLE [Political Subdivision Name] under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the CITY OF MARTINSVILLE [Political Subdivision Name] directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the CITY OF MARTINSVILLE [Political Subdivision Name] shall be reduced by the amount of member contributions picked up by the CITY OF MARTINSVILLE [Political Subdivision Name] on behalf of such employee pursuant to the foregoing resolutions; and

BE IT FURTHER RESOLVED, that in accordance with the Appropriation Act, no salary increases that were provided solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1-144 of the Code of Virginia will be used to certify that the salary increases required by the Appropriations Act have been provided.

NOW, THEREFORE, the officers are hereby authorized and directed in the name of the CITY OF MARTINSVILLE [Political Subdivision Name] to carry out the provisions of this resolution, and said officers are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the CITY OF MARTINSVILLE [Political Subdivision Name] for this purpose.

\_\_\_\_\_  
Governing Body Chairman

**CERTIFICATE**

I, \_\_\_\_\_, [Title, e.g. Clerk, Secretary] of the \_\_\_\_\_ [Political Subdivision Name], certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the \_\_\_\_\_ [Political Subdivision Name] held at \_\_\_\_\_, Virginia at \_\_\_\_\_ o'clock on \_\_\_\_\_, 2013. Given under my hand and seal of the \_\_\_\_\_ [Political Subdivision Name] this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Clerk

**This resolution must be passed prior to July 1, 2013 and received by VRS no later than July 10, 2013.**

**Date:** June 25, 2013

**Item No:** 6.

**Department:** City Attorney, City Manager

**Issue:** Consider approval of ordinance, on first reading, changing the Special Events Itinerant Merchant BPOL fee to \$5.00.

**Summary:** In 2012 Council revised BPOL fee for the Uptown Farmers Market, to \$5.00 annually. Sponsors of several special events have requested a similar change to make their events more attractive to vendors.

**Attachments:** City BPOL ordinance, with draft amendment; deletions in ~~striketrough~~, additions in *italicized underlined*.

**Recommendations:** Approve ordinance on first reading with a roll call vote.

**City of Martinsville, Virginia**  
**Ordinance No. 2013-5**

**(City Code Section 11-32)**

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in Regular Session held on \_\_\_\_\_, 2013 that Section 11-32 of the Code of the City of Martinsville be, and hereby is, amended to read as follows:

**Sec. 11-32. - License taxes.**

Every business required to obtain a license under this article shall be assessed and required to pay annually a license tax of thirty dollars (\$30.00) or the tax set forth below, whichever is greater:

- (1)  
For contractors and persons constructing for their own account for sale, ten cents (\$0.10) per one hundred dollars (\$100.00) of gross receipts;
- (2)  
For retailers, twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts;
- (3)  
For real estate and professional services and financial services other than licensees under the Consumer Finance Act, chapter 6 of title 6.1 of the Code of Virginia (section 6.1-244 et seq.), fifty-eight cents (\$0.58) per one hundred dollars (\$100.00) of gross receipts;
- (4)  
For licensees under the Consumer Finance Act, chapter 6 of title 6.1 of the Code of Virginia (section 6.1-244 et seq.), twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts;
- (5)  
For commission merchants and for repair, personal and business services and for all other businesses not specifically listed or exempted in this article or otherwise by law, thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts;
- (6)  
For wholesalers, including peddlers at wholesale, five cents (\$0.05) per one hundred dollars (\$100.00) of purchases;
- (7)  
For carnivals, circuses and speedways, one hundred fifty dollars (\$150.00) for each day a performance is held in this city;

- (8) For fortune-tellers, clairvoyants and practitioners of palmistry or phrenology, one thousand dollars (\$1,000.00) per year;
- (9) a. For itinerant merchants or peddlers, not exempt under [section 11-33](#) or [11-34](#), fifty dollars (\$50.00) per year;
- b. For itinerant merchants or peddlers conducting business ~~at the City of Martinsville Farmers Market, bounded by West Church, Main, and Moss Streets, on such days and at such hours designated as Market Days by the entity designated by the City as the manager of the Market~~ at any event in the City requiring a Special Event Permit, and at the Martinsville Farmers Market, five dollars (\$5.00) per year. This amount may be paid either by the individual itinerant merchant or peddler or collectively by the sponsor of the event;
- (10) For photographers who have no regularly established place of business in Virginia, as defined in section 58.1-3727 of the Code of Virginia, thirty dollars (\$30.00) per year;
- (11) For savings institutions and state chartered credit unions, which have their main office in the city, fifty dollars (\$50.00) per year;
- (12) For direct sellers, as defined in section 58.1-3719.1 of the Code of Virginia, with total annual sales in excess of four thousand dollars (\$4,000.00), twenty cents (\$0.20) per one hundred dollars (\$100.00) of gross receipts from total annual retail sales or five cents (\$0.05) per one hundred dollars (\$100.00) of gross receipts from total annual wholesale sales, whichever is applicable;
- (13) For any person, firm, partnership or corporation engaged in the business of promoting, managing, or organizing promotional shows or sales, subject to the provisions of [section 11-33](#), twenty cents (\$0.20) per one hundred dollars (\$100.00) of the total gross receipts from all sales of goods or merchandise sold by individuals participating in all such promotional shows or sales;
- (14) For any person, firm, partnership or corporation engaged in the business of furnishing heat, light, and power, whether by means of electricity or gas, in the city, one-half of one per cent of the gross annual receipts accruing from sales to ultimate consumers in the city, provided, however, that there shall be deducted from such gross receipts any sum or sums paid to the city as license taxes except motor vehicle license taxes;

(15)

For any telegraph or telephone company doing business in the city, one-half of one per cent of the gross annual receipts accruing from sales to ultimate consumers in the city, provided, however, that receipts from charges for long distance telephone calls shall not be considered receipts of such business in the city;

(16)

For amusement operators operating ten (10) or more coin-operated amusement machines located in the city, two hundred dollars (\$200.00) per year; for amusement operators operating less than ten (10) coin-operated amusement machines located in the city, one hundred seventy-five dollars (\$175.00) per year; and in addition, amusement operators shall also pay thirty-six cents (\$0.36) per one hundred dollars (\$100.00) of gross receipts only on the share of the receipts actually received by such operator from such machines operated in the city, or thirty dollars (\$30.00), whichever is greater; and in addition, each amusement operator shall furnish to the commissioner of revenue a complete list of all machines on location and the address of each location on or before January 31 of each year; and each machine shall have conspicuously located thereon a decal, sticker, or other adhesive label, no less than one by two (1 X 2) inches in size, clearly denoting the operator's name and address.

*(Ord. No. 96-13, § 11-1(L), 11-26-96; Ord. No. 97-2, 1-28-97)*

**Attest:**

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**Clerk of Council**

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**Date Adopted**

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**Date Effective**

**Meeting Date:** June 25, 2013

**Item No:** 7.

**Department:** City Manager

**Issue:** Consider request by the Virginia Municipal League to submit nominations for membership on the VML 2013 Policy Committees

**Summary:** City Council may nominate two individuals to a committee and at least one nominee must be a member of City Council. Nominations are due as soon as possible.

Committee assignments include:  
Community & Economic Development  
Environmental Quality  
Finance  
General Laws  
Human Development & Education  
Transportation

**Attachments:** VML memo re: nominations 2013 committees  
Council memberships on VML 2012 Policy Committees

**Recommendations:** Motion to appoint members to VML 2013 Policy Committees



**OFFICERS**

**PRESIDENT**

EDWIN C. DALEY, DPA  
HOPEWELL CITY MANAGER

**PRESIDENT-ELECT**

DAVID P. HELMS  
MARION MAYOR

**VICE PRESIDENT**

WILLIAM D. EUILLE  
ALEXANDRIA MAYOR

**IMMEDIATE PAST PRESIDENT**

ROSEMARY WILSON  
VIRGINIA BEACH COUNCIL MEMBER

**EXECUTIVE DIRECTOR**

R. MICHAEL AMYX

**MAGAZINE**

VIRGINIA TOWN & CITY

March 22, 2013

To: Key Officials of Full-Member Local Governments;  
Council and Board Clerks of Full-Member Local Governments

From: R. Michael Amyx, Executive Director *Duke Amyx*

Subject: 2013 VML Policy Committee Nominations

The Virginia Municipal League is accepting nominations for its 2013 policy committees. A description of the policy committee process is attached, along with a nomination form. **Please complete the enclosed form and return it to VML by Monday, April 22. If your community has an election in May, please return this form by the requested date even if you must revise it later.**

Please observe the following guidelines when making your policy nominations:

- Only full-member local governments may participate.
- You may nominate two individuals to a committee; if two are nominated, at least one nominee must be a governing body member.
- **Only members of a council or board of supervisors and appointed officials (i.e., employees of the local government) are eligible to serve.**
- **Individual may serve on only one committee.**
- The chief administrative officer or mayor/board chairman must sign the nomination form.
- **Please return nomination forms by April 22.**

We will forward information about policy committee meeting times and rooms as soon as they are confirmed. Policy committee recommendations that emerge from the July meeting will be forwarded to the Legislative Committee for consideration at its September meeting.

Please call/e-mail Janet Areson (804/523-8522, jareson@vml.org) if you have any questions about the appointment process.

P.O. BOX 12164  
RICHMOND, VIRGINIA 23241

13 EAST FRANKLIN STREET  
RICHMOND, VIRGINIA 23219

804/649-8471  
FAX 804/343-3758  
e-mail@vml.org  
www.vml.org

**VML 2013 Policy Committee Nominations**

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Please return this form by April 22 to Joni Terry at VML, P.O. Box 12164, Richmond, VA 23241;  
Fax 804/343-3758; email: [jterry@vml.org](mailto:jterry@vml.org)

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***Community & Economic Development***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

***Environmental Quality***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

***Finance***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

***General Laws***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

***Human Development & Education***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

***Transportation***

Name & Title: \_\_\_\_\_

Name & Title: \_\_\_\_\_

**Signed:** \_\_\_\_\_ **Locality:** \_\_\_\_\_

(Mayor/Chair, or Manager/Administrator)

## VML's Legislative and Policy Committee Process

Each year the Virginia Municipal League develops two separate documents -- a legislative program and a compilation of policy statements -- through a process that involves the Legislative Committee and six separate policy committees. The Legislative Committee is responsible for developing the legislative program, but it may also rely on input from the policy committees to do so. The policy committees develop broad policy statements, in addition to submitting specific legislative recommendations for consideration by the Legislative Committee.

### **Legislative Committee**

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#### **What is the role of the Legislative Committee?**

The Legislative Committee is responsible for considering and reporting on existing or proposed state and federal legislation or regulations, and urging the enactment or amendment of, or opposition to, such legislation or regulations.

#### **How is the Legislative Committee appointed?**

VML's Constitution spells out the composition of the Legislative Committee. The committee consists of 24 people holding elective or appointed positions, all appointed by VML's President. Of the 24 members, 12 must be representatives of cities and urban counties with populations in excess of 35,000, 6 must be representatives of cities and urban counties with populations of 35,000 or less, and 6 must represent towns.

#### **What is included in VML's Legislative Program?**

The legislative program adopted by the Legislative Committee reflects specific legislative objectives that VML hopes to achieve during the upcoming legislative session. It is subject to the approval of VML's membership at the annual conference.

#### **What is the relationship between the legislative committee and VML's policy committees?**

The Legislative Committee meets prior to the policy committees to identify issues that it would like the committees to consider for potential inclusion in the league's legislative program. It meets again after the policy committees have met to consider their recommendations.

### **Policy Committees**

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#### **What is the role of the policy committees?**

Policy committees receive briefings on select statewide issues, consider possible changes to the policy statement, and develop legislative recommendations for the Legislative Committee to consider.

#### **How are policy committees appointed?**

Policy committee membership consists of elected and appointed officials of full-member local governments. Nomination information is sent in the spring to each locality, and each local government determines which of its officials will be nominated for each of the six policy committees. Each local government may nominate up to two people per policy committee, at least one of whom must be an elected official.

#### **What are the benefits of serving on a policy committee?**

VML policy committees offer members an opportunity to learn about current and emerging statewide issues that affect local governments, to develop through policy statements the broad philosophical framework that guides the league, and to network with local officials with similar policy interests.

#### **How many policy committees are there?**

There are six policy committees: community and economic development, environmental quality, finance, general laws, human development and education, and transportation.

## **What issues does each policy committee cover?**

- **Community & Economic Development:** Authority, administration, and funding of local governments to manage a full range of community and economic development issues, including business development and retention, international competitiveness, infrastructure development and investment, planning, land use and zoning, blight, enterprise zones, housing, workforce development and historic preservation.
- **Environmental Quality:** Natural resources and the authority of local governments to manage the environment, including water resources and quality, solid and hazardous waste management, air quality and the Chesapeake Bay.
- **Finance:** Powers, organization and administration of local government financing, including taxing authority, debt financing, state aid to local governments and federal policies affecting local finance issues.
- **General Laws:** Powers, duties, responsibilities, organization and administration of local governments, including state-local and inter-local relations, conflicts-of-interest, freedom-of-information, information management and personnel, telecommunications, utilities and law enforcement, jails and courts issues.
- **Human Development and Education:** Management and funding of social services, education, health, behavioral health, juvenile justice, recreation, rehabilitation and programs for the aging.
- **Transportation:** Development, maintenance, and funding of a comprehensive land, sea and air transportation system for the Commonwealth, and federal, state and local roles in the provision and regulation of transportation.

## **What is a policy statement?**

Each policy committee develops a policy statement that covers issues in its respective area. The policy statement expresses the agreement of VML's membership on matters of interest to local governments. The statement generally addresses broad, long-term, philosophical positions. The VML membership approves the policy statements at its annual meeting.

## **How do policy statements differ from VML's legislative program?**

Policy statements are general in nature. They reflect local governments' positions on a range of issues. The Legislative Program is more specific and immediate. It is limited to legislative positions that VML expects to lobby on during the upcoming legislative session.

VML 2012 Policy Committee nominations: After Council discussion of the Virginia Municipal League's request for 2012 Policy Committee nominations, Council agreed to submit the following names to VML for membership on the VML 2012 Policy Committees:

Community & Economic Development—Kim Adkins, Mayor

Environmental Quality—Eric Monday, City Attorney

Finance—Leon Towarnicki, Interim City Manager

General Laws—Gene Teague, Council Member

Human Development & Education—Mark Stroud, Sr., Council Member

Transportation—Kimble Reynolds, Vice Mayor



## City Council Agenda Summary

**Meeting Date:** June 25, 2013  
**Item No:** 8.  
**Department:** Finance  
**Issue:** Consider approval of consent agenda.

**Summary:**

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

**FY13:**

General Fund: \$7,500 – Recovered Costs

Capital Reserve Fund: \$15,000 – Recovered Costs

**Attachments:** Consent Agenda - 6-25-13.xlsx

**Recommendations:** Motion to approve

**BUDGET ADDITIONS FOR 6/25/13**

<b>ORG</b>	<b>OBJECT</b>	<b>DESCRIPTION</b>	<b>DEBIT</b>	<b>CREDIT</b>
<b><u>FY13</u></b>				
<b><u>General Fund:</u></b>				
01100909	490104	Advance/Recovered Costs		7,500
01221082	501300	Commonwealth's Attorney - Part-time/Temporary Wages	3,000	
01122028	501300	Communications - Part-time/Temporary Wages	3,000	
01814243	501300	Planning & Zoning - Part-time/Temporary Wages	1,500	
		Funds from NCI for summer interns		
<b>Total General Fund:</b>			<b>7,500</b>	<b>7,500</b>
<b><u>Capital Reserve Fund:</u></b>				
16100909	490104	Advance/Recovered Costs		15,000
16577367	508132	Physical Plant Expansion - Hooker Field New scoreboard @ Hooker Field	15,000	
<b>Total Capital Reserve Fund:</b>			<b>15,000</b>	<b>15,000</b>