

Martinsville City Council--NEIGHBORHOOD TOUR
Westside Area

Meet at rear entrance to Municipal Building

5:30 p.m., Monday, April 9, 2012

AGENDA
CITY COUNCIL

NEIGHBORHOOD COMMUNITY MEETING

CITY OF MARTINSVILLE, VIRGINIA

at

Albert Harris School, 710 Smith Road

7:30 p.m., MONDAY, April 9, 2012

Welcome

1. [Conduct the Community Meeting for the Westside area.](#) (30 minutes)

Meeting Date: April 9, 2012

Department: Inspections

Issue: Property Maintenance-West End

Summary:

Property Maintenance-A total of 19 inspections have been conducted during the previous 2 months resulting from violations.

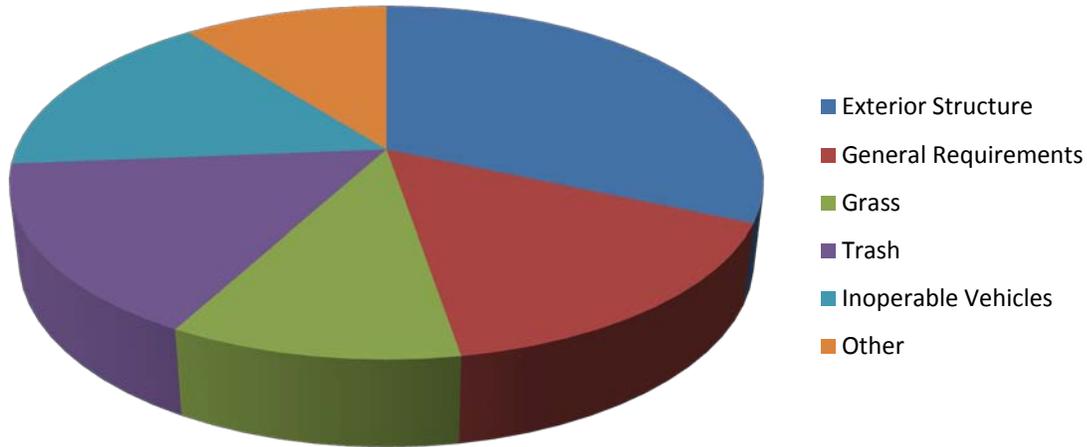
Demolitions- 8 properties have been demolished throughout the City with 6 located in the West End .

The Property Maintenance/Fire Inspections offices works diligently to address all citizen concerns in a timely manner unless there are occurrences where the Deputy Fire Marshal has to address fire and arson issues which then take priority. The office may be reached at 403-5205 and is located in Room 217 on the second floor of the Municipal Building.

Attachments: [Graph of concerns since last Neighborhood Tour.](#)

Recommendations: None at this time.

**Property Maintenance Concerns City Wide
from February 2012-April 2012
Report to City Council April 9, 2012**



Exterior Structure -6

General Requirements-3

Grass-2

Trash-3

Inoperable Vehicles-3

Other-2

Property Maintenance

Action has been taken against 19 violations since the last Neighborhood Meeting.

Demolitions

Since the last Neighborhood meeting, 8 structures have been demolished. 1 by Public Works, 4 by a private contractor, and 3 by the property owner. We are in the process of compiling the list of demolition candidates for the next budget cycle.

We attribute the increase of owner action to the increase of enforcement follow-through by the City.

AGENDA--CITY COUNCIL MEETING
CITY OF MARTINSVILLE, VIRGINIA
Council Chambers – Municipal Building
7:30 p.m. – Tuesday, April 10, 2012

Invocation & Pledge to the American flag– Council Member Gene Teague.

1. Consider approval of minutes of City Council meeting of March 13, 2012 meeting. (2 mins.)
2. Presentation of proclamation recognizing Arbor Day 2012. (2 mins.)
3. Hear public comment regarding FEMA Hazard Mitigation Grant opportunities for (1) neighborhood tornado alert sirens and (2) installation of an emergency generator for Martinsville Middle School, which is the City's designated emergency shelter. (5 mins.)
4. Conduct public hearing regarding a request for abandonment of an alley between 802 Smith Street and 802-Lot Smith Street, being 15 feet in width and approximately 78 feet in length, as shown on City Tax Map 20, Section 1. (5 mins.)
5. Conduct a public hearing regarding amendments to the Zoning Ordinance related to pawnshops and consider approval of ordinance amendments on first reading. (5 mins.)
6. Conduct public hearing as required under the exemption ordinance enacted in January 2007 for consideration of the Piedmont Youth Soccer League local tax exemption request and consider approval of ordinance on first reading. (5 mins.)
7. Conduct public hearing as required under the exemption ordinance enacted in January 2007 for consideration of the Pregnancy Care Center of MHC local tax exemption request and consider approval of ordinance on first reading. (5 mins.)
8. Conduct public hearing as required under the exemption ordinance enacted in January 2007 for consideration of The Archaeological Conservancy local tax exemption request and consider approval of ordinance on first reading. (5 mins.)
9. Hear update from New College Institute Executive Director William Wampler on the college's Needs Assessment Study and possible use of Baldwin Block. (20 mins)
10. Consider revision of the Farmer's Market BPOL tax and approval of ordinance on 1st reading regarding itinerant merchant fee. (10 mins.)

11. [Hear overview of Westside Neighborhood meeting.](#) (5 mins.)
12. [Consider setting a public hearing for May 8, 2012 regarding a rezoning request from Lanier Farm to rezone 1150 Spruce St.](#) (5 mins.)
13. [Hear staff report on the city's transportation priorities to be included in the VDOT Six Year Improvement Plan.](#) (5 mins.)
14. [Consider approval of consent agenda.](#)
 - A. Accept and appropriate budget adjustments. (2 mins.)
15. 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 their name and address; (2) state the matter that they wish to discuss and what action they would like for Council to take; (3) limit their remarks to five minutes; and (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.
16. Comments by City Council members. (5 mins.)
17. Comments by City Manager. (5 mins.)



City Council Agenda Summary

Meeting Date: April 10, 2012

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes of City Council meeting March 13, 2012.

Summary: None

Attachments: [March 13, 2012](#) minutes

Recommendations: Motion to approve minutes as presented

March 13, 2012

The regular meeting of the Council of the City of Martinsville, Virginia, was held on March 13, 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, Gene Teague, Mark Stroud and Danny Turner. Vice Mayor Kimble Reynolds arrived 7:10pm. Staff present included: Leon Towarnicki, Interim City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Susan McCulloch and Mike Rogers.

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 Danny Turner, seconded by Gene Teague, with the following 4-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; and Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matters: (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. (B) The condition, acquisition, use or disposition of real property as authorized by Subsection 3.

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 Danny Turner, with the following recorded 5-0 vote: Adkins, aye; Reynolds, aye; Teague, aye; Stroud, aye; and Turner, aye, Council returned to Open Session. No action was taken.

Following the invocation by Council Member Mark Stroud 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 February 14, 2012 meeting.

Recognitions: Mayor Adkins read and presented a proclamation to Linette Nuckols recognizing March as National Red Cross Month.

Update on Patrick Henry Community College Foundation: Gary Collins, Chris Bishop, and Chris Parker updated Council on the PHCC Foundation: the college is celebrating their 50th year anniversary; \$12.5 million in assets for foundation; academic programs offered; athletic programs offered; space is a challenge in building new programs to meet the needs of businesses; growth in student population; state and local funding decreases.

Update from Jon Morris of STEP, Inc.: Mr. Morris updated Council on agency programs and services provided to Martinsville, noting their agency does not compete with the Pittsylvania County Community Action. He will continue working with Wayne Knox in the Community Development Department.

Fair Housing Month April 2012 resolution: Susan McCulloch briefed Council on the resolution acknowledging the City's responsibility for providing equal housing opportunities as required through

March 13, 2012

the Community Development Block Grant program. On a motion by Gene Teague, seconded by Kimble Reynolds, with a 5-0 vote, Council approved the following resolution:

WHEREAS, the City of Martinsville strives to promote principles of Equal Housing Opportunity by prohibiting discrimination practices in the sale, rental and financing of housing and in implementing its housing and community development programs in a manner to affirmatively further the purposes of the fair housing laws; and
WHEREAS, the basis for discrimination outlawed by the federal and state fair housing acts are race, color, sex, religion, national origin, handicap, age and familial status; and
WHEREAS, the City of Martinsville believes persons of similar income levels should have available to them a like range of housing opportunities and will work to promote equality and freedom of choice; now, therefore,
BE IT RESOLVED by the Martinsville City Council that, on this 13th day of March, 2012 in recognition of April as Fair Housing Month, it does hereby pledge to work with its citizens in pursuit of the shared goal and responsibility for providing equal housing opportunities for all persons.

Set public hearing re: abandonment Smith St.: Susan McCulloch briefed Council on a recommendation from the Planning Commission regarding a request for abandonment of an alley between 802 Smith Street and 802-Lot Smith Street, being fifteen (15) feet in width and approximately seventy-eight (78) feet in length, as shown on City Tax Map 20, Section 1. On a motion by Danny Turner, seconded by Kimble Reynolds, with a 5-0 vote, Council agreed to set a public hearing for April 10, 2012.

Set public hearing re: pawnshops: Susan McCulloch briefed Council on a recommendation from the Planning Commission which would remove pawnshops as a use permitted by right in the C-1A, C-2, C-3, M-1, and M-2 Districts and would add pawnshops as a use permitted by special use permit in the C-1, C-1A, C-2, C-3, M-1, and M-2 Districts. The C-1 Commercial District currently does not allow pawnshops as a use permitted by right. To establish uniformity in the commercial districts; it is included in the recommendation to add pawnshops as a use permitted by special use permit. After Council discussion, Council directed the City Attorney to draft language for the ordinance to provide flexibility. City Attorney Eric Monday will do a proposed draft and circulate to Council by email on Wednesday, March 14, 2012. On a motion by Kimble Reynolds, seconded by Mark Stroud, with a 4-1 vote, Council agreed to set the public hearing for the April 10, 2012 meeting. Council Member Turner opposed stating this was too restrictive on businesses and Council Member Stroud also agreed on too many restrictions.

Set public hearing for local tax exemption requests: Commissioner of Revenue Ruth Easley briefed Council on the exemption requests received.

Under the provisions of the Exemption Ordinance enacted by Council in January 2007, any entity that does not clearly fall into any exemption category granted by the Code of Virginia must request an exemption approval from the City Council in the form of an exemption ordinance. In order for the exemption request to be considered by Council as part of the annual budget deliberations, the requesting entity must have submitted an exemption application to the Commissioner of the Revenue by November 1, 2011. The Commissioner of the Revenue referred the applications received to the Interim City Manager along with a report of the revenue impact that any possible exemption may have. The Interim City Manager appointed a review committee consisting of himself, Mayor Adkins, the City Commissioner of the Revenue, the City Treasurer, and an accountant from the Finance Department to review the applications received. Three organizations have submitted an application for a local exemption designation.

Ms. Easley explained that the exemption can only be granted to a non-profit entity. On a motion by Danny Turner, seconded by Kimble Reynolds, with a 5-0 vote, Council agreed to set the public hearings for April 10, 2012.

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

BUDGET ADDITIONS FOR 3/13/12				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<u>FY12</u>				
<u>Refuse Fund:</u>				
09102926	436442	Federal Grant - ARRA - Biomass Energy Grant		504,763
09425302	508220	Landfill - Physical Plant Expansion	504,763	

March 13, 2012

Landfill Methane Energy Project Reimbursement

<u>Total Refuse Fund:</u>			504,763	504,763
<u>Water Fund:</u>				
12101918	443305	State Grant - VDH Project Grant		19,812
12541311	508220	Physical Plant Expansion - Lanier Rd. Project	19,812	
State Grant Lanier Rd. Project Reimbursement				
<u>Total Refuse Fund:</u>			19,812	19,812

Business from floor: none

Council comments: Stroud-reported on Dr. Seuss reading at Albert Harris; Turner-reported MHS band to perform at Disney World.

Interim City Manager comments: noted the grant money received in the refuse fund in tonight's consent agenda closes out the grant for the landfill project with a total of \$1million having been received.

There being no further business, the meeting adjourned at 8:40pm.

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor



City Council Agenda Summary

Meeting Date: April 10, 2012

Item No: 2.

Department: Clerk of Council

Issue: Presentation of proclamation recognizing Arbor Day 2012.

Summary: Wayne Knox will accept the proclamation on behalf of the Tree Board.

Attachments: [Proclamation](#)

Recommendations: Presentation only.



P R O C L A M A T I O N

WHEREAS, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; now, therefore

I, Kim Adkins., Mayor of the City of Martinsville, do hereby proclaim April 27, 2012 as

A R B O R D A Y

in the City of Martinsville, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

FURTHER, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Kim Adkins
Mayor

Meeting Date: April 10, 2012

Item No: 3.

Department: Fire & EMS

Issue:

Hear staff report on public comment regarding FEMA Hazard-Mitigation Grant Opportunities for: (1) Neighborhood Tornado Alert Sirens and (2) the installation of an emergency generator at the Middle School which is the City's designated emergency shelter.

Summary:

At the March 27, 2012 Council Meeting, staff reported on an opportunity to apply for grant funding for the two projects noted. Council endorsed the projects and authorized staff to proceed with the grant application, and as part of the application process staff noted that public comment is invited. It was requested that the issue be placed back on the agenda for April 10th meeting to allow such an opportunity. Staff has received no comments from the public to date.

Attachments: None

Recommendations: That staff take into consideration any comments received regarding the proposed projects prior to and at the April 10 Council meeting as the application process moves forward. Council has previously endorsed the project so no formal action is required at this meeting.

Meeting Date: April 10, 2012
Item No: 4.
Department: Community Development

Issue: Conduct a public hearing on a recommendation from the Martinsville Planning Commission for Tuesday, April 10, 2012 regarding a request for abandonment of an alley between 802 Smith Street and 802-Lot Smith Street, being fifteen (15) feet in width and approximately seventy-eight (78) feet in length, as shown on city Tax Map 20, Section 1.

Summary: The Planning Commission conducted their public hearing on February 23, 2012 on a request from Barbara A. Divens to abandon the subject unopened street space. The Planning Commission voted to recommend to City Council that the proposed abandonment be granted.

Attachments: [Letter of Recommendation from the Planning Commission Map](#)

Recommendations: Conduct public hearing and authorize the City Manager to sign a quitclaim deed conditioned upon payment of the assessed value and filing a map combining the alley with adjoining lots. (roll call vote not required)



March 2, 2012

The Honorable Mayor and City Council
City of Martinsville
Martinsville, Virginia

Dear Council Members:

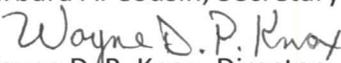
The Planning Commission, at its regular meeting on February 23, 2012, conducted a duly advertised Public Hearing on a request by Barbara A. Divens, to abandon an unopened street space located between 802 and 802-Lot Smith Street, being fifteen (15) feet in width and approximately seventy-eight (78) feet in length.

At the Public hearing it was noted that this space adjoins two properties, both owned by the petitioner. The petitioner wishes to sell the property known as 802 & 802-Lot Smith Street and has a buyer for the property. When a title search was prepared, the issue of the street space came up and will need to be cleared up before the sale of the property can occur. There were two inquiries from adjacent property owners, but neither expressed any opposition to the request. The abandonment would be conditioned upon payment of the assessed value and filing of a map combining the alley with the adjoining lots.

In order to assure compliance with Virginia Code 15.2 – 2200, it is stated that the public purpose for which these Resolutions are initiated is to fulfill the requirements of public necessity, convenience, and general welfare.

Following discussion of the matter, the Planning Commission voted unanimously (6 – 0) to recommend to City Council the proposed abandonment be granted, and respectfully submits this recommendation for Council's further consideration.

Sincerely,

Barbara A. Cousin, Secretary

Wayne D. P. Knox, Director
Community Development

/tr

Cc: Timothy D. Martin, Chairperson
Barbara A. Cousin, Secretary

802 Smith Street Abandonment



Meeting Date: April 10, 2012
Item No: 5.
Department: Community Development

Issue: Conduct a public hearing regarding amendments to the Zoning Ordinance related to pawnshops and consider approval on first reading of ordinance amendments.

Summary: At present, the City of Martinsville allows pawnshops as a use permitted by right in the C-1A, C-2, C-3, M-1 and M-2 Districts. Planning Commission submitted a recommendation in July to remove pawnshops as a use permitted by right, which would have banned them from operating in the City. City Council reviewed the amendment and sent it back to the Planning Commission with a suggestion to look at regulating pawnshops through a special use permit. Planning Commission took that suggestion and began to work on conditions for a special use permit. After several work sessions, the Planning Commission has finalized their recommendation on this issue. The new recommendation would remove pawnshops as a use permitted by right in the C-1A, C-2, C-3, M-1, and M-2 Districts and would add pawnshops as a use permitted by special use permit in the C-1, C-1A, C-2, C-3, M-1, and M-2 Districts. It should be noted that the C-1 Commercial District currently does not allow pawnshops as a use permitted by right. However, to establish uniformity in the commercial districts; it is included in the recommendation to add pawnshops as a use permitted by special use permit.

Planning Commission held a duly advertised public hearing on October 4, 2011. No one spoke for or against the issue during the public hearing. Planning Commission voted unanimously (4-0) to send this amendment to City Council for their consideration.

City staff recommends amending the Zoning Ordinance to remove pawnshops as a use permitted by right and to include it as a use permitted by special use permit.

Attachments: [Planning Commission Letter](#)
[Proposed Amendment to the Zoning Ordinance](#)

Recommendations: Conduct public hearing and consider motion to approve ordinance amendment on first reading with roll call vote.



October 27, 2011

Mayor Kim Adkins
Members of City Council
City of Martinsville
P. O. Box 1112
Martinsville, VA 24114

RE: Amendment to the Zoning Ordinance (Pawnshops)

Dear Mayor and City Council Members:

The Planning Commission, at its meeting on October 4, 2011, conducted a duly advertised Public Hearing on a request by the City of Martinsville, for a proposed amendment to the Martinsville Zoning Ordinance related to pawnshops.

At the public hearing, it was noted that this request would remove pawnshops as a use permitted by right in the C-1A, C-2, C-3, M-1, and M-2 Districts and would add pawnshops as a use permitted by special use permit in the C-1, C-1A, C-2, C-3, M-1, and M-2 Districts. There were no public comments voiced at the public hearing.

Following evidence heard at the public hearing, the Planning Commission voted unanimously (4-0) to recommend the proposed amendment to City Council. The Planning Commission respectfully submits the recommendation for reconsideration.

Yours Truly,

Barbara Cousin, Secretary

Wayne D. P. Knox

Director of Community Development

WDPK

Cc: Timothy D. Martin, Chairperson
Barbara Cousin, Secretary

PROPOSED AMENDMENTS – ZONING ORDINANCE

(Strikethrough indicates deletion; *italicized bold* indicates addition)

SECTION XII: COMMERCIAL DISTRICTS

A. C-1 Neighborhood Commercial District

C. Uses permitted by special use permit in the C-1 District.

7. Pawnshops, subject to the following conditions:

- a. Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;*
- b. All of the items collected must be contained within the confines of the actual pawnshop;*
- c. An approved anti-crime security system must be installed to safeguard the premises;*
- d. Establishment shall not be located within 1000 feet of a similar establishment;*
- e. Establishment must be located at least 1000 feet from churches, schools, playgrounds;*
- f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.*

E. C-1A Intermediate Commercial District.

F. Uses permitted by right in the C-1A District.

61. ~~Pawnshops~~ or second hand stores

G. Uses permitted by special use permit in the C-1A District.

7. Pawnshops, subject to the following conditions:

- a. Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;*
- b. All of the items collected must be contained within the confines of the actual pawnshop;*
- c. An approved anti-crime security system must be installed to safeguard the premises;*
- d. Establishment shall not be located within 1000 feet of a similar establishment;*
- e. Establishment must be located at least 1000 feet from churches, schools, playgrounds;*
- f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.*

I. C-2 Central Business District.

J. Uses permitted by right in the C-2 District.

61. ~~Pawnshops~~ or second hand stores

K. Uses permitted by special use permit in the C-2 District.

7. Pawnshops, subject to the following conditions:

a. Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;

b. All of the items collected must be contained within the confines of the actual pawnshop;

c. An approved anti-crime security system must be installed to safeguard the premises;

d. Establishment shall not be located within 1000 feet of a similar establishment;

e. Establishment must be located at least 1000 feet from churches, schools, playgrounds;

f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.

M. C-3 General Commercial District.

N. Uses permitted by right in the C-3 District.

58. ~~Pawnshops~~ or second hand stores

O. Uses permitted by special use permit in the C-3 District.

7. Pawnshops, subject to the following conditions:

a. Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;

b. All of the items collected must be contained within the confines of the actual pawnshop;

c. An approved anti-crime security system must be installed to safeguard the premises;

d. Establishment shall not be located within 1000 feet of a similar establishment;

e. Establishment must be located at least 1000 feet from churches, schools, playgrounds;

f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.

SECTION XIII: BUSINESS AND MANUFACTURING DISTRICTS

E. M-1 Light Manufacturing District.

F. Uses permitted by right in the M-1 Light Manufacturing District.

57. ~~Pawnshops~~ or second hand stores.

G. Uses permitted by special use permit in the M-1 District.

7. Pawnshops, subject to the following conditions:

a. Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;

b. All of the items collected must be contained within the confines of the actual pawnshop;

c. An approved anti-crime security system must be installed to safeguard the premises;

d. Establishment shall not be located within 1000 feet of a similar establishment;

e. Establishment must be located at least 1000 feet from churches, schools, playgrounds;

f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.

I. M-2 Heavy Manufacturing District.

J. Uses permitted by right in the M-2 Heavy Manufacturing District.

All uses are allowed in the M-2 District with exception of the following:

25. Pawnshops

K. Uses permitted by special use permit in the M-2 District.

4. Pawnshops, subject to the following conditions:

a. Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;

b. All of the items collected must be contained within the confines of the actual pawnshop;

c. An approved anti-crime security system must be installed to safeguard the premises;

d. Establishment shall not be located within 1000 feet of a similar establishment;

e. Establishment must be located at least 1000 feet from churches, schools, playgrounds;

f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.

Meeting Date: April 10, 2012

Item No: 6. & 7. & 8.

Department: Interim City Manager, City Attorney, Commissioner of the Revenue

Issue: Conduct a public hearing required under the exemption ordinance enacted in January 2007 for organizations requesting local tax exemption and consider approval of ordinance on first reading for each organization.

Summary: Under the provisions of the Exemption Ordinance enacted by Council in January 2007, any entity that does not clearly fall into any exemption category granted by the Code of Virginia must request an exemption approval from the City Council in the form of an exemption ordinance. In order for the exemption request to be considered by Council as part of the annual budget deliberations, the requesting entity must have submitted an exemption application to the Commissioner of the Revenue by November 1, 2011. The Commissioner of the Revenue referred the application received to the City Manager along with a report of the revenue impact that any possible exemption may have. The City Manager appointed a review committee consisting of himself, Mayor Adkins, the City Commissioner of the Revenue, the City Treasurer, and an accountant with the City's Finance Department to review the application received.

Attachments: [Spreadsheet of Revenue Impact of Applicant](#)
[Review Committee Recommendation](#)
[Exemption Definitions](#)
[Review Criteria](#)
[Draft Sample Ordinance](#)

Recommendation: Conduct a public hearing for each organization and consider approval of each exemption ordinance on first reading with a roll call vote.

Organization	Pers Prop Assessed Value	Rev Impact (Pers Prop)	Rev Impact (Real Estate)	Real Estate Assessed Value	Other City Assistance	Exemption Requested	Exemption Category Requested
Piedmont Youth Soccer League Ltd.	\$128	\$2.95	Does not own real property.	\$0		Personal Property	Charitable
Pregnancy Care Center of MHC Inc.	\$4,659	\$107.16	Does not own real property	\$0		Real Property Personal Property	Charitable
The Archaeological Conservancy	\$0	\$0.00		\$602.75	\$59,200	Real Property	Historical & Cultural/Educational
TOTALS	\$4,787	\$110.11		\$602.75	\$59,200	\$0	

Organization	Organization Mission Statement	Answers to Review Criteria	Committee Recommendation
Piedmont Youth Soccer League Ltd.	To provide their players with the opportunity to participate in a spirited soccer environment, and to instill the ideals of good sportsmanship, honesty, loyalty, determination, respect for authority, and self-esteem in the youth of our community.	<p>1. 501 (c) (3) designation</p> <p>2. The organization does not have an annual special events ABC license</p> <p>3. Employee compensation is not in excess of a reasonable salary for such services provided. Two officers are compensated.</p> <p>4. Net earnings of the organization inures to the benefit of the Director of Operations and the Travel Director.</p> <p>5. A substantial amount of the funding for the organization is through gross receipts from admissions, merchandise sold or services performed related to the organization's exempt</p> <p>6. No substantial part of activities is to influence legislation or campaign on behalf of a political candidate.</p> <p>7 Personal Property Tax Revenue Impact: \$2.95</p> <p>8</p>	The organization provides soccer opportunities that they Parks and Recreation Department is not currently having to provide. The Parks & Rec Department could not provide this service for the tax amount the organization pays annually for their personal property. The committee recommends granting the exemption for personal property taxation.
Pregnancy Care Center of MHC Inc.	To share the Gospel of Jesus Christ by offering practical, emotional, and spiritual support to women, men, and children you are facing pregnancy and abortion related concerns, including the provision of free pregnancy services, peer counseling, information about abortion procedures and risks, information about abortion alternative, abstinence education, post-abortion support, and other related programs and services.	<p>1. 501 (c) (3) designation</p> <p>2. The organization does not have an annual special events ABC license</p> <p>3. Employee compensation is not in excess of a reasonable salary for such services provided. Officers are not compensated.</p> <p>4. No part of the net earnings of the organization inures to the benefit of any individual.</p> <p>5. A substantial amount of organization funding is through grants, donations and contributions.</p> <p>6. No substantial part of activities is to influence legislation or campaign on behalf of a political candidate.</p> <p>7 Real Estate Tax Revenue Impact: \$0 Personal Property Tax Revenue Impact: \$107.16</p> <p>8</p>	The counseling service is similar to other services provided by other exempt organizations. The city could not provide these services for the tax amount the organization pays annually for their personal property. The committee recommends granting the exemption for the personal property tax. The organization does not own real estate at this time. The Committee does not recommend providing a real estate exemption when no real property is owned.
The Archaeological Conservancy	To preserve historical archaeological sites within the United States of America.	<p>1. 501 (c) (3) designation</p> <p>2. The organization does not have an annual special events ABC license</p> <p>3. Employee compensation is not in excess of a reasonable salary for such services provided to a national non-profit organization. Board directors and trustees are not</p> <p>4. No part of the net earnings of the organization inures to the benefit of any individual.</p> <p>5. A substantial amount of organization funding is through grants, donations and contributions.</p> <p>6. No substantial part of activities is to influence legislation or campaign on behalf of a political candidate.</p> <p>7 Real Estate Tax Revenue Impact: \$602.75</p> <p>8</p>	The committee did not see that the organization provides a service or purpose to the city that it otherwise would provide. It does not recommend granting an exemption.

Exemption Definitions

As Defined by Va. Courts

Benevolent – Philanthropic; humane; having a desire or purpose to do good to men; intended for conferring benefits, rather than for gain or profit. (Manassas Lodge No. 1380, Loyal Order of Moose, Inc. v. County of Prince William, 218 Va. 220, 237 S.E. 2d 102 (1977))

Charitable – Liberal in benefactions to the poor; beneficent. (City of Richmond v. United Givers Fund of Richmond, Henrico & Chesterfield, Inc., 205 Va. 432, 137 S.E. 2d 876 (1964))

NOTE: A charitable organization should be organized and conducted to perform some service of public good or welfare based on the above mentioned court cases.

As Defined by Va. Constitution Article X §6

Educational Exemption – Limited to institution of learning operated not for profit, provided the property is used for literary, scientific, or educational purposes or purposes incidental thereto.

As Defined by Webster's New Collegiate Dictionary

Cultural – Of or relating to enlightenment and excellence of taste acquired by intellectual and aesthetic training; acquaintance with and taste in fine arts, humanities, and broad aspects of science as distinguished from vocational and technical skills.

Educational – The field of study that deals mainly with methods of teaching and learning in schools.

Historical – Of or relating to a branch of knowledge that records and explains past events.

Museum – An institution devoted to the procurement, care, study, and display of objects of lasting interest or value; a place where objects are exhibited.

Patriotic – Befitting or characteristic of a patriot (one who loves his country and zealously supports its authority and interests.)

EXEMPTION CRITERIA TO CONSIDER

Pursuant to Code of Virginia §58.1-3651, the local governing body shall consider the following questions before granting an exemption from local taxation to any nonprofit organizations:

1. Whether the organization is exempt from taxation pursuant to § 501 (c) of the Internal Revenue Code of 1954;
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;
5. Whether the organization provides services for the common good of the public;
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;
7. The revenue impact to the locality and its taxpayers of exempting the property; and
8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

ORDINANCE 2012-_____

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on April 10, 2012 and pursuant to Section 58.1-3651 of the Code of Virginia, that Section 21-12 of the City Code be amended to add a subsection **[insert alphabetical listing]** as follows:

[insert alphabetical listing]. Taxation exemption for [name of entity]

After convening a duly advertised public hearing and considering the factors set forth in Code of Virginia § 58.1-3651(B), the City Council of Martinsville Virginia hereby ordains the following:

1. The *[name of entity]*, a nonprofit organization, is hereby classified and designated as a **[(designate which) religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes]** organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. *[real and/or personal]* property owned by *[name of entity]*, and used exclusively for educational, benevolent and charitable purposes on a nonprofit basis, as set forth in subsection A. of this section, is hereby determined to be exempt from local *[real and/or personal]* property taxation.
3. Continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

Attest:

Clerk of Council

Date Adopted

Date Effective



City Council Agenda Summary

Meeting Date: April 10, 2012

Item No: 9.

Department: City Council

Issue: Hear update from New College Institute Executive Director William Wampler on the college's Needs Assessment Study and possible use of Baldwin Block.

Summary: Executive Director William Wampler will give this update and answer any questions.

Attachments: None

Recommendations: For information.

Date: April 10, 2012

Item No: 10.

Department: City Attorney

Issue: Consider revision of Farmers Market BPOL tax and approval of ordinance on 1st reading regarding itinerant merchant fee.

Summary: MURA has requested that the BPOL tax be revised for the Uptown Farmers Market, owned by the City and managed by MURA. Following discussions between MURA, Commissioner of the Revenue Easley, City Manager and City Attorney, a new proposed section 11-32(9)(b) sets the tax at \$5.00 annually.

Also, a typographical error in section 11-32 (in the definition of “itinerant merchant” is corrected.

Attachments: [City BPOL ordinance, with draft amendments.](#)

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

Sec. 11-21. - Title; conflicting ordinance.

This article shall be known as the Martinsville Business, Professional, and Occupational License Ordinance (hereinafter called "this article"). Except as may be otherwise provided by the laws of the Commonwealth of Virginia, and notwithstanding any other ordinances enacted by the City of Martinsville, whether or not compiled in the City Code, the following provisions shall be applicable to the issuance of licenses required and the levy, assessment, and collection of license taxes imposed on businesses, trades, professions, occupations and callings and upon the persons, firms, partnerships and corporations engaged therein within the city.

(Ord. No. 96-13, § 11-1(A), 11-26-96)

Sec. 11-22. - Definitions.

For the purposes of this article, unless otherwise required by the context:

Amusement operator means any person leasing, renting or otherwise furnishing or providing a coin-operated amusement machine in the city, provided, however, that the term "amusement operator" shall not include a person owning less than three (3) such machines and operating such machines on property owned or leased by such person.

Assessment means a determination as to the proper rate of tax, the measure to which the tax rate is applied, and ultimately the amount of tax, including additional or omitted tax, that is due. An assessment shall include a written assessment made pursuant to notice by the assessing official or a self-assessment made by a taxpayer upon the filing of a return or otherwise not pursuant to notice. Assessments shall be deemed made by an assessing official when a written notice of assessment is delivered to the taxpayer by the assessing official or an employee of the assessing official, or mailed to the taxpayer at his last known address. Self-assessments shall be deemed made when a return is filed, or if no return is required, when the tax is paid. A return filed or tax paid before the last day prescribed by ordinance for the filing or payment thereof shall be deemed to be filed or paid on the last day specified for the filing of a return or the payment of tax, as the case may be.

Assessor or assessing official means the commissioner of revenue of the City of Martinsville.

Base year means the calendar year, or fiscal year if the business is on a fiscal year basis for federal income tax purposes, immediately preceding the license year, except for contractors subject to the provisions of section 58.1-3715. The base year shall be used as the basis for calculating any license tax measured by gross receipts, subject to the following:

(a)

Every person who during a license year begins a business, trade, profession, occupation or calling which requires a license where the license tax is measured by gross receipts shall estimate the amount of gross receipts which will be received by such business from the commencement of such business until the end of the license year. Such license tax shall be due and payable at the time such business commences. Such estimate shall be subject to correction based upon the actual gross receipts for this initial license year.

(b)

When the license for a full license year is measured by the gross receipts for a base year which does not represent a full twelve (12) months of operation of the business, trade, profession, occupation or calling, then the gross receipts shall be the estimated gross receipts which would result from a full twelve (12) months of operation. Upon the completion of the first base year which reflects a full twelve (12) months of operation such estimate shall be corrected based upon the actual gross receipts for such twelve-month base year.

(c)

Whenever a license tax measured by gross receipts is assessed on the basis of estimated gross receipts, subject to correction based upon the gross receipts actually received, the commissioner of revenue shall assess such additional license tax found to be due after the close of the license year or the commissioner shall credit any overpayment against the next license tax due or shall recommend the refunding of the amount of any excess payment made.

Business means a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. It implies a continuous and regular course of dealing, rather than an irregular or isolated transaction. A person may be engaged in more than one (1) business. The following acts shall create a rebuttable presumption that a person is engaged in a business: (i) advertising or otherwise holding oneself out to the public as being engaged in a particular business; or (ii) filing tax returns, schedules and documents that are required only of persons engaged in a trade or business.

Coin-operated amusement machine means any machine or device operated by or after the insertion of coins or currency into the machine except weighing machines, change machines, automatic baggage or parcel checking machines or receptacles, vending machines which are so constructed as to do nothing but vend goods, wares and merchandise or postage stamps or provide service only, viewing machines or photomat machines, or devices or machines affording rides to children or for the delivery of newspapers.

Commission merchant means any person, firm, partnership or corporation which is engaged in the business of selling merchandise on commission by sample, circular, or catalog for a regularly established retailer and which has no stock or inventory under their control other than floor samples owned by the principal retailer which are used for demonstration or display purposes.

Contractor shall have the meaning prescribed in section 58.1-3714.B of the Code of Virginia, as amended, whether such work is done or offered to be done by day labor, general contract or subcontract.

Definite place of business means an office or a location at which occurs a regular and continuous course of dealing for thirty (30) consecutive days or more. A definite place of business for a person engaged in business may include a location leased or otherwise obtained from another person on a temporary or seasonal basis; and real property leased to another. A person's residence shall be deemed to be a definite place of business if there is no definite place of business maintained elsewhere and the person is not licensable as a peddler or itinerant merchant.

Financial services means the buying, selling, handling, managing, investing, and providing advice regarding money, credit, securities and other investments and shall include the service for compensation by a credit agency, an investment company, a broker or dealer in securities and commodities or a security or commodity exchange, unless such service is otherwise provided for in this article.

Broker means an agent of a buyer or a seller who buys or sells stocks, bonds, commodities, or services, usually on a commission basis.

Commodity means staples such as wool, cotton, etc., which are traded on a commodity exchange and on which there is trading in futures.

Dealer for purposes of this article means any person engaged in the business of buying and selling securities for his own account, but does not include a bank, or any person insofar as he buys or sells securities for his own account, either individually or in some fiduciary capacity, but not as part of a regular business.

Security for purposes of this article shall have the same meaning as in the Securities Act (section 13.1-501 et seq.) of the Code of Virginia, or in similar laws of the United States regulating the sale of securities.

Those engaged in rendering financial services include, but without limitation, the following:

- Buying installment receivables
- Chattel mortgage financing
- Consumer financing
- Credit card services

Factors

Financing accounts receivable

Industrial loan companies

Installment financing

Inventory financing

Loan or mortgage brokers

Loan or mortgage companies

Safety deposit box companies

Security and commodity brokers and services

Stockbroker

Working capital financing

Gross receipts means the whole, entire, total receipts for the base year attributable to the licensed privilege, without deduction, except as may be limited by the provisions of Chapter 37 of Title 58.1 of the Code of Virginia, and the provisions contained in the definition of "base year" in this article.

Itinerant merchant means any person who engages in, does, or transacts any temporary or transient business in the city and who, for the purpose of carrying on such business, occupies any location for a period of less than one (1) year.

License year means the calendar year for which a license is issued for the privilege of engaging in business.

Peddler means any person, other than a peddler at wholesale, who shall carry from place to place any goods, wares or merchandise and offer to sell or barter the same or actually sell or barter the same.

Peddler at wholesale means any person who sells or offers to sell goods, wares or merchandise to licensed dealers, other than at a definite place of business operated by the seller, and at the time of such sale or exposure for sale delivers, or offers to deliver, the goods, wares or merchandise to the buyer. Any delivery made on the day of sale shall be construed as a delivery at the time of sale.

Person means an individual, firm, partnership, or corporation.

Personal services means rendering for compensation any repair, personal, business or other services not specifically classified as "financial, real estate or professional service" under this article, or rendered in any other business or occupation not specifically classified in this ordinance unless exempted from local license tax by Title 58.1 of the Code of Virginia.

Professional services means services performed by architects, attorneys-at-law, certified public accountants, dentists, engineers, land surveyors, surgeons, veterinarians, and practitioners of the healing arts (the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities) and such occupations, and no others, as the Virginia Department of Taxation may list in the BPOL guidelines promulgated pursuant to section 58.1-3701 of the Code of Virginia. The Department shall identify and list each occupation or vocation in which a professed knowledge of some department of science or learning, gained by a prolonged course of specialized instruction and study is used by its practical application to the affairs of others, either advising, guiding, or teaching them, and in serving their interests or welfare in the practice of an art or science founded on it. The word "profession" implies attainments in professional knowledge as distinguished from mere skill, and the application of knowledge to uses for others rather than for personal profit.

Purchases means all goods, wares and merchandise received for sale at each definite place of business of a wholesale merchant. The term shall also include the cost of manufacture of all goods, wares and merchandise manufactured by any wholesaler or wholesale merchant and sold or offered for sale. Such merchant may elect to report the gross receipts from the sale of manufactured goods, wares and merchandise if it cannot determine or chooses not to disclose the cost of manufacture.

Real estate services means rendering a service for compensation as lessor, buyer, seller, agent or broker and providing a real estate service, unless the service is otherwise specifically provided for in this article, and such services include, but are not limited to, the following:

- Appraisers of real estate
- Escrow agents, real estate
- Fiduciaries, real estate
- Lessors of real property
- Real estate agents, brokers and managers
- Real estate selling agents
- Rental agents for real estate

Retailer or retail merchant means any person or merchant who sells goods, wares and merchandise for use or consumption by the purchaser or for any purpose other than resale by the purchaser, but does not include sales at wholesale to institutional, commercial, government and industrial users.

Services means things purchased by a customer which do not have physical characteristics, or which are not goods, wares, or merchandise.

The city or this city means the City of Martinsville.

Wholesaler or wholesale merchant means any person or merchant who sells wares and merchandise for resale by the purchaser, including sales when the goods, wares and merchandise will be incorporated into goods and services for sale, and also includes sales to institutional, commercial, government and industrial users which because of the quantity, price, or other terms indicate that they are consistent with sales at wholesale.

(Ord. No. 96-13, § 11-1(B), 11-26-96)

Sec. 11-23. - License requirement.

(a)

Every person engaging in this city in any business, trade, profession, occupation or calling (collectively herein called "a business") as defined in this article, unless otherwise exempted by law, shall apply for a license for each such business if (i) such person maintains a definite place of business in this city, (ii) such person does not maintain a definite office anywhere but does maintain an abode in this city, which abode for the purposes of this article shall be deemed a definite place of business, or (iii) there is no definite place of business but such person operates amusement machines, is engaged as a peddler or itinerant merchant, carnival or circus as specified in sections 58.1-3717, 3718, or 3728, respectively of the Code of Virginia, or is a contractor subject to section 58.1-3715 of the Code of Virginia, or is a public service corporation subject to section 58.1-3731 of the Code of Virginia. A separate license shall be required for each definite place of business.

A person engaged in two (2) or more businesses carried on at the same place of business may elect to obtain one (1) license for all such businesses if all of the following criteria are satisfied: (i) each business is licensable at the location and has satisfied any requirements imposed by state law or other provisions of the ordinances of the city; (ii) all of the businesses are subject to the same tax rate, or, if subject to different tax rates, the licensee agrees to be taxed on all businesses at the highest rate; and (iii) the taxpayer agrees to supply such information as the assessor may require concerning the nature of the several businesses and their gross receipts.

(b)

Each person subject to a license tax shall apply for a license prior to beginning business if he was not subject to licensing in this city on or before January 1 of the license year, or no later than March 1 of the current license year if he had been issued a license for the preceding license year. The application shall be on forms prescribed by the assessing official.

(c)

The license tax shall be paid with the application in the case of any license not based on gross receipts or purchases. If the tax is measured by the gross receipts or purchases of the business, the tax shall be paid on or before May 1.

(d)

The commissioner of revenue may grant an extension of time, not to exceed ninety (90) days, in which to file an application for a license or to pay the license tax, for reasonable cause. The extension of time to pay the tax shall be conditioned upon the timely payment of a reasonable estimate of the appropriate tax, subject to adjustment to the correct tax at the end of the extension together with interest from the due date until the date paid, and, if the estimate submitted with the extension is found to be unreasonable under the circumstances, a penalty of ten (10) percent of the portion paid after the due date.

(e)

A penalty of ten (10) percent of the tax may be imposed upon the failure to file an application or the failure to pay the tax by the appropriate due date. Only the late filing penalty shall be imposed by the assessing official if both the application and payment are late; however, both penalties may be assessed if the assessing official determines that the taxpayer has a history of noncompliance. Noncompliance for both of the two (2) previous years shall constitute a history of noncompliance. In the case of an assessment of additional tax made by the assessing official, if the application and, if applicable, the return were made in good faith and the understatement of the tax was not due to any fraud, reckless or intentional disregard of the law by the taxpayer, there shall be no late payment penalty assessed with the additional tax. If any assessment of tax by the assessing official is not paid within thirty (30) days, the treasurer may impose a ten (10) percent late payment penalty. The penalties shall not be imposed, or if imposed, shall be abated by the official who assessed them, if the failure to file or pay was not the fault of the taxpayer. In order to demonstrate lack of fault, the taxpayer must show that he acted responsibly and that the failure was due to events beyond his control.

"Acted responsibly" means that: (i) the taxpayer exercised the level of reasonable care that a prudent person would exercise under the circumstances in determining the filing obligations for the business and (ii) the taxpayer undertook significant steps to avoid or mitigate the failure, such as requesting appropriate extensions (where applicable), attempting to prevent a foreseeable impediment, acting to remove an impediment once it occurred, and promptly rectifying a failure once the impediment was removed or the failure discovered.

"Events beyond the taxpayer's control" include, but are not limited to, the unavailability of records due to fire or other casualty; the unavoidable absence (e.g., due to death or serious illness) of the person with the sole responsibility for tax compliance; or the taxpayer's reasonable reliance in good faith upon erroneous written information from the

assessing official, who was aware of the relevant facts relating to the taxpayer's business when he provided the erroneous information.

(f)

Interest shall be charged on the late payment of the tax from the due date until the date paid without regard to fault or other reason for the late payment. Whenever an assessment of additional or omitted tax by the assessing official is found to be erroneous, all interest and penalty charged and collected on the amount of the assessment found to be erroneous shall be refunded together with interest on the refund from the date of payment or the due date, whichever is later. Interest shall be paid on the refund of any tax paid under this article from the date of payment or due date, whichever is later, whether attributable to an amended return or other reason. Interest on any refund shall be paid at the same rate charged under section 58.1-3916.

No interest shall accrue on an adjustment of estimated tax liability to actual liability at the conclusion of a base year. No interest shall be paid on a refund or charged on a late payment, in event of such adjustment, provided the refund or the late payment is made not more than thirty (30) days from (i) the date of the payment that created the refund, or (ii) the due date of the tax, whichever is later.

(Ord. No. 96-13, § 11-1(C), 11-26-96)

Sec. 11-24. - Situs of gross receipts.

(a)

General rule. Whenever the tax imposed by this article is measured by gross receipts, the gross receipts included in the taxable measure shall be only those gross receipts attributed to the exercise of a licensable privilege at a definite place of business within this city. In the case of activities conducted outside of a definite place of business, such as during a visit to a customer location, the gross receipts shall be attributed to the definite place of business from which such activities are initiated, directed, or controlled. The situs of gross receipts for different classifications of business shall be attributed to one (1) or more definite places of business or offices as follows:

(1)

The gross receipts of a contractor shall be attributed to the definite place of business at which his services are performed, or if his services are not performed at any definite place of business, then the definite place of business from which his services are directed or controlled, unless the contractor is subject to the provisions of section 58.1-3715 of the Code of Virginia.

(2)

The gross receipts of a retailer or wholesaler shall be attributed to the definite place of business at which sales solicitation activities occur, or if sales solicitation activities do not occur at any definite place of business, then the definite place of business from which sales solicitation activities are directed or controlled; however, a wholesaler or distribution house subject to a license tax measured by purchases shall determine the situs of its purchases by the definite place of business at which or from which deliveries of the purchased goods, wares and merchandise are made to customers. Any wholesaler who is subject to license tax in two or more localities and who is subject to multiple taxation because the localities use different measures, may apply to the department of taxation for a determination as to the proper measure of purchases and gross receipts subject to license tax in each locality.

(3)

The gross receipts of a business renting tangible personal property shall be attributed to the definite place of business from which the tangible personal property is rented or, if the property is not rented from any definite place of business, then the definite place of business at which the rental of such property is managed.

(4)

The gross receipts from the performance of services shall be attributed to the definite place of business at which the services are performed or, if not performed at any definite place of business, then the definite place of business from which the services are directed or controlled.

(b)

Apportionment. If the licensee has more than one (1) definite place of business and it is impractical or impossible to determine to which definite place of business gross receipts should be attributed under the general rule (and the affected jurisdictions are unable to reach an apportionment agreement), except as to circumstances set forth in section 58.1-3709 of the Code of Virginia, the gross receipts of the business shall be apportioned between the definite places of businesses on the basis of payroll. Gross receipts shall not be apportioned to a definite place of business unless some activities under the applicable general rule occurred at, or were controlled from, such definite place of business. Gross receipts attributable to definite place of business in another jurisdiction shall not be attributed to this jurisdiction solely because the other jurisdiction does not impose a tax on the gross receipts attributable to the definite place of business in such other jurisdiction.

(c)

Agreements. The assessor may enter into agreements with any other political subdivision of Virginia concerning the manner in which gross receipts shall be apportioned among definite places of business. However, the sum of the gross

receipts apportioned by the agreement shall not exceed the total gross receipts attributable to all of the definite places of business affected by the agreement. Upon being notified by a taxpayer that its method of attributing gross receipts is fundamentally inconsistent with the method of one (1) or more political subdivisions in which the taxpayer is licensed to engage in business and that the difference has, or is likely to, result in taxes on more than one hundred (100) percent of its gross receipts from all locations in the affected jurisdictions, the assessor shall make a good faith effort to reach an apportionment agreement with the other political subdivisions involved.

(Ord. No. 96-13, § 11-1(D), 11-26-96)

Sec. 11-25. - Limitations and extensions.

(a)

Where, before the expiration of the time prescribed for the assessment of any license tax imposed pursuant to this article, both the assessing official and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(b)

Notwithstanding section 58.1-3903 of the Code of Virginia, the assessing official shall assess the local license tax omitted because of fraud or failure to apply for a license for the current license year and the six (6) preceding years.

(c)

The period for collecting any local license tax shall not expire prior to the period specified in section 58.1-3940 of the Code of Virginia, two (2) years after the date of assessment if the period for assessment has been extended pursuant to this subdivision, two (2) years after the final determination of an appeal for which collection has been stayed pursuant to the following [section 11-26\(b\)](#) or (d) of this article, or two (2) years after the final decision in a court application pursuant to section 58.1-3984 of the Code of Virginia or similar law for which collection has been stayed, whichever is later.

(Ord. No. 96-13, § 11-1(E), 11-26-96)

Sec. 11-26. - Appeals and rulings.

(a)

Any person assessed with a license tax under this article as the result of an audit may apply within ninety (90) days from the date of the assessment to the assessing official for a correction of the assessment. The application must be filed in good faith and sufficiently identify the taxpayer, audit period, remedy sought, each alleged error in the assessment, the grounds upon which the taxpayer relies, and any other facts

relevant to the taxpayer's contention. The assessor may hold a conference with the taxpayer if requested by the taxpayer, or require submission of additional information and documents, further audit, or other evidence deemed necessary for a proper and equitable determination of the application. The assessment shall be deemed prima facie correct. The assessor shall undertake a full review of the taxpayer's claims and issue a determination to the taxpayer setting forth his position. Every assessment pursuant to an audit shall be accompanied by a written explanation of the taxpayer's right to seek correction and the specific procedure to be followed in this jurisdiction (e.g., the name and address to which an application should be directed).

(b)

Provided an application is made within ninety (90) days of an assessment, collection activity shall be suspended until a final determination is issued by the assessor, unless the assessor determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of [section 11-23](#)(f) of this article, but no further penalty shall be imposed while collection action is suspended. The term "jeopardized by delay" includes a finding that the application is frivolous, or that a taxpayer desires (i) to depart quickly from the locality, (ii) to remove his property therefrom, (iii) to conceal himself or his property therein, or (iv) to do any other act tending to prejudice, or to render wholly or partially ineffectual, proceedings to collect the tax for the period in question.

(c)

Any person assessed with a license tax under this article as a result of an audit may apply within ninety (90) days of the determination by the assessing official on an application pursuant to [section 11-26](#)(a) to the tax commissioner for a correction of such assessment. The tax commissioner shall issue a determination to the taxpayer within ninety (90) days of receipt of the taxpayer's application, unless the taxpayer and the assessing official are notified that a longer period will be required. The application shall be treated as an application pursuant to section 58.1-1821 of the Code of Virginia, and the tax commissioner may issue an order correcting such assessment pursuant to section 58.1-1822 of the Code of Virginia. Following such an order, either the taxpayer or the assessing official may apply to the appropriate circuit court pursuant to section 58.1-3984 of the Code of Virginia. However, the burden shall be on the party making the application to the circuit court to show that the ruling of the tax commissioner is erroneous. Neither the tax commissioner nor the department of taxation shall be made a party to an application to correct an assessment merely because the tax commissioner has ruled on it.

(d)

On receipt of a notice of intent to file an appeal to the tax commissioner under subsection (c) above, the assessing official shall further suspend collection activity until a final determination is issued by the tax commissioner, unless the assessor

determines that collection would be jeopardized by delay or that the taxpayer has not responded to a request for relevant information after a reasonable time. Interest shall accrue in accordance with the provisions of [section 11-23\(f\)](#), but no further penalty shall be imposed while collection activity is suspended. The term "jeopardized by delay" shall have the same meaning as set forth in subsection (b) of this section.

(e)

Any taxpayer may request a written ruling regarding the application of the tax to a specific situation from the assessor. Any person requesting such a ruling must provide all the relevant facts for the situation and may present a rationale for the basis of an interpretation of the law most favorable to the taxpayer. Any misrepresentation or change in the applicable law or the factual situation as presented in the ruling request shall invalidate any such ruling issued. A written ruling may be revoked or amended prospectively if (i) there is a change in the law, a court decision, or (ii) the assessor notifies the taxpayer of a change in the policy or interpretation upon which the ruling was based. However, any person who acts on a written ruling which later becomes invalid shall be deemed to have acted in good faith during the period in which such ruling was in effect.

(Ord. No. 96-13, § 11-1(F), 11-26-96)

Sec. 11-27. - Record keeping and audits.

Every person who is assessable with a license tax shall keep sufficient records to enable the assessor to verify the correctness of the tax paid for the license years assessable and to enable the assessor to ascertain what is the correct amount of tax that was assessable for each of those years. All such records, books of accounts, tax returns and other information shall be open to inspection and examination by the assessor in order to allow the assessor to establish whether a particular receipt is directly attributable to the taxable privilege exercised within this city. The assessor shall provide the taxpayer with the option to conduct the audit in the taxpayer's local business office, if the records are maintained there. In the event the records are maintained outside this jurisdiction, copies of the appropriate books, returns and records shall be sent to the assessor's office upon demand.

(Ord. No. 96-13, § 11-1(G), 11-26-96)

Sec. 11-28. - Transfer of licenses.

Licenses issued under this article shall be transferable, except as otherwise provided. In order to transfer a license a written request for the transfer shall be submitted to the commissioner of revenue setting forth the name and place of business of the licensee, the date when the transfer should be made effective, and the name and address of the transferee. The transfer request shall be signed by both the transferor and transferee. If all currently due license taxes have been fully paid and the transferee would not be prohibited from obtaining a license by virtue of [section 11-30](#), the commissioner shall approve the

transfer of the license and so advise the transferee. A fee of ten dollars (\$10.00), payable to the treasurer, shall be charged for the transfer of the license. Once the transfer has been approved by the commissioner and has become effective, the transferee shall be liable for all license taxes and other taxes payable by the business.

(Ord. No. 96-13, § 11-1(H), 11-26-96)

Sec. 11-29. - Keeping and production of license.

Every business required to have a license shall keep the license at the definite place of business of the business or, if a peddler or itinerant merchant, in the possession of such peddler or itinerant merchant. Whenever requested to do so, such license shall be produced and exhibited to any authorized representative of the city. No license measured by gross receipts shall be required to be publicly displayed.

(Ord. No. 96-13, § 11-1(I), 11-26-96)

Sec. 11-30. - Restrictions on issuance of licenses.

- (a)

No license shall be issued for the conduct of any business, trade, profession, occupation or calling at a location where the conduct of such business, trade, profession, occupation or calling is prohibited or not allowed by any zoning, land use, subdivision, or other ordinance of the city or by any state or federal law.
- (b)

No license shall be issued to any business which will conduct or transact business under any assumed or fictitious name in the city unless such business has filed the certificate required by section 59.1-69 of the Code of Virginia in the clerk's office of the circuit court of the City of Martinsville. Proof of such filing shall be exhibited to the commissioner prior to the issuance of a license.
- (c)

No license shall be issued to any applicant who has not paid in full all delinquent license, business personal property, meals, transient occupancy, and admissions taxes owed to the city. An applicant shall furnish satisfactory evidence of such payment to the commissioner upon request prior to the issuance of a license.

(Ord. No. 96-13, § 11-1(J), 11-26-96)

Sec. 11-31. - Exclusions and deductions from "gross receipts".

- (a)

General rule. Gross receipts for license tax purposes shall not include any amount not derived from the exercise of the licensed privilege to engage in a business or in the ordinary course of the business.
- (b)

The following items shall be excluded from gross receipts:

(1)

Amounts received and paid to the United States, the commonwealth or any county, city or town for the Virginia retail sales or use tax, for any local sales tax, meals tax, for any local excise tax on cigarettes, or for any federal or state excise tax on motor fuels.

(2)

Any amount representing the liquidation of a debt or conversion of another asset to the extent that the amount is attributable to a transaction previously taxed (e.g., the factoring of accounts receivable created by sales which have been included in taxable receipts even though the creation of such debt and factoring are a regular part of its business).

(3)

Any amount representing returns and allowances granted by the business to its customer.

(4)

Receipts which are the proceeds of a loan transaction in which the licensee is the obligor.

(5)

Receipts representing the return of principal of a loan transaction in which the licensee is the creditor, or the proceeds from the sale of a capital asset not part of the inventory of the business.

(6)

Rebates and discounts taken or received on account of purchases by the licensee. A rebate or other incentive offered to induce the recipient to purchase certain goods or services from a person other than the offeror, and which the recipient assigns to the licensee in consideration of the sale of goods and services shall not be considered a rebate or discount to the licensee, but shall be included in the licensee's gross receipts together with any handling or other fees related to the incentive.

(7)

Withdrawals from inventory for purposes other than sale or distribution and for which no consideration is received and the occasional sale or exchange of assets other than inventory, whether or not a gain or loss is recognized for federal income tax purposes.

(8)

Investment income not directly related to the privilege exercised by a licensable business not classified as rendering financial services. This exclusion shall apply to interest on bank accounts of the business, and to interest, dividends and other income derived from the investment of its own

funds in securities and other types of investments unrelated to the licensed privilege. This exclusion shall not apply to interest, late fees and similar income attributable to an installment sale or other transaction that occurred in the regular course of business.

(9)

Gross receipts for license tax purposes shall not include the license and admission taxes established under sections 59.1-392 and 59.1-393 of the Code of Virginia, respectively, nor shall it include pari-mutual wagering pools as established under section 59.1-392 of the Code of Virginia.

(10)

Gross receipts of real estate brokers for license tax purposes shall not include amounts received by such broker which arise from real estate sales transactions to the extent that such amounts are paid to a real estate agent as a commission on any real estate transaction and the agent is subject to a business license tax on such receipts. The broker claiming this exclusion shall identify to the assessor each agent to whom the excluded receipts have been paid, and the jurisdiction in the commonwealth to which the agent is subject to business license taxes.

(c)

The following shall be also deducted from gross receipts or gross purchases that would otherwise be taxable:

(1)

Any amount paid for computer hardware and software sold to a federal or state government entity in the United States, provided that such property was purchased within two (2) years of the sale to the government entity by the original purchaser who shall have been contractually obligated at the time of the purchase to resell such property to the federal or state government entity. This deduction shall not occur until the time of resale and shall apply to only the original cost of the property and not to its resale price, and the deduction shall not apply to any of the tangible personal property which was the subject of the original resale contract if it is not resold to a federal or state government entity in accordance with the original contract obligation.

(2)

Any receipts attributable to business conducted in another state or foreign country in which the taxpayer is liable for an income or other tax based upon income.

(d)

In ascertaining the liability of a beer wholesaler for license taxes as a wholesaler under sections [11-21](#) through [11-35](#) and in computing the amount of license taxes as

a wholesaler payable by such beer wholesaler, the first five hundred thousand dollars (\$500,000.00) of beer purchases shall be disregarded.

(e)

In ascertaining the liability of a wine wholesaler for license taxes as a wholesaler under sections 11-21 through 11-35 and in computing the amount of license taxes as a wholesaler payable by such wine wholesaler, the first one hundred thousand dollars (\$100,000.00) of wine purchases shall be disregarded.

(Ord. No. 96-13, § 11-1(K), 11-26-96)

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 [East 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, _____ dollars (\$ _____) per year.

(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)

Sec. 11-33. - Promotional shows or sales.

(a)

"Promotional show or sale" shall mean any show or sale consisting of a group of persons or merchants selling goods, wares or merchandise such as hobby crafts, antiques, art work, jewelry or second-hand articles, or any combination thereof.

(b)

Any promotional show or sale shall be limited to thirty (30) consecutive days or less.

(c)

No individual, firm, partnership, or corporation participating in a promotional show or sale as a retail merchant shall be liable for any license taxation on the gross receipts generated at such show or sale if the participant reports to the promoter, manager, or organizer the participant's total gross receipts from such show or sale and the promoter, manager, or organizer obtains a license and pays the license tax imposed in [section 11-32](#). If the promoter, manager, or organizer obtains a license and pays the license tax, individual participants in such a show or sale shall not be required to obtain an individual license for participation in the show or sale.

(d)

Obtaining a license or paying a license tax for a promotional show or sale shall not relieve the promoter, manager, or organizer from any obligation to pay any other license taxes imposed by this article.

(e)

No license tax shall be payable for any promotional show or sale if the only sales occurring at such show or sale are made directly by a nonprofit organization.

(f)

Any promoter, manager, or organizer of a promotional show or sale shall keep and maintain accurate and legible records setting forth the amount of total gross receipts from all sales of goods, wares or merchandise at the promotional show or sale, with a breakdown showing the total gross receipts of each participant in such promotional show or sale, along with the appropriate tax identification number used by each participant for federal and state tax reporting purposes. These records shall be submitted to the commissioner of revenue on or before the date the license tax is paid by the promoter, manager, or organizer.

(g)

Every promoter, manager, or organizer shall obtain an annual business license which shall cover all of the promotional shows or sales conducted by them during the license year.

(Ord. No. 96-13, § 11-1(M), 11-26-96)

Sec. 11-34. - Exemptions.

(a)

The provisions of this article shall not apply to nonprofit organizations, as determined by the commissioner of revenue in accordance with applicable Virginia and federal law.

(b)

Any person who sells or offers for sale at retail any goods, wares or merchandise as an authorized part of a public exhibition, fair, festival, promotion, recreational event, or special event, held in whole or in part on city owned property, pursuant to a permit issued by the city manager, shall not be required to obtain a business license. In determining whether such a permit should, in his discretion, be issued, the city manager shall consider the following factors:

(1)

Whether such event is sponsored by a civic, charitable, or other nonprofit organization.

(2)

Whether such event is being conducted by a local business or industry for the benefit and enjoyment of its employees.

(3)

Whether such event poses any danger, actual or potential, to the public health, safety, and welfare, including, but not limited to any special traffic or fire hazard posed thereby. In making this determination the city manager

shall consult with the city's police chief and fire chief, and any other person with any special expertise in the field of public safety, whether a city employee or otherwise, whose advice the city manager deems it advisable to seek.

(4)

Whether the issuance of such a permit would conflict or interfere with any other use of city owned property already scheduled.

(5)

Whether any other special factors or circumstances exist which would be affected by the issuance of such a permit.

If the city manager is satisfied after due consideration of all of these factors that the issuance of such a permit would be in the best interests of the city, then he shall issue the permit.

(c)

The license tax on itinerant merchants and peddlers shall not apply to those who sell or offer for sale in person or by their employees ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale. A dairyman who uses upon the streets of the city one (1) or more vehicles may sell and deliver from his vehicle milk, butter, cream and eggs without procuring a peddler's license.

(d)

Any license tax imposed on peddlers or itinerant merchants or on peddlers at wholesale shall not apply to:

(1)

A licensed wholesale dealer who sells and, at the time of such sale, delivers merchandise to retail merchants;

(2)

A distributor or vendor of motor fuels and petroleum products;

(3)

A distributor or vendor of seafood who catches seafood and sells only the seafood caught by him;

(4)

A farmer or producer of agricultural products who sells only the farm or agricultural products produced or grown by him;

(5)

A farmers' cooperative association;

(6)

A manufacturer who is subject to Virginia tax on intangible personal property who peddles at wholesale, only the goods, wares or merchandise manufactured by him at a plant, whose intangible personal property is taxed by the commonwealth.

(Ord. No. 96-13, § 11-1(N), 11-26-96)

Sec. 11-35. - Cessation of business; prorations and refunds.

- (a)

If a business permanently ceases to engage in business within the city, no license tax measured by gross receipts or purchases shall be imposed for that fraction of the year after the business has ceased to engage in business.
- (b)

In the event a person, firm, partnership or corporation ceases to engage in a business, trade, profession, occupation or calling in the city during a year for which a license tax measured by gross receipts or purchases has not yet been paid, the license tax shall be due and payable, except that the license tax shall be payable only for that fraction of the year prior to the cessation of business in the city, prorated on a monthly basis. Any license tax or portion of a license tax not measured by gross receipts or purchases shall be payable without proration.
- (c)

In the event a person, firm, partnership or corporation ceases to engage in a business, trade, professional, occupation or calling in the city during a year for which a license tax measured by gross receipts or purchases has already been paid, the taxpayer shall be entitled, upon application, to a refund for that portion of the license tax already paid, prorated on a monthly basis so as to ensure that the licensed privilege is taxed only for that fraction of the year during which it was exercised in the city. Any past due license taxes owed by the taxpayer to the city shall be offset against such refund. No refund shall be given of any portion of any license tax not measured by gross receipts or purchases.
- (d)

If a business permanently ceases to engage in business during a license year for which a license tax measured by gross receipts or purchases has not been or would not have been based on a full twelve-month base year, but on an estimate, the tax payable for the final license year shall be based upon the actual gross receipts or purchases for the final license year up to the date of the permanent cessation of business, with no proration.

(Ord. No. 96-13, § 11-1(O), 11-26-96)

Sec. 11-36. - Alcoholic beverage licenses.

- (a)

In addition to the license tax payable as provided in sections [11-21](#) through [11-35](#), any person, firm, partnership or corporation licensed by the Virginia Alcoholic Beverage Control Board to manufacture, bottle, or sell alcoholic beverages in the city, except for temporary licenses authorized by section 4.1-211 of the Code of Virginia, shall obtain a city alcoholic beverage license and pay an alcoholic beverage license tax, as set forth below:

(1)

For each distiller's license, one thousand dollars (\$1,000.00) per year; however, no local license shall be required for any person who manufactures not more than five thousand (5,000) gallons of alcohol or spirits, or both, during each license year;

(2)

For each fruit distiller's license, one thousand five hundred dollars (\$1,500.00) per year;

(3)

For each bed and breakfast license, forty dollars (\$40.00) per year;

(4)

For each tasting license, five dollars (\$5.00) per day;

(5)

For each brewery license, one thousand dollars (\$1,000.00) per year;

(6)

For each bottlers' license, five hundred dollars (\$500.00) per year;

(7)

For each wholesale beer license, two hundred fifty dollars (\$250.00) per year;

(8)

For each retail on-premises beer license for a hotel, restaurant, or club, and for each retail off-premises beer license, one hundred dollars (\$100.00) per year;

(9)

For each winery license, one thousand dollars (\$1,000.00) per year;

(10)

For each wholesale wine license, fifty dollars (\$50.00) per year;

(11)

For each retail on-premises wine and beer license for a hotel, restaurant, or club, and for each retail off-premises wine and beer license, including each gift shop, gourmet shop, and convenience grocery store license, one hundred fifty dollars (\$150.00) per year;

(12)

For each hospital license, ten dollars (\$10.00) per year;

- (13) For each banquet license, five dollars (\$5.00) per day;
- (14) For each gourmet brewing shop license, one hundred fifty dollars (\$150.00) per year;
- (15) For each mixed beverage restaurant license, including restaurants located on the premises of and operated by hotels or motels, or other persons, two hundred dollars (\$200.00) per year for a restaurant having a seating capacity of one hundred (100) persons or less, three hundred fifty dollars (\$350.00) per year for a restaurant having a seating capacity of one hundred one (101) persons to one hundred fifty (150) persons, and five hundred dollars (\$500.00) for a restaurant having a seating capacity of more than one hundred fifty (150) persons;
- (16) For each private, nonprofit club operating a restaurant located on the premises of such club, three hundred fifty dollars (\$350.00) per year;
- (17) For each mixed beverage caterer's license, five hundred dollars (\$500.00) per year; and
- (18) For each mixed beverage special events license, ten dollars (\$10.00) for each day of each event.

(b) All licenses, except tasting, banquet, and mixed beverage special events licenses, shall be for the calendar year. If an annual license is terminated before the end of the calendar year, the taxpayer may obtain a refund of the license tax prorated on a monthly basis. Alcoholic beverage licenses shall not be transferable.

(c) An alcoholic beverage license shall not be issued by the city to any person who does not hold or secure simultaneously the proper state license. If any person holds a city alcoholic beverage license without at the same time holding the proper state license, the city license, during the period when such person does not hold the proper state license, shall confer no privileges under the Virginia Alcoholic Beverage Control Act.

(d) No wholesaler who delivers alcoholic beverages in the city but who maintains no place of business in the city shall be required to obtain a local alcoholic beverage license in the city.

Sec. 11-37. - Criminal penalties.

(a)

It shall be unlawful and a Class 3 misdemeanor for any person, firm, partnership or corporation:

(1)

To operate or conduct any business, trade, profession, occupation or calling for which a license is required under any provision of this article without having first obtained such license;

(2)

To fail or refuse to pay any license tax imposed upon any business, trade, profession, occupation or calling by this article;

(3)

To transfer or attempt to transfer any license issued pursuant to this article without first having complied with the provisions of [section 11-28](#)

(4)

To refuse to produce and exhibit a license issued pursuant to this article in accordance with [section 11-29](#)

(5)

To fail or refuse to make any books, documents, or records available to the commissioner of revenue necessary to ascertain the assessment of any license tax required by this article or the necessity of obtaining any license required by this article;

(6)

To fail to answer or respond to any interrogatories requested or to any summons issued by the commissioner of revenue in order to ascertain the assessment of any license tax required by this article or the necessity of obtaining any license required by this article;

(7)

To violate any other provision or to fail to carry out any other requirement set forth in this article.

(b)

It shall be unlawful and a Class 1 misdemeanor to knowingly make any false answer to any interrogatory propounded by the commissioner of revenue in order to ascertain the assessment of any license tax required by this article or the necessity of obtaining any license required by this article, or to knowingly make any false statement under oath relating to the assessment of any license tax required by this article, or to knowingly file any false return or application under this article.

(c)

In addition to any penalties provided for herein, the commissioner of revenue shall have the authority to revoke the license or refuse to issue a license to anyone violating any provision of this article made illegal herein until such illegality has been cured, to correct any erroneous assessment resulting therefrom, and to impose an additional penalty of twenty-five (25) per cent of any increased assessment.

(Ord. No. 96-13, § 11-1(Q), 11-26-96)

FOOTNOTE(S):

⁽²⁶⁾ **Editor's note**—Ord. No. 96-13, adopted Nov. 26, 1996, enacted provisions pertaining to business, professional, and occupational licenses, designated as § 11-1(A)—(R). Subsections (A)—(Q) have been redesignated as §§ 11-21—11-37 in order to facilitate indexing and referencing. Subsection (R), effective date and transitional provisions, has been deleted as being administrative in nature. ([Back](#))



City Council Agenda Summary

Meeting Date: April 10, 2012

Item No: 11.

Department: City Council

Issue: Hear an overview of April 9, 2012 Council Neighborhood Meeting.

Summary: Mayor Kim Adkins will give an overview of the Council tour of the Westside area and citizen input received at the April 9, 2012 Westside Neighborhood Meeting.

Attachments:

Recommendations: For information only.

Meeting Date: April 10, 2012
Item No: 12.
Department: Community Development

Issue: Consider setting a public hearing for May 8, 2012 on a request by Lanier Farm, Inc. to rezone 1150 Spruce Street from P-2 Professional to C-1A Intermediate Commercial and to amend the Future Land Use Map to show this parcel as Commercial.

Summary: A Dollar General Store is being proposed for this vacant parcel. The current zoning of this parcel will not allow for a retail establishment of small to moderate scale. The vacant parcel is surrounded by P-2 Professional, C-1 Neighborhood Commercial and R-9 Residential. One of the features of this parcel is its topography, which slopes to the west toward Indian Trail. This sloping creates a natural buffer from the residential properties on Indian Trail. In addition, a rear yard setback of forty (40) feet is required by the Zoning Ordinance. The designation of C-1A, Intermediate Commercial would allow for commercial uses that already exist in the surrounding area. The Future Land Use Map indicates that this area should be Residential in use. Therefore, this rezoning would necessitate an amendment to the Future Land Use Map.

Planning Commission held a duly advertised public hearing on March 22, 2012. Several adjacent property owners expressed concern with the development of this property and were opposed to any commercial use. Planning Commission voted (4-2) to send this amendment to City Council for its consideration. City staff recommends that this rezoning request be approved and the Future Land Use Map be amended to show this parcel as Commercial.

Attachments: [Planning Commission Letter](#)
[Aerial Map of the Site](#)
[Highmark Engineering Presentation](#)

Recommendations: Set public hearing for May 8, 2012.

Rezoning Request -1150 Spruce Street





March 28, 2012

Mayor Kim Adkins
Members of City Council
City of Martinsville
P. O. Box 1112
Martinsville, VA 24114

Dear Mayor and City Council Members:

The Planning Commission, at its meeting on March 22, 2012, conducted a duly advertised Public Hearing on a request by Lanier Farm, Inc., to rezone property located at 1150 Spruce Street, (known as parcel 54(02)00/B on the Tax Map for the City of Martinsville) from P-2 Professional to C-1A Intermediate Commercial and to amend the Proposed Land Use Map to indicate this parcel as Commercial.

At the public hearing, it was noted that a Dollar General store is being proposed for this vacant parcel. The current zoning of this parcel will not allow for a retail establishment on a small to moderate scale. The vacant parcel is surrounded by P-2 Professional, C-1 Neighborhood Commercial and R-9 Residential. Several adjacent property owners expressed concern with the development of this property and were opposed to any commercial use.

In order to assure compliance with Virginia Code 15.2-2200, it is stated that the public purpose for which these Resolutions are initiated is to promote the public health, safety or general welfare of its citizens and to plan for the future development of the community.

Following evidence heard at the public hearing, the Planning Commission voted (4-2) to recommend approval of the proposed amendment to City Council. The Planning Commission respectfully submits the recommendation for consideration.

Yours Truly,

Barbara Cousin, Secretary

Wayne D. P. Knox

Director of Community Development

WDPK/tr

cc: Timothy D. Martin, Chairperson
Barbara Cousin, Secretary

Re-zoning Presentation

LANIER FARM INC.



HIGHMARK ENGINEERING
engineering excellence.

REZONING

OWNER: LANIER FARM, INC.

DEVELOPER: PAR 5 DEVELOPMENT

ENGINEER: HIGHMARK ENGINEERING, LLC.
D. Bryant Gammon, P.E.

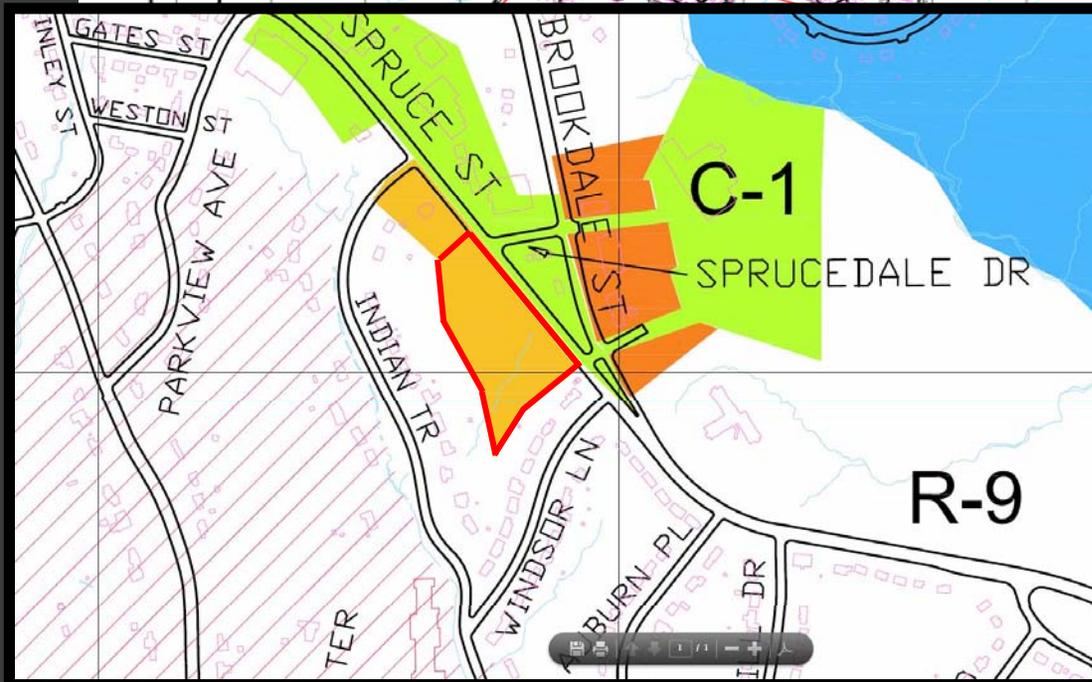
MAP NUMBER: 54 (02) 00/B

Request: Re-zoning from **P-2** to **C-1A**

Support: The use of this property fits well with other commercially zoned properties along Spruce St.

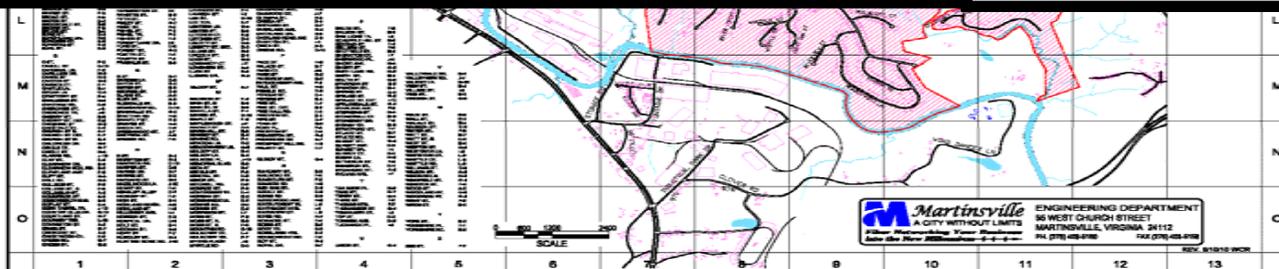


EXISTING ZONING



LEGEND

	R-6	RESIDENTIAL
	R-9	RESIDENTIAL
	R-16	RESIDENTIAL
	P-1	PROFESSIONAL
	P-2	PROFESSIONAL
	R-P	RESIDENTIAL-PROFESSIONAL
	C-1	COMMERCIAL
	C-1A	COMMERCIAL
	C-2	COMMERCIAL (C B D)
	C-3	COMMERCIAL
	M-1	INDUSTRIAL
	M-2	INDUSTRIAL
	B-1	BUSINESS
		ENTERPRISE ZONES



PARCEL



PARCEL



HME

PARCEL - BUFFER



APPROX. STATISTICS

- REVENUE (TAXES) – Approx. \$22k Taxes / Yr.
 - ESTIMATED \$1M SALES: 1% SALES TAX LEVIED TO CITY FROM STATE TAXES = \$10K PER YR.
 - REAL ESTATE - @ \$1.01816 per \$100 (Est. \$1.1M) = \$12.2K
 - EQUIPMENT – @ \$2.30 per \$100 (Est. \$30K) = \$690
- JOBS (Approx. 8+ EMPLOYEES)



Meeting Date: April 10, 2012

Item No: 13.

Department: Public Works

Issue: Hear staff report on the City's transportation priorities to be included in the VDOT Six Year Improvement Plan.

Summary: Localities have an opportunity annually to present to the Commonwealth Transportation Board their respective lists of prioritized future highway transportation projects which eventually, depending on available funding, are included in VDOT's Six Year Improvement Program for construction. West Piedmont PDC typically presents the projects of its member localities at the Commonwealth Transportation Board hearings and will do so again this year on April 24th at 6pm at Northside High School, 5768 Northside High School Road, Roanoke, VA.

Attached is a list of the City's current highway construction priorities which essentially has remained unchanged for a number of years. Staff will review this list with Council and hear any comments Council may have regarding the current priorities and any changes Council would like considered.

Attachments: [West Piedmont Planning District Commission prioritized projects for the member localities in letter to VDOT Oct. 2011.](#)

[West Piedmont Planning District Commission prioritized list-Martinsville.](#)

Recommendations: Staff recommends that Council endorse the City's current priority list of transportation projects.



West Piedmont Planning District Commission

P.O. Box 5268
Martinsville, VA 24115-5268
Phone: (276) 638-3987
Fax: (276) 638-8137
e-mail: staff@wppdc.org

Serving Franklin, Henry, Patrick, and Pittsylvania Counties – Cities of Danville and Martinsville – Town of Rocky Mount – Since 1970

October 26, 2011

Commonwealth Transportation Board
Commonwealth of Virginia
1401 East Broad Street
Richmond, Virginia 23219

Re: Salem and Lynchburg Construction District Project Priorities in West Piedmont Planning District

Dear Board Members:

In response to the Virginia Department of Transportation's invitation to provide input for the public involvement process anticipation of the Commonwealth Transportation Board's consideration of a Six-Year Improvement Program for FY 2013-2018, I first want to thank you for the projects that made it into the current Six-Year Improvement Program; we have developed a combined list addressing the localities within our PDC area that is overlapped by the Lynchburg and Salem Construction Districts and feel your selections will advance the cause of transportation network improvements and aid economic and general development. Obviously we wanted more but know the limits of funding.

We did want to take the opportunity during the public involvement process to alert you to our regional priorities. For this we are attaching a priorities list for West Piedmont PDC member localities within the Lynchburg and Salem Construction Districts. In previous years, West Piedmont PDC has provided the CTB with our priorities, but wanted to place more emphasis on these priorities by highlighting specific projects related to the priorities as they are identified in the Rural Long-Range Transportation Plan, the Danville MPO Constrained Long-Range Transportation Plan, or in small area urban plans.

While the attached list contains a number of key projects, we would like to point out a number of example priority projects, which are of importance to our regional economic development and travel safety. Priorities for the Salem District portion include: completing the construction of the Route 58 Corridor Development Program of projects with emphasis on remaining Patrick and Carroll counties' segments; construction of the unfunded elements of the Route 174/Liberty Street corridor improvement program in Martinsville; making improvements in Franklin County to Route 220 north and south of Rocky Mount with emphasis on the segment from Boones Mill to Roanoke County, improving the Henry County Route 220 segment beginning at the Route 87/Route 220 intersection and proceeding southward to the state line; bridge replacements in Rocky Mount; determine feasibility of improving: Route 116, Route 122, and Route 40 by widening or lane additions in Franklin County; and developing a Route 58 connector to the Patriot Centre Industrial Park in Henry County.

Priorities for the Lynchburg portion of our region include: completing the construction of the Route 58 Corridor Development Program of projects in Southside/Southwest Virginia; completion of the Route 41 projects in Pittsylvania County out to Route 863; expeditious completion of work on the Route 41 to US 29 Bypass connector; widening Mount Cross Road from Lowes Drive to West Corporate Limits; Route 360 improvements in Pittsylvania County; construct interchange on Route 29/58 Bypass at Elizabeth Street; and the enhancement grant projects to continue development of the Dan River Trail System.

In addition, we ask that the Commonwealth Transportation Board proceed expeditiously with design, right-of-way acquisition, and construction of Interstate 73; there has been support for pushing construction from south to north, focusing the effort toward development of the Henry County and Franklin County sections.

We recognize that funds are constrained considering the numerous worthy projects that need to be undertaken across the Commonwealth; however, we do hope that some progress can be made on all the listed projects in the coming years. We certainly appreciate the Commonwealth Transportation Board's assistance on the projects. Again, we would like to express our gratitude for the assistance you have given to us on past and present projects across the Franklin, Henry, Patrick, and Pittsylvania County area, of Virginia's West Piedmont region.

Sincerely,

Aaron S. Burdick
Danville MPO Administrator
Executive Director, West Piedmont PDC

Attachments

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

Danville:

Urban Projects:

- 1) Support for project on Piedmont Drive to replace the Robertson Bridge over the Dan River with a new five-lane bridge from Riverside Drive to Memorial Drive and widen Memorial Drive at Park Avenue.

Specific Project Found in the 2035 CLRP-Constrained Plan

Item # 1 Robertson Bridge

Replace Robertson Bridge and improve approaches

Enhancement Projects:

- 1) Crossing at the Dan: Continue development of a pedestrian/bicycle trail system joining the Tobacco Warehouse District to the Downtown Historic District and further westward to the Union Street Bridge, restoration of the former passenger train station waiting area, and improvements relative to the Danville Science Center and Community Market such as pedestrian and parking improvements.

Interstate Projects:

- 1) Support for Interstate 785 project, to upgrade U.S. Route 29 to interstate standards from Greensboro, NC to Blairs, Virginia.
- 2) Support for Interstate 73 project, to construct Interstate 73 on the alignment closest to Danville and develop an Interstate 73 spur running to Danville connecting with the proposed Interstate 785.

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.

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

Pittsylvania County:

1. Escalate completion of the U.S. Route 58 Corridor Improvement Program's remaining projects.

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

US 58 (Martinsville Highway) at VA 841 (Whispering Pines Road)

Short-term consider reducing speed limits for safety considerations. Mid-term implement access management for intersection to consolidate driveways and install signal to provide gaps for Whispering Pines Road traffic.

US 58 (Martinsville Highway) at VA 622 (Cascade Road/West Fork Road)

Mid-term lengthen westbound left turn lane. Install westbound right turn lane and convert eastbound right turn taper to full right turn lane.

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.

Specific Projects Found in the 2035 CLRP-Vision Plan

Item #3 South Boston Road (US 58) – Rt. 29 Exp. to City Line

Safety and Access Management

Item #4 South Boston Road (US 58)- City Line to Ringgold Depot Rd. (Rt. 726)

Safety and Access Management

Item # 17 Reconstruction interchange of 29 Bus. And 58 Bus.

Item #18 US 58 Widening- from 29 Bypass to Rt. 729
Widen to 6-lanes

Item #19 Riverside Drive (US 58 Bus.) Piedmont Dr. to Westover Dr.
Safety and Access Management

2. Completion of construction of Route 41 four-lane improvement project from Danville corporate limits out to Route 863.

Specific Project Found in the 2035 CLRP-Vision Plan

Item #20 VA 41-VA 719 west to VA 863
Widen from 2 to 5 lanes

3. Support for completion of a connector from North Main Street/Franklin Turnpike/Route 41, City of Danville, to U.S. Route 29 and Route 360, Pittsylvania County.

Specific Projects Found in the 2035 CLRP-Constrained Plan

Item #2 VA 41 Extension -- US 29 Bypass to VA 293
Construct new roadway (Rt. 265-Franklin Turnpike Connector)

Item #2 VA 41 Extension—VA 730 (0.4 miles west of VA 729) to VA 360/US 29 Bypass
Construct roadway on new alignment

4. Support for Design and Construction of Route 360 improvements.

Specific Projects Found in the 2035 CLRP-Vision Plan

Item #15- VA 360-Danville Corporate Limits to VA 41 Extension
Widen to four lanes

Item #21- VA 360- VA 41 extension to study area boundary
Improve 2 lane facility

5. Coordinate with the State of North Carolina to achieve re-designation of Route 29 from Danville to Interstate 40/85 in Greensboro, NC. as Interstate 785.

6. Support for Interstate 73 project construction employing the selected eastern route.

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.

7. Upgrade Route 40 West to the future Interstate 73 corridor.

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

VA 40 (West Gretna Road) at VA 935 (Lotus Drive/Farmers Mountain Road)

Short-term install stop bars and eliminate islands on northbound/southbound approaches. Mid-term consider signalization when volumes meet warrants to provide for gaps in the traffic stream. Implement access management to consolidate driveways within functional area of the intersection.

VA 40 from Franklin County Limit to US 29 Bypass

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and four foot shoulders, turn lanes and access management).

VA 40 (West Gretna Road) at VA 799 (Climax Road)

Short-term install stop bars on northbound and southbound approaches, and install rumble strips on both approaches of VA 40. Mid-term install left and right turn lanes on VA 40. Implement access management to consolidate driveways.

US 29 at VA 40

Long-term reconstruct interchange.

8. VA Route 41 Extension – VA Route 730 (0.4 miles west of VA Route 729) to VA Route 360/US Route 29 Bypass

Specific Project found in the 2035 CLRP-Vision Plan

Item #2 VA 41 Extension—VA 730 (0.4 miles west of VA 729) to VA 360/US 29 Bypass

Construct roadway on new alignment

9. VA Route 730 and VA Route 733 – VA Route 41 Extension to 0.1 miles south of railroad tracks on VA Route 733.

Specific Project found in the 2035 CLRP-Vision Plan

Item #16 VA 730 and VA 733- VA 41 Extension to 0.1 miles south of railroad tracks on VA 733
Reconstruct to current two-lane standards, includes improvements to intersection at VA 730/733

10. VA Route 750 – VA Route 863 to US Route 29 Business (Piney Forest Road) (Realigned Mount Cross Road)

Specific Project found in the 2035 CLRP-Constrained Plan

Item #4 M. Cross (Rt. 750) – City Line to Old Mt. Cross
Widen to 4 lanes.

Specific Project found in the 2035 CLRP-Vision Plan

Item #13 VA Route 750(Mount Cross Parkway) – VA Route 863 to US Route 29 Business (Piney Forest Road)
Construct two-lane parkway on new alignment (in four-lane ROW)

11. Iris Lane Parkway – Mount Cross Road (Wal-Mart Area) to Route 29 Business

12. Support for upgrades to VA Route 863 from US 58 West to US Route 29 North

Specific Project found in the 2035 CLRP-Constrained Plan

Item #10 VA 863-US 58 to 0.8 miles south of VA 750
Construct roadway on new alignment

Specific Project Found in the 2035 CLRP-Vision Plan

Item #10 VA 863-US 58 to 0.8 miles south of VA 750
Construct roadway on new alignment (RW and CN)

Item # 14 VA 863-VA 41 to US 29
Improve two-lane facility

Item # 27 VA 863-0.5 miles south of VA 719 to VA 41
Construct roadway on a new alignment

Item #28 VA 863- 0.8 miles south of VA-750 to 0.5 miles south of VA 719
Improve two-lane facility

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

Franklin County:

1. Pursue all safety improvements on Route 220, north and south, with special consideration for the route through Boones Mill north to the Franklin County/Roanoke County line.

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

US 220 at VA 619 (Sontag Road)

Mid-term lengthen US 220 left turn lanes and install westbound right turn lane.

US 220 at VA 619 (Pleasant Hill Road)

Mid-term install southbound left turn lane and consider signalization.

US 220 at VA 919 (Grassy Hill Road)

Short-term improve sight distance; Mid-term widen median and shoulders on both sides of the roadway.

US 220 from Roanoke County Limit to Wirtz Road

Short-term maintenance; Long-term widen shoulders.

US 220 at VA 635

Deficiency with low priority; Continue to monitor for potential improvements.

US 220 at VA 608

Deficiency with low priority; Continue to monitor for potential improvements.

US 220 at VA 605

Short-term add pavement edge skip lines through the intersection and add chevrons in both directions south of the intersection.

US 220 at VA 684

Long-term combine smaller parking lots off of Route 220 into one larger parking lot and formalize parking spaces. (Town of Boones Mill)

US 220 Business from US 220 Bypass to VA 1024

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).

US 220 (Virgil H. Goode Highway) at VA 739 (Bethlehem Road)

Short-term review and improve signal timing. (Town of Boones Mill)

US 220 at VA 718 (McNeill Road)

Short-term extend southbound left turn bay and add northbound left turn bay.

US 220 at VA 718 (Crooked Oak Road)

Short-term extend northbound left turn bay and add southbound left turn bay.

US 220 approximately 1/4 mile south of VA 718 (Crooked Oak Road)

Short-term close crossover.

2. Pursue all available funding for the expedited completion of construction for Interstate 73.

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.

3. Support for improving the alignment and widening of Route 122, from the Route 116 intersection out to Hales Ford Bridge, at the County line along with realignment of Route 116 and Route 122 intersection in Burnt Chimney.

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

VA 122 Over Gills Creek

Short-term replace bridge.

VA 122 at VA 634 (Booker T Washington Highway/ Harmony School Road)

Short-term add "Intersection Ahead" warning signage and reduce speed limit on VA 122 and install rumble strips on southbound approach of VA 634; Mid-term add left turn lane on VA 122 eastbound and right turn lane on VA 122 westbound; Long-term reconstruct roadway to improve sight distance.

VA 122 at VA 636

Mid-term install signal.

VA 122 from VA 697 to West of Halesford Bridge

Long-term apply access management techniques and construct new parallel roadways as area continues to develop. Widen roadway to four lanes with median, turn lanes and bike lanes.

VA 122 west of Halesford Bridge at Smith Mountain Lake

Short-term apply access management techniques and consider a two-way left turn lane. Long-term widen roadway to four lanes with median.

VA 122 at VA 616 West

Mid-term extend Route 616 (Morewood Rd) southwards to realign with Route 616 (Scruggs Road), south of development on Route 122, add appropriate turn lanes for access.

VA 122 at VA 616 East

Short-term provide separate turn lanes; Mid-term extend Route 616 (Morewood Rd) southwards to realign with Route 616 (Scruggs Road), south of development on Route 122, add appropriate turn lanes for access.

VA 122 at Food Lion Entrance

Short-term add eastbound VA 122 right turn bay.

VA 122 at VA 666

Short-term provide separate turn lanes for all movements; Mid-term lower roadway banks at church on VA 666 to improve sight distance.

VA 122 at VA 951

Short-term provide turn lanes.

VA 122 at VA 1235

Short-term add turn lanes and improve sight distance.

VA 122 at Hales Ford Bridge

Long-term widen bridge to four lanes to current standards.

4. Support for a feasibility study to construct a Route 40 bypass of Rocky Mount, from Route 220 North over to Route 40 West at the Route 40 and Route 640 intersection.
5. Support a feasibility study to four-lane Route 40 East, from the Route 40 and Route 122 intersection, out to the County line, and alternatively, out to the U.S. Route 29 Corridor in Pittsylvania County.

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

VA 40 from Rocky Mount Town Limit to VA 655

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and four foot shoulders, turn lanes and access management).

VA 40 from VA 655 to Pittsylvania County Limit

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and four foot shoulders, turn lanes and access management).

6. Support for a Route 116 improvements feasibility study, including Route 116/Route 681 intersection.

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

VA 116 from VA 122 to Southern Limit of Roanoke MPO

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and four foot shoulders, turn lanes and access management).

7. Accommodate pedestrian and bicycle access where feasible in future road improvements in conjunction with the Franklin County Trails Plan.
8. Support return of passenger rail service to the Roanoke Valley and construction of a new Intermodal facility to enhance the region.

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

Rocky Mount

1. Replace existing bridge on South Main Street-US 220 business over the Pigg River.

2. Widening and street improvements including curb, guttering and sidewalks on Route 40 West from the intersection of Floyd Avenue west to corporate limits, to include safety improvements at the intersection of Floyd Avenue and Franklin Street, and include replacement of bridge over Furnace Creek.

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

VA 40 at Floyd Avenue

Short-term install warning sign with flashing beacon on Floyd Avenue to alert driver of Fire House ahead. Cover exposed pipe culvert. Mid-term reconstruct intersection to standard T-intersection with turn lanes and a signal. Implement access management.
(Town of Rocky Mount)

VA 40 (Franklin Street) from West Corporate Limits to Floyd Avenue

Long-term widen to four lanes. (Town of Rocky Mount)

3. Creation of a commercial grade connector road from Route 40 East to US 220 North.

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

4. Support of efforts to upgrade US 220 in order to make it a safer highway.

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

US 220 at VA 619 (Sontag Road)

Mid-term lengthen US 220 left turn lanes and install westbound right turn lane.

US 220 at VA 619 (Pleasant Hill Road)

Mid-term install southbound left turn lane and consider signalization.

US 220 at VA 919 (Grassy Hill Road)

Short-term improve sight distance; Mid-term widen median and shoulders on both sides of the roadway.

US 220 from Roanoke County Limit to Wirtz Road

Short-term maintenance; Long-term widen shoulders.

US 220 at VA 635

Deficiency with low priority; Continue to monitor for potential improvements.

US 220 at VA 608

Deficiency with low priority; Continue to monitor for potential improvements.

US 220 at VA 605

Short-term add pavement edge skip lines through the intersection and add chevrons in both directions south of the intersection.

US 220 at VA 684

Long-term combine smaller parking lots off of Route 220 into one larger parking lot and formalize parking spaces. (Town of Boones Mill)

US 220 Business from US 220 Bypass to VA 1024

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).

US 220 (Virgil H. Goode Highway) at VA 739 (Bethlehem Road)

Short-term review and improve signal timing. (Town of Boones Mill)

US 220 at VA 718 (McNeill Road)

Short-term extend southbound left turn bay and add northbound left turn bay.

US 220 at VA 718 (Crooked Oak Road)

Short-term extend northbound left turn bay and add southbound left turn bay.

US 220 approximately 1/4 mile south of VA 718 (Crooked Oak Road)

Short-term close crossover.

5. Support of development of Interstate 73 from Roanoke to the Virginia/North Carolina line.

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.

6. Support for a Franklin County proposal to study and design a Route 40 West Bypass to lessen the large volume of truck traffic through the central business district.

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

VA 40 - VA 40 Bypass from North Main Street to VA 40 West
Long-term construct new four lane roadway. (Town of Rocky Mount)

7. Altering Franklin Street alignment at the intersection of High Street to improve sight visibility and elimination of safety hazard.

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

VA 40 at High Street
Short-term install warning signage. (Town of Rocky Mount)

8. Safety improvement/sidewalks along Scuffling Hill Road.

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

US 220 Business at VA 919
Short-term add advance intersection warning signs. Mid-term implement access management to consolidate commercial entrances in southeast quadrant of the intersection. (Town of Rocky Mount)

9. Extension of Diamond Avenue to future Route 40 West bypass.

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

VA 1004 (Diamond Avenue) from Franklin Street to VA 40 Bypass
Long-term upgrade to current standards. (Town of Rocky Mount)

VA 40 - VA 40 Bypass from North Main Street to VA 40 West
Long-term construct new four lane roadway. (Town of Rocky Mount)

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

Patrick County

1. Continue to participate in Public Private Transportation Act Proposal by Branch Highways to fund and construct on an expedited timetable the four-lane improvement of U.S. 58 from west of the Stuart Bypass to I-77 at Hillsville.

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

US 58 from Floyd County Limit to VA 600
Long-term widen to four lanes with median.

US 58 from East US 58 Bypass to West US 58 Business
Long-term widen to four lanes with median.

US 58 Business at US 58 Bypass (Jeb Stuart Bypass)
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
Long-term widen to four lanes with median.

2. Complete design and construct the proposed connector road from the U.S. 58 Bypass at the intersection of Johnson Street in the Town of Stuart to Route 8 South.

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

US 58 Connector Extension from US 58 Connector to VA 8 at South Town Limits
Short-term extend US 58 connector to include new bridge. (Town of Stuart)

VA 8 at bridge over Mayo River
Long-term reconstruct bridge to current standards. (Town of Stuart)

Specific Project as identified in the 2020 Stuart Small Urban Area Transportation Plan

US 58 Connector
Extend US 58 Connector on new alignment across Mayo River, includes cost for new bridge.

3. Improve and install guardrail on Route 8 North, beginning approximately 1.5 miles north of the intersection of State Route 605 and the Patrick-Floyd County line.
4. Implement critically needed safety improvements on Route 103 at the intersections of State Routes 645, 649, 666, 738, and 773.
5. Widen and improve Route 40 beginning at its intersection with Route 8 proceeding east to Griffith Lumber Company.

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

VA 40 from VA 708 to Franklin County Limit

Long-term reconstruct road to address geometric deficiencies (including full-width lanes and shoulders).

Other Primary Highway Needs:

1. Increase the width of Routes 8 and 103 south of the Town of Stuart to twenty-four (24) feet to accommodate commercial truck traffic.
2. Construct turning lanes, improve sight distance, and generally upgrade Route 8 south of the Town of Stuart corporate limits to State Route 652 to safely accommodate the current high traffic volume on this section of road.

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

VA 8 at VA 631 and VA 681

Long-term install right turn lane. (Town of Stuart)

VA 8 at bridge over Mayo River

Long-term reconstruct bridge to current standards. (Town of Stuart)

VA 8 South at VA 836 (Ashby Drive)

Short-term install stop bar and centerline on eastbound approach, and add flashing yellow beacons to both approaches of VA 8. Mid-term install appropriate turn lanes on VA 8 to provide storage for turning vehicles. Long-term explore the most feasible option to consolidate VA 836 and VA 631 into typical 4-legged intersection.

VA 8 South at VA 631 (Wayside Road)

Short-term install stop bar on westbound approach. Mid-term install southbound left turn lane and convert right turn taper to full right turn lane on VA 8. Long-term realign VA 836 and VA 631 into typical 4-legged intersection.

3. Construct the proposed I-73 project through Henry County to the North Carolina state line.

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

Henry County:

1. Support for the funding and construction of the U.S. Route 58 Improvement Program between Stuart and Hillsville.

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

US 58 from Floyd County Limit to VA 600

Long-term widen to four lanes with median.

US 58 from East US 58 Bypass to West US 58 Business

Long-term widen to four lanes with median.

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

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

Long-term widen to four lanes with median.

2. Support for a connection from Route 58 to the Patriot Centre, a business and industrial park which houses nearly 4,000 of the County's workforce.
3. Support for the design, engineering, funding and construction of Interstate 73 through Henry County that follows a corridor east of the City of Martinsville and west of the Henry-Pittsylvania County border in an alignment that avoids large subdivisions.

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.

4. Improvements to the Lee Ford Camp Road/Greensboro Road (US Route 220)/Church Street intersection in Ridgeway, near Mountain View Cemetery, to include signals.

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

US 220 at VA 688 / US 220 Business (Church Street)

Deficiency with low priority; Continue to monitor for potential improvements.

5. Support for the City of Martinsville's request for Phase II of the Liberty Street improvement plan.

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

VA 174 from North York Street to North Longview Street

Short-term widen to five lanes.

6. Realignment and improvements on U.S. Route 220 from the intersection of Route 87/Route 220 South to the North Carolina line, including the alleviation of hazardous curves on southbound Route 220. This project is essential to tie into the four-laning of U.S. Route 220 in North Carolina.

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

US 220 at VA 688 / US 220 Business (Church Street)

Deficiency with low priority; Continue to monitor for potential improvements.

US 220 approximately 500 feet south of VA 762 (Whitehouse Road)

Short-term add southbound left turn lane.

US 220 from VA 762 to VA 689

Short-term construct paved shoulder and remove fixed objects.

Ridgeway Bypass from 0.65 Miles West US 220 to US 220 Bypass

Long-term construct new four-lane roadway with depressed median.

7. Support for the four-laning of Route 87 from Route 220 to the Virginia/North Carolina State Line to connect to planned improvements of the road in North Carolina. The road becomes Highway 14 in North Carolina.

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

VA 87 at VA 637

Deficiency with low priority; Continue to monitor for potential improvements. (Town of Ridgeway)

VA 87 from North Carolina State Limit to Ridgeway South Town Limit

Mid-term widen to four lanes with median.

VA 87 (Morehead Avenue) from US 220 Business to Ridgeway South Corporate Limits

Long-term widen to urban four lanes with raised median. (Town of Ridgeway)

8. Support for the inclusion of an extension of Commonwealth Boulevard to the west to connect with Route 220 Bypass in the current Long Range Plan.

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

Commonwealth Blvd - extension from US 220 Business to VA 57

Long-term construct new four-lane roadway with depressed median.

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

Martinsville

1. Complete the Liberty Street (Route 174)/Clearview Drive) improvement project comprised of the following three elements:
 - Improvements to Liberty Street north from York Street to the north corporate limits;
 - Improvements to Liberty Street from Clearview Drive south to Commonwealth Boulevard;
 - Improvements to Clearview Drive from Barrows Mill Road to Progress Drive

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

VA 174 from North York Street to North Longview Street
Short-term widen to five lanes.

2. Widen and realign the section of Fayette Street (Route 57) from Pine Hall Road west to the corporate limits including curb, gutter, and sidewalk, and to replace an N&W Railroad underpass.

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.

3. 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.

4. 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.



City Council Agenda Summary

Meeting Date: April 10, 2012
Item No: 14.
Department: Finance
Issue: Consider approval of consent agenda.

Summary:

The attachments amend the FY12 Budgets with appropriations in the following funds:

FY12:

General Fund: \$65,858 – ARRA Energy Efficiency Grant Reimbursement

Water Fund: \$21,679 – Recovered Insurance Funds

Electric Fund: \$121,045 – ARRA Hydro Plant Efficiency Grant Reimbursement

Attachments: [Spreadsheet-Bud Add for Council FY12 - 4-10-12.xls](#)

Recommendations: Approve

BUDGET ADDITIONS FOR 4/10/12

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<u>FY12</u>				
<u>General Fund:</u>				
01102926	436443	Federal Grant - ARRA - Efficiency Retrofit Grant		69,858
01431162	508220	City Hall Maintenance/Physical Plant Expansion Energy Efficiency Grant Reimbursement	69,858	
Total General Fund:			69,858	69,858
<u>Water Fund:</u>				
12100909	418104	Recovered Costs		21,679
12541311	506910	Water Plant - Chemical Spill Costs Insurance Coverage of Chemical Spill	21,679	
Total Water Fund:			21,679	21,679
<u>Electric Fund</u>				
14102926	436440	Federal Grant - ARRA - Energy Efficiency Grant		121,045
14565340	503140	Electric - General Exp. - Prof. Serv.-Eng & Arch Hydro Plant Efficiency Grant Reimbursement	121,045	
Total Electric Fund:			121,045	121,045