

AGENDA -- CITY COUNCIL MEETING
CITY OF MARTINSVILLE, VIRGINIA
Council Chambers – Municipal Building
7:30 p.m. – Tuesday, April 26, 2011

Invocation – Council Member Gene Teague
Pledge to the American flag

1. [Presentation of Virginia Law Enforcement Professional Standards Commission Accreditation to Martinsville Police Department.](#) (5 minutes)
2. [Presentation of proclamation recognizing National Correctional Officers' Week.](#) (2 minutes)
3. [Conduct a public hearing regarding required under the exemption ordinance enacted in January 2007 for organizations requesting local tax exemption and consider granting the requested exemption.](#) (5 minutes)
4. [Hear an update on Henry Hotel plans from Ray Gibbs of Phoenix CDC.](#) (10 minutes)
5. [Hear an update on the 911 system.](#) (10 minutes)
6. [Consideration of funding for FY12 for the Piedmont Area Regional Transit \(PART\) Bus System.](#) (10 minutes)
7. [Consider approval of consent agenda.](#) (2 minutes)
 - A. Accept & appropriate budget adjustments FY11.
8. [Business from the Floor](#)

This section of the Council meeting provides citizens the opportunity to discuss matters that are not listed on the printed agenda. Since 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, state name and address;**
 - (2) state the matter they wish to discuss and Council action requested;**
 - (3) limit remarks to five minutes;**
 - (4) refrain from making any personal references or accusations of a factually false and/or malicious nature.**

Persons who violate these guidelines will be ruled out of order by the presiding officer and asked to leave the podium. Persons who refuse to comply with the direction of the presiding officer may be removed from the chambers.
9. Comments by Members of City Council (10 minutes)
10. Comments by City Manager. (5 minutes)
11. Items to be considered in Closed Session, in accordance with the Code of Virginia, Title 2.2, Chapter 37-Freedom of Information Act, Section 2.2-3711-Closed Meetings, the following:
 - A. Appointments to Boards and Commissions as authorized by Subsection 1.

Meeting Date: April 26, 2011

Item No: 1.

Department: Police Department

Issue: Presentation of Virginia Law Enforcement Professional Standards Commission Accreditation to Martinsville Police Department.

Summary: Gary Dillon, Program Manager, Virginia Accreditation Center, Department of Criminal Justice Services, will be presenting our 4th certificate for retaining accredited status through the Virginia Law Enforcement Professional Standards Commission. Our agency received our initial certificate in 1998 and has received re-accreditation certificates in 2003 and 2007. Gary Dillon will be making the presentation to Chief Mike E. Rogers.

Attachments: None

Recommendations: Presentation only



City Council Agenda Summary

Meeting Date: April 26, 2011

Item No: 2.

Department: Clerk of Council

Issue: Presentation of proclamation recognizing National Correctional Officers' Week.

Summary: A member of the Sheriff's staff will be present to accept the proclamation.

Attachments: [Proclamation](#)

Recommendations:



Proclamation

Correctional Officers' Week

WHEREAS, one of the primary goals for the City of Martinsville is to provide its citizens with an effective judicial system that concentrates on quality for all of our citizens; and

WHEREAS, the City of Martinsville's dedicated correctional officers are essential to the success of our judicial process, and our correctional officers' work includes daily exposure to a hostile environment with many of the most dangerous individuals in our society; and

WHEREAS, Correctional Officers contribute daily to the protection of our citizens by housing dangerous felons in a humane environment, often at great risk to the officers' own protection; and

WHEREAS, the City of Martinsville is pleased to join with officials and distinguished correctional officers across America to recognize the achievements of these dedicated individuals. We are indebted to the International Association of Correctional Officers for continuing to emphasize the accomplishments of correctional officers worldwide; now, therefore

FOR THESE SIGNIFICANT REASONS, I, KIM ADKINS, Mayor of the City of Martinsville, Virginia, do hereby proclaim May 1st-May 7th, 2011 to be

“CORRECTIONAL OFFICERS' WEEK”

in the City of Martinsville and commend this observance to all of our citizens.

Kim Adkins
Mayor

Meeting Date: April 26, 2011
Item No: 3.
Department: 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 granting the requested exemption

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, 2010. 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 the Assistant Finance Director to review the application received.

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

Action: Conduct public hearing
Consider granting exemption
Consider approval of ordinance on first reading

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
Theatre Works Community Players, Inc.		\$72,526	\$1,668.11	\$0.00	\$0	\$0 Personal Property Business License -- Minimum License	Civic Organization -- Council needs to make a determination of the designati
Martinsville-Henry County Historical Society	Exempt Pursuant to Code of Va. 58.1-3606(A)(8) (No assets owned by Historical Society -- on loan)		Exempt Pursuant to Code of Va. 58.1-3606(A)(8) (portion of real property does not qualify for exemption as it is a source of substantial rental income)	\$316,000		Real Estate -- Affirm State Code Exemption Personal Property -- Affirm State Code Exemption Business License -- Minimum License	Museum
TOTALS		\$72,527	\$1,668.11	\$3,217.39 Exempt by State Statute	\$316,000	\$0	

on based on exemption definitioi

Organization	Organization Mission Statement	Answers to Review Criteria	Committee Recommendation
Theatre Works Community Players, Inc.	To promote community theatre as an opportunity for the citizens of the area to participate in staging theatrical productions and to provide quality theatrical productions at a reasonable price to the local audience.	<ol style="list-style-type: none"> 1. 501 (c) (3) designation 2. The organization has an annual special events ABC license 3. None of the organization's officers and/or directors receive salaries. 4. No part of the net earnings of the organization inures to the benefit of any individual 5. A substantial amount of the funding for the organization is through donations and contributions. 6. The organization provides artistic and cultural opportunities to the general public at a "reasonable price." 7. No substantial part of activities is to influence legislation or campaign on behalf of a political candidate 8. Personal Property Tax Revenue Impact: \$1,668.11 	<p>The Review Committee recommends tax exemption for the organization's tangible personal property as the artistic and cultural benefits provided by the organization meet a part of the goals and initiative established by City Council. These same components, which are also included in the City's Master Plan, are offered by the organization and the tax exemption is more than off-set by the artistic and cultural benefits provided to the area by the organization. The committee also recommends exempting the organization from BPOL licensure as any unrelated business taxable income generated by the organization is no likely to constitute a substantial amount of the organization's total gross revenue and would be exempt under the state BPOL guidelines.</p>
Martinsville-Henry County Historical Society	To promote an interest in the broad spectrum of history with an emphasis on that of Martinsville & Henry Co. To collect, preserve, interpret, and make available materials relating to that history. To sponsor research and publications in the field of regional history. To provide educational services to people and institutions throughout the area.	<ol style="list-style-type: none"> 1. 501 (c) (3) designation 2. The organization has an annual special events ABC license 3. None of the organization's officers and/or directors receive salaries. 4. No part of the net earnings of the organization inures to the benefit of any individual 5. A substantial amount of the funding for the organization is through donations and contributions. 6. The organization provides a public venue for preserving historical artifacts and local history in a museum setting. 7. No substantial part of activities is to influence legislation or campaign on behalf of a political candidate 8. Real Estate Tax Revenue Impact: \$3,217.39 	<p>The Review Committee recommends that City Council reaffirm the state code exemption at the local level that the Martinsville-Henry Historical Society is a nonprofit entity that provides cultural, educational and historical services within a museum setting. The Code of Virginia, §58.1-3606(A)(8) exempts "property of any nonprofit corporation organized to establish and maintain a museum." The committee also recommends exempting the organization from BPOL licensure as any unrelated business taxable income generated by the organization is no likely to constitute a substantial amount of the organization's total gross revenue and would be exempt under the state BPOL guidelines.</p>

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.

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.)

ORDINANCE 2011-_____

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on April 26, 2011 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:

Clarence C. Monday,
Clerk of Council

Date Adopted

Date Effective



City Council Agenda Summary

Meeting Date: April 26, 2011

Item No: 4.

Department: City Manager

Issue: Hear an update on Henry Hotel plans from Ray Gibbs of Phoenix CDC.

Summary: Ray Gibbs will give this update and answer any questions.

Attachments: None

Recommendations: No action required

Meeting Date: April 26, 2011

Item No: 5.

Department: City Manager

Issue: Hear an update 911 System

Summary: J. R. Powell, Operations Supervisor for the 911 Center, will give this update and answer any questions regarding the new 911 “geo-diverse” and “redundant”, IP capable, call processing equipment (CPE). The project also includes a “back-up” 911 facility located at the Piedmont Regional Criminal Justice Training Academy site. The 911 back-up facility has separate infrastructure than the 911 Center, such as public utilities, its own LP generator, abundant CentryLink and City of Martinsville fiber, communications, etc. In addition, the back-up facility’s CPE equipment is capable of being used for realistic Dispatcher entry-level training, usually called “Practicals”.

This project is mostly complete, with some final tweaking and testing to be done. The project was paid for with a \$502,000 grant from the Virginia Wireless Services Board and required no local matching funds. Our community is extremely fortunate to have a fairly comprehensive 911 back-up facility, supported with separate infrastructure, situated a few miles from the primary 911 Center for survivability purposes and is a fairly unique concept/model.

Attachments: None

Recommendations: Presentation for information only.

Meeting Date: April 26, 2011

Item No: 6.

Department: Public Works

Issue: Consideration of Funding for FY 2012 for the Piedmont Area Regional Transit (PART) Bus System.

Summary: The Piedmont Area Regional Transit system, or PART, has been in operation in Martinsville and Henry County since January 2009. The fixed-loop bus system transported 1,325 riders in March 2011, up more than 30% over March 2010. PART is funded by federal, state, and local money, and Martinsville-Henry County's share of the funding was \$13,326 (each) in FY11 as part of an overall budget of about \$234,000. However, funding from the Commonwealth's Department of Rail and Public Transportation for FY 2012 is likely to be cut by \$27,500. Taking into consideration the reduction in State funding and other PART budget adjustments, the projected local funding for FY12 is \$47,400, to be split equally (\$23,700 each) between Henry County and Martinsville. DRPT meets later this month and in lieu of a Council Resolution, a letter indicating a commitment of local funding for FY12 is requested.

Attachments: None

Recommendations: Staff recommends approval of funding Martinsville's share of the PART budget for FY 2012, contingent on Henry County doing likewise. Funding for PART is included in the budget package to be presented to Council later this month.



City Council Agenda Summary

Meeting Date: April 26, 2011
Item No: 7.
Department: Finance
Issue: Consider approval of consent agenda.

Summary:

The attachments amend the FY11 Budget with appropriations in the following funds:

FY11:

General Fund: \$68,952 – sponsorship for Recreation; Federal asset forfeitures; State reimbursement and grant funding.

Attachments: [Spreadsheet](#)

Recommendations: Approve

BUDGET ADDITIONS FOR 4/26/11

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<u>FY11</u>				
<u>GENERAL FUND</u>				
01100909	490134	Recovered Costs - Parks & Recreation		300
01711210	506091	Parks & Recreation - Special Events/Cruise In Costs recovered from various sponsors	300	
01102926	436401	Categorical Federal - Confiscated Assets		1,396
01311085	506078	Police Dept - Federal Asset Forfeitures City's share of Vehicle Asset Forfeitures	1,396	
01100909	490104	Advanced/Recovered Costs		66,228
01413151	508234	Thorofare Construction- Utility Relocation VDOT reimb - Liberty St. Project	66,228	
01101917	442601	Categorical Other State - EMS 4 for Life		1,028
01322105	506114	Emergency Medical Services - 4 for Life Additional State Grant Funding	1,028	
Total General Fund:			68,952	68,952