

AGENDA--CITY COUNCIL -- CITY OF MARTINSVILLE, VIRGINIA
Council Chambers – Municipal Building

7:30 pm regular session

Tuesday, April 9, 2013

7:30—Regular Session-City Council

**City Council will recess regular session and convene as
Martinsville Redevelopment & Housing Authority**

1. [Consider approval, on second reading, of the amended Administrative Plan for the Section 8 Housing Choice Voucher program.](#) (5 mins.)
2. Adjourn Martinsville Redevelopment & Housing Authority

City Council will re-convene regular session

Invocation & Pledge to the American Flag– Mayor Kim Adkins

1. [Consider approval of Council meeting minutes February 26, 2013.](#) (2 mins)
2. [Conduct public hearings regarding Baldwin Block “orphan” lot.](#) (15 mins)
3. [Consider approval of a resolution regarding April as Fair Housing Month.](#) (5 mins)
4. [Consider approval of ordinance setting City Manager job duties and salary, on second reading.](#) (5 mins)
5. [Hear overview of Westside Neighborhood Meeting.](#) (5 mins)

6. Business from the Floor

This section of the Council meeting provides citizens the opportunity to discuss matters, which are not listed on the printed agenda. In that the Council meetings are broadcast on Martinsville Government Television, the City Council is responsible for the content of the programming. Thus, any person wishing to bring a matter to Council’s attention under this Section of the agenda should:

- (1) come to the podium and state name and address;
- (2) state the matter that they wish to discuss and what action they would like for Council to take;
- (3) limit remarks to five minutes;
- (4) refrain from making any personal references or accusations of a factually false and/or malicious nature.

Persons who violate these guidelines will be ruled out of order by the presiding officer and will be asked to leave the podium.

Persons who refuse to comply with the direction of the presiding officer may be removed from the chambers.

8. Comments by members of City Council. (5 minutes)
9. Comments by City Manager. (5 minutes)

Meeting Date: April 9, 2013

Item No: 1-MRHA

Department: Martinsville Redevelopment & Housing Authority

Issue: Consider approval, on second reading, the amended Administrative Plan for the Section 8 Housing Choice Voucher program.

Summary: In order to fully comply with the Title 24 of the Code of Federal Regulations, a complete rewrite of the Administrative Plan for our Section 8 Housing Choice Voucher was conducted with the assistance of representatives of the HUD Office, Richmond. A public hearing was held by Council and a required 30–day comment period for any additional public input has been done.

Attachments:

[Draft-MRHA Section 8 Housing Choice Voucher Program Administrative Plan.](http://www.martinsville-va.gov/index.cfm/go/news.details/ID/368) (385 pages-document can be viewed on city website at <http://www.martinsville-va.gov/index.cfm/go/news.details/ID/368>)

[Executive Summary of Draft Administrative Plan](#)

Recommendations: Motion to approve the amended Administrative Plan, on second reading.

EXECUTIVE SUMMARY

ADMINISTRATIVE PLAN FOR THE HOUSING CHOICE VOUCHER PROGRAM

The draft of the proposed update of the Section 8 Housing Choice Voucher Program is being presented to make the Board of Commissioners of the Martinsville Redevelopment & Housing Authority, the investor owners, and program participants, aware of the many changes that have been enacted by the United States Department of Housing and Urban Development.

Once this draft has been presented as part of a public hearing, it will then be made available for public comment over a thirty (30) day period. Once this comment period has been completed, it will be brought back to the MRHA Board for its approval. Following that approval, it will be sent to the HUD office in Richmond, VA for final approval.

This draft document contains seventeen (17) chapters as compared to the twenty – two (22) sections of the present admin plan. The majority of this document contains information that is already in force. The purpose of this rewrite is to provide a more detailed explanation of the regulations governing the Housing Choice Voucher program. Thus, you will see the corresponding code of federal regulations (CFR) sections more prominently displayed. This draft contains a very detailed history of the Housing Choice Voucher program and an overview of the administrative plan. It delves in depth into the fair housing and equal opportunity aspects of the program. Some of the more defined writings in this document include improving access to services for persons with Limited English Proficiency (LEP) and provisions of the Violence Against Women Reauthorization Act of 2005 (VAWA). In addition, the chapter (3) on eligibility spells out in a very detailed manner, the defining characteristics of family and households.

Another detail that is prominent in this draft is greater emphasis on income and subsidy determinations (Chapter 6) and the verification of the same (7.) This has gained greater importance in determining the amount of assistance that HUD will allow for families applying for housing, as the funding for our local operation, through their own forecasting methods. These changes will involve more reviews, tougher enforcement, with greater communication and cooperation with the staff of HUD's Inspector General in Richmond.

This document will be available for public review on the City's website and in the Housing Office at 605 Fourth Street during regular business hours.



City Council Agenda Summary

Meeting Date: April 9, 2013

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes of City Council meeting February 26, 2013.

Summary: None

Attachments: [February 26, 2013](#)

Recommendations: Motion to approve minutes as presented

February 26, 2013

The regular meeting of the Council of the City of Martinsville, Virginia, was held on February 26, 2013, in Council Chambers, Municipal Building, at 7:30 PM, Closed Session beginning at 6:00PM, with Mayor Kim Adkins presiding. Council Members present included: Mayor Kim Adkins, Vice Mayor Gene Teague, Mark Stroud, Danny Turner and Sharon Brooks Hodge. Staff present included: Leon Towarnicki, Interim City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Wayne Knox, Coretha Gravely and Mike Rogers.

Closed Session: 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 Gene Teague, seconded by Mark Stroud, with the following 5-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; Hodge, aye; and Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matter: (A) A personnel matter as authorized by Subsection 1. Council then returned to open session and Mayor Adkins advised Closed Session is recessed until end of regular Council meeting.

Following the invocation by Mayor Adkins and Pledge to the American Flag, the Mayor welcomed everyone to the meeting and advised City Council will recess and convene as Martinsville Redevelopment & Housing Authority.

MRHA—Set public hearing regarding updated Section 8 Administrative Plan—Wayne Knox briefed the Authority members on the rewrite of the Administrative Plan for the Section 8 Housing Choice Voucher program. In order to fully comply with the Title 24 of the Code of Federal Regulations, a complete rewrite of the Administrative Plan for our Section 8 Housing Choice Voucher was conducted with the assistance of representatives of the HUD Office in Richmond. Because this action is a significant amendment to our existing administrative plan, it necessary that the Martinsville Redevelopment & Housing Authority hold a public hearing and have a required 30–day comment period for any additional public input after the Authority’s approval and the Public Hearing will need to be advertised before being held on March 12. On a motion by Gene Teague, seconded by Danny Turner, the Authority set the public hearing for March 12, 2013. Martinsville Redevelopment & Housing Authority then adjourned and Martinsville City Council was re-convened.

Minutes: On a motion by Gene Teague, seconded by Sharon Brooks Hodge, with a 5-0 vote, Council approved the minutes of the January 8, 2013 meeting.

Recognition-Employee Service Awards-Mayor Adkins read the list of names recognizing city employees eligible for service awards:

Employee	Department	Years of Service
Brenda Souther	Police	30
Kenneth Draper	Fire	30
Danny Wimmer	Police	25
William Hooper	Fire	25
Dorothy Pace	Parks & Rec	20
Erika Hamilton	Circuit Court	20
Jay Stout	Police	20
Daniel Morrison	Electric	15
Joan Ziglar	CWA	15
Stephanie Hairston	CWA	15
Benjamin Peters	Police	5
Jamie Cruise	Sheriff	5
Joyce Jackson	Purchasing	5
Mike Kahle	Waste Water Plant	5
Timothy Tilley	Public Works	5
Tonya Rumley	Community Development	5

February 26, 2013

Recognition-Police Department Citizen of the Year-Police Chief Mike Rogers briefed Council on the Police Department Annual Citizen of the Year Award noting that each year the Martinsville Police Department presents its "Outstanding Citizen of the year" award to a citizen for outstanding contributions to the community. Employees of the department submit nominations for the award to a selection committee of 5 members of the department, who review the applications and then present their recommendation to the Chief of Police. Nominees for the award must be someone of good moral character with a good attitude towards law enforcement and the person must have shown support and/or concern for the police department in its efforts to better serve our citizens. Danny Wulff, owner/operator of the local Chick-fil-A restaurant was presented the award by Community Oriented Police Officer Coretha Gravely.

Proclamation- American Red Cross- Mayor Adkins presented a proclamation recognizing American Red Cross Month to Chris Brenner of the local chapter.

Proclamation-Martinsville Saves Week-Mayor Adkins presented a proclamation recognizing Martinsville Saves Week to Lynn Ward and Philip Wenkstern of the United Way Hope Coalition.

Auditors report FY12 audit- Aaron Hawkins of Robinson Farmer Cox & Associates briefed Council on the FY12 Audit report and summarized main points. A copy of the audit will be posted on the city website. Vice Mayor Teague commented on recommendations for future audits: (1) a schedule of re-appropriations (2) separate worksheet on fund balance on enterprise funds (3) policy to write off receivables (4) policy to set aside depreciation funds for capital projects.

Finance Report: Finance Director, Linda Conover, presented the following report: FY13 – Revenues & Expenditures through Dec. 31, 2012; Combined Balance Sheet; Projected Fund Balance-- Exclusive of School and Special Revenue funds, actual revenues were \$27,237,472, representing 101.6% of the anticipated \$26,799,801 through the second quarter, ending December 31st. Presenting five months, Local Sales/Use Taxes collected through December 31st are just slightly ahead of anticipated by \$12,420, for total receipts of \$753,420. Utility revenues were mixed with Water Fund and Sewer Fund receipts being greater than anticipated, and Refuse Fund and Electric Fund receipts being less than anticipated, although not by large amounts.

Actual expenditures were \$32,401,004, which is greater than the anticipated amount by \$313,724. The "actual" figures include all outstanding encumbrances of \$1,532,222.

As of the end of the FY13 second quarter, the current total combined fund balance for FY13 is \$21,285,160, a decrease over FY12 of \$3,745,603. We must remember that "Fund Balance" is just a snapshot of the conditions on the day it is taken, because assets and liabilities change daily. Available cash-on-hand December 31st for City Funds was \$13.4 million, due in part to tax receipts.

If all budgeted and re-appropriated funds for FY13 are realized and expended, the projected fund balance is \$10,726,443 – a decrease from FY12 year-end of \$14,304,320. Exclusive of Utility Funds and based upon this projection, the unassigned Fund Balance would be \$2,003,653, 6.7% of the budgeted General Fund expenditures for FY13.

On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Council approved the finance report.

February 26, 2013

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

			BUDGET ADDITIONS FOR 2/26/13	
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY13				
General Fund:				
01100909	490801	Recovered Costs - Senior Citizens		1,547
01714212	501300	Senior Citizens - Part-time Labor	535	
01714212	502100	Senior Citizens - Social Security	33	
01714212	502110	Senior Citizens - Medicare	8	
01714212	506049	Senior Citizens - Vehicle Fuel	279	
01714212	506016	Senior Citizens - Program Supplies	692	
		Transportation Grant/Reimbursements from trips&Bingo		
01100908	480420	Donations - Senior Citizens		100
01714212	506016	Senior Citizens - Program Supplies	100	
		Donation for Holiday Tea		
Total General Fund:			1,647	1,647
School Fund:				
18102926	418297	Nasa Program		25,000
61101100	565503	Travel	1,500	
61101100	565504	Competitions	1,000	
61101100	565800	Miscellaneous Expense	4,000	
61101100	566000	Materials and Supplies	500	
66501100	561620	Supplemental S&W	16,721	
66501100	562100	Social Security	1,037	
66501100	562150	Medicare	242	
18101917	402912	Mentor Teacher Program		1,000
85031310	561620	Supplemental S&W	929	
85031310	562100	Social Security	58	
85031310	562150	Medicare	13	
18101918	402032	ISAP		6,398
72201100	561620	Supplemental S&W	5,943	
72201100	562100	Social Security	369	
72201100	562150	Medicare	86	
18103919	489904	Harvest		140,000
81621310	561120	Instructional S&W	6,000	
81621310	562100	Social Security	372	
81621310	562150	Medicare	87	
81621310	563000	Purchased Services	25,000	
81621310	563142	Professional Development	25,000	
81621310	565503	Travel	11,618	
81621310	565800	Miscellaneous Expense	1,000	
81621310	566013	Instructional Materials	2,000	
81631310	561120	Instructional S&W	4,000	
81631310	562100	Social Security	248	
81631310	562150	Medicare	58	
81631310	563000	Purchased Services	25,000	
81631310	563142	Professional Development	25,000	
81631310	565503	Travel	11,617	
81631310	565800	Miscellaneous Expense	1,000	
81631310	566013	Instructional Materials	2,000	
18103905	489909	Sale Equipment		1,056
80004600	566056	Non-Capital Equipment	1,056	
18103909	480301	Bus Operations		7,260
80003400	566051	Bus Fuel	7,260	
18103909	489910	Insurance Adjustments		26,661
80004200	566007	Repairs and Maintenance Supplies	13,618	
80004200	563000	Purchased Services	11,514	
81031310	566013	Instructional Materials	1,529	
18103909	489912	Miscellaneous		14,412
82021310	563000	Purchased Services Special Education	14,412	
Total School Fund:			221,787	221,787

Business from floor: Ural Harris, 217 Stuart St.-remarks regarding Phoenix CDC, Henry Hotel, and EDC funding; Chad Martin, 111 Inman Drive, thanked Council regarding action on uranium ban issue and invited Council to 5K run this weekend.

Council comments: Turner-congratulated MHS in 1st round of state championship; Teague-wished Mayor Adkins good luck in her new job endeavor and acknowledged good job done by Marty Mustang and noted he will be missed; City Attorney Eric Monday commented that the DSS board will be interviewing candidates for a new director and noted the extraordinary job done by Amy Tuttle.

February 26, 2013

Closed Session: Council then recessed open session and re-convened Closed Session. At the conclusion of Closed Session, each returning member of Council certified that (1) only public business matters exempt from open meeting requirements were discussed in said Closed Session; and (2) only those business matters identified in the motion convening the Closed Session were heard, discussed, or considered during Session. On a motion by Gene Teague, seconded by Mark Stroud, with the following recorded 5-0 vote: Adkins, aye; Hodge aye; Teague, aye; Stroud, aye; and Turner, aye, Council returned to Open Session. No action was taken.

There being no further business, the meeting adjourned at 9:30 pm.

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor

Date: April 9, 2013

Item No: 2.

Department: City Attorney

Issue: Conduct public hearings regarding Baldwin Block “orphan” lot.

Summary: One small 30-foot wide lot was not deeded to the City in 1996, when the lots along Barton Street were being acquired. The most likely reason is that a house had been constructed straddling a lot line, and City records had erroneously shown this as a single lot since at least the 1960s. Regardless of the reason for the error, it must be corrected in order for NCI to have clear title. Concurrent action for condemnation and adverse possession (the City has assumed this lot was, and has treated it as, City property for over 15 years) is recommended. Condemnation will allow immediate transfer to NCI.

Attachments: None

Recommended Action:

1. Conduct a public hearing concerning condemnation of the lot and approve condemnation and filing of a Certificate of Taking.
2. Conduct a public hearing concerning transfer of the lot to NCI and approve transfer to NCI.

Meeting Date: April 9, 2013
Item No: 3.
Department: Community Development

Issue: Consider adoption of a Resolution recognizing April as Fair Housing Month and expressing the City's pledge to provide equal housing opportunities for all citizens.

Summary: Each year, the month of April is designated as Fair Housing Month. As a recipient of Community Development Block Grant funds for the Cherry Street Community Improvement Project, and administrators of the Housing Choice Voucher Program, we must perform a service of some sort. Each year as part of that service, we request City Council to pass a resolution declaring this particular month.

Attachments: [Resolution](#)

Recommendations: Motion to adopt Resolution



**FAIR HOUSING RESOLUTION
OF THE
MARTINSVILLE CITY COUNCIL**

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 9th day of April, 2013, 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.

Attest:

Brenda Prillaman , Clerk of Council

Date Adopted



City Council Agenda Summary

Meeting Date: April 9, 2013

Item No: 4.

Department: City Attorney

Issue: Consider adoption, on second reading, of Ordinance 2013-U-1 establishing the compensation for the new City Manager.

Summary: Our City Charter directs the City Manager's compensation to be set forth in an ordinance. Council approved the ordinance on first reading at the March 26, 2013 meeting.

Attachments: [Ordinance](#)

Recommendations: Adopt ordinance on second reading.

City of Martinsville, Virginia

ORDINANCE 2013-U -1 [*uncodified*]

WHEREAS, the Council of the City of Martinsville has this day appointed Leon E. Towarnicki as City Manager, and desires to enact an ordinance fixing his compensation as required by Chapter 5, Section 1 of the City Charter,

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on March 26, 2013, that the City Manager shall receive the following compensation:

The City agrees to provide the following compensation to the City Manager during the term of his employment:

A. Compensation & Required Employer Costs

(1) Base Salary

(a) The annual salary for the position of City Manager shall initially be one hundred fifteen thousand dollars (\$115,000.00).

(b) The City Manager will be eligible for annual salary adjustments based on the City Manager's annual performance evaluation, and at the sole discretion of the City Council. The salary adjustments may be based, in part, on the accomplishment of specific goals set by the City Council that are achieved by the City Manager.

(c) The City Manager shall be paid at the same intervals and in the same manner as regular City employees.

(d) Subject to the provisions of his Employment Agreement, the City shall not at any time during the term of this Agreement reduce the base salary, compensation or other financial benefits of the City Manager, unless as part of a general City management salary reduction, and then in no greater percentage than the average reduction of all City department heads whose salaries are reduced.

(2) Required Employer Costs. The City shall pay:

(a) Federal Insurance Contributions Act (FICA) (if applicable to the same extent provided other City employees)

(i) Old Age Survivor and Disability Income (OASDI)

(ii) Medicare

(b) Unemployment Compensation to the same extent provided other City employees.

(c) The City contracts with the Virginia Retirement System (VRS) for retirement benefits. The City Manager will be treated as any other employee with regard to City contributions to and the vesting of said retirement benefits.

(d) The cost of any fidelity or other bonds required by law for the City Manager.

(e) Workers Compensation to the same extent provided other employees of the City.

B. Basic Benefits

(1) Health Insurance. The parties acknowledge that City Manager will receive health insurance benefits at the same level as all other City employees in accordance with City approved health insurance contribution rates.

(2) Annual and Sick Leave. Notwithstanding the policies regarding leave set forth in the City of Martinsville's Employee Handbook, as amended from time to time, the City Manager shall accrue annual leave and sick leave in conformance with City approved policies. The City Manager shall not be entitled to compensatory time. The City Manager shall coordinate his leave with the Mayor and shall schedule leave in such a fashion as to minimize absences from Council meetings.

(3) Other Benefits. With the exception of those benefits specifically addressed in his Employment Agreement, the City Manager shall be entitled to all employee benefits as are currently provided to him and further provided in the City of Martinsville's Employee Handbook as amended from time to time or such benefits as to which the City Council and City Manager agree from time to time. To the extent such amendments of the City of Martinsville's Employee Handbook may result in increased or additional benefits to the City Manager, such amendments are subject to the express ratification of the City Council for their application to the City Manager.

Attest:

Kim E. Adkins
Mayor

Brenda Prillaman
Clerk of Council

March 26, 2013
Date Adopted

April 9, 2013
Date Effective



City Council Agenda Summary

Meeting Date: April 9, 2013

Item No: 5.

Department: City Council

Issue: Hear an overview of April 8, 2013 Council Neighborhood Meeting.

Summary: Mayor Kim Adkins will give an overview of citizen input received at the April 8, 2013 Westside Neighborhood Meeting.

Attachments:

Recommendations: for information only.