

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

7:00 p.m.-CLOSED SESSION prior to regular session

7:30 p.m. – Tuesday, May 10, 2011

Invocation – Council Member Danny Turner
Pledge to the American Flag

1. Items to be considered in Closed Session, in accordance with the Code of Virginia, Title 2.2 Chapter 37—Freedom of Information Act, Section 2.2-3711—Closed Meetings, the following:
 - A. A prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community as authorized by Subsection 5.
2. [Conduct public hearing on a request for a special use permit for property located at 1603 Church St. Extension \(Tax Map 35\(02\)B 01 02\).](#) (5 minutes)
3. [Hear a report from Mark Heath regarding Southern Virginia Regional Alliance and consider Memorandum of Understanding.](#) (5 minutes)
4. [Hear a report from GDS Associates regarding the American Municipal Power, Inc. Fremont Energy Center and consider setting a public hearing for June 14, 2011.](#) (30 minutes)
5. [Hear update on City's priority list of future transportation projects.](#) (10 minutes)
6. [Consider approval of resolution of intent to participate in a Revenue Sharing Agreement with VDOT for the Spruce Street lighting project.](#) (10 minutes)
7. [Presentation and consideration of endorsement of Regional Rural Long-Range Transportation Plan developed by West Piedmont PDC, VDOT, and consultants.](#) (10 minutes)
8. [Hear an update on Blue Ridge Regional Library programs.](#) (5 minutes)
9. [Consider approval on second reading of an ordinance regarding exemption, Theatre Works Community Players.](#) (5 minutes)
10. [Consider approval on second reading of an ordinance regarding exemption, M-HC Historical Society.](#) (5 minutes)
11. [Consider setting a public hearing for May 24, 2011 regarding school board vacancies occurring June 30, 2011.](#) (2 minutes)
12. [Consider approval of consent agenda.](#) (2 minutes)
 - A. Accept & appropriate budget adjustments FY11.

13. 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.

14. Comments by members of City Council. (5 minutes)

15. Comments by City Manager. (5 minutes)

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

- B. Appointments to Boards and Commissions as authorized by Subsection 1.
- C. A personnel matter as authorized by Subsection 1.
- D. Consultation with legal counsel and briefings by staff members, attorneys or consultants pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by such counsel, as authorized by Subsection 7.



City Council Agenda Summary

Meeting Date: May 10, 2011
Item No: 2.
Department: Community Development

Issue: Conduct a public hearing on a recommendation from the Martinsville Planning Commission regarding a request for a special use permit for property located at 1603 Church Street Extension, also known on the City's Tax Map as 35(02)B 01 02.

Summary: The Planning Commission conducted a public hearing on March 17, 2011 on a request from Piedmont Community Services to approve a special use permit for construction of an Intermediate Care Facility. The Planning Commission voted to recommend to City Council that the special use permit be granted.

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

Recommendations: Conduct public hearing and consider a motion to approve the special use permit, on first reading.



April 5, 2011

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

Dear Council Members:

The Planning Commission, at its regular meeting of March 17, 2011, conducted a duly advertised Public Hearing on a request by Piedmont Community Services, for a special use permit for property located at 1603 Church Street Extension, known on the City's Tax Map as 35(02)B 01 02, and located in the R-9 Residential District.

At the Public Hearing it was noted that Piedmont Community Services is proposing to construct an Intermediate Care Facility that would be the home to eight adults with intellectual disabilities. This type use is allowed only by special use permit in the R-9 Residential District. Several people attended the public hearing and spoke in favor of the project. There were no objections expressed from adjacent property owners.

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 unanimously (4-0) to recommend to City Council the special use permit be granted with the following conditions:

1. A complete site plan and landscaping plan shall be submitted for approval by the Community Development staff.
2. Any plans for signage shall be submitted for approval by the Community Development staff.
3. A storm management plan shall be submitted for approval by the Engineering staff.
4. Any plans for earth disturbance shall be approved by the Engineering staff.
5. Any plans for construction of any structures on the site shall be submitted for approval by the Building Official and his staff.
6. A parking plan must be submitted for approval by Community Development staff. This plan should address delivery of goods to the facility.

April 5, 2011
Page 2

The Planning Commission respectfully submits the above recommendation for Council's further consideration.

Sincerely,

James A. Crigger, Secretary


Wayne D. P. Knox
Community Development Director

WDPK/tr

cc: Timothy Martin, Chairperson
James A. Crigger, Sr., Secretary
Jim Tobin, Piedmont Community Services



City Council Agenda Summary

Meeting Date: May 10, 2011

Item No: 3.

Department: City Manager

Issue: Consider discussion and approval of agreement with the Southern Virginia Regional Alliance

Summary: Mark Heath of the Martinsville-Henry County Economic Development Corporation will be present to review this with City Council and answer any questions.

Attachments: [Memorandum of Understanding-Southern Virginia Regional Alliance](#)

Recommendations: Consider a motion to authorize the City Manager to execute the agreement.

SOUTHERN VIRGINIA REGIONAL ALLIANCE

MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** (the “MOU”) made and entered into this ____ day of April, 2011, by and among the **VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY** (“VEDP”), a political subdivision of the Commonwealth of Virginia (the “Commonwealth”), the **FUTURE OF THE PIEDMONT FOUNDATION**, a Virginia nonstock corporation (the “Foundation”), the **CITY OF DANVILLE, VIRGINIA**, a political subdivision of the Commonwealth (“Danville”), the **COUNTY OF HALIFAX, VIRGINIA**, a political subdivision of the Commonwealth (“Halifax”), the **COUNTY OF HENRY, VIRGINIA**, a political subdivision of the Commonwealth (“Henry”), the **CITY OF MARTINSVILLE, VIRGINIA**, a political subdivision of the Commonwealth (“Martinsville”), the **COUNTY OF PATRICK, VIRGINIA**, a political subdivision of the Commonwealth (“Patrick”), and the **COUNTY OF PITTSYLVANIA, VIRGINIA**, a political subdivision of the Commonwealth (“Pittsylvania” and, together with Danville, Halifax, Henry, Martinsville and Patrick, the “Localities”).

WITNESSETH:

WHEREAS, VEDP wishes to work with the Localities on identifying targeted industry sectors for economic development within the area served by the Localities (the “Region”) and designing and implementing a program to market the Region to those targeted industry sectors. The body of work to be performed under this MOU is referred to in this MOU as the “Program.” Together with the Virginia Tobacco Indemnification and Community Revitalization Commission (“TICRC”), VEDP and the Localities have agreed to provide moneys to fund the Program (the “Program Funds”). VEDP and the Localities have asked the Foundation to collect and administer the Program Funds, and the Foundation has agreed to do so.

WHEREAS, the following Program Funds have been promised to fund the Program through June 30, 2012:

Entity	FY2011 Contribution	FY2012 Contribution
VEDP	\$100,000	\$100,000
TICRC	100,000	100,000
Danville	19,784	19,784
Halifax	15,302	15,302
Henry	23,821	23,821
Martinsville	6,356	6,356
Patrick	8,088	8,088
Pittsylvania	26,654	26,654

WHEREAS, the animating purpose for providing the Program Funds is to stimulate the tax base and the employment base in the Region by coalescing the marketing efforts of VEDP and the Localities around a common strategy targeting specific industry sectors. This growth in

the tax base and the employment base is critical to the future economic well-being of the Region and the Commonwealth. This animating purpose constitutes a valid public purpose for the expenditure of public funds.

WHEREAS, VEDP, the Foundation and the Localities desire to set forth their understanding and agreement as to the deposit of the Program Funds with the Foundation, the use of the Program Funds, the obligations of VEDP, the Foundation and the Localities, and the repayment by the Localities of all or part of the Program Funds under certain circumstances.

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this MOU, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

Section 1. Definitions.

For the purposes of this MOU, the following terms shall have the following definitions:

“Budget” means the listing of the expected categories of Expenses and the expected timeline for the disbursement of the Expenses, as it may be amended. The initial Budget is attached to the MOU as Exhibit A.

“End Date” means June 30, 2012. The parties may agree to extend the End Date to no later than June 30, 2013. If the End Date is extended, the parties will acknowledge that extension in writing and the date to which the End Date has been extended shall be the “End Date” for the purposes of this MOU.

“Expenditure Report” means a written detailed report from the Foundation to VEDP and each of the Localities listing the Program Funds received, the Program Funds disbursed by the Foundation for Expenses, the interest, dividends or other investment earnings earned from the Program Funds, the interest, dividends or other investment earnings withdrawn by the Foundation for its own account, and the remaining balance of Program Funds.

“Expense” means a cost or expense of designing or implementing the Program. Expenses do not include the payment or reimbursement to the Localities for their staff time spent on designing or implementing the Program, although Expenses may include the salary and related expenses of a coordinator hired at the behest of the Working Group.

“Representative” means the person or persons designated in writing from the Working Group to the Foundation as being authorized to request disbursements from the Program Funds to pay Expenses.

“Working Group” means the group consisting of one (1) designated person from each of the Localities and from VEDP. The Working Group will design and implement the Program and develop and amend, if need be, the Budget. The Working Group shall designate the Representative and notify the Foundation in writing of the identity of the Representative.

Section 2. Deposit and Investment of Program Funds; Expenditure Report.

On or before May 1, 2011 and August 31, 2011, VEDP and each of the Localities agrees to deposit with the Foundation its contribution to the Program Funds for Fiscal Years 2011 and 2012, respectively. TICRC will create a separate funding mechanism between itself and the Foundation. The deposits that may be due in Fiscal Year 2012 are subject to appropriation by the governing body of VEDP, and each Locality.

The Foundation may deposit the Program Funds into a non-interest bearing account, an interest bearing account, or both. The interest bearing account may be a savings account or interest-bearing checking account with the Foundation's banking institution or may be a money market fund that invests all or substantially all of its funds in U.S. Treasury securities. The Foundation may withdraw on a monthly basis for its own account and retain any interest, dividends or other investment earnings on the investment of the Program Funds. The Foundation will not be entitled to any other compensation for performing its duties under this MOU.

While it is expected that the Foundation will account separately for the Program Funds, it is not necessary that the Foundation segregate the moneys of the Program Funds. It is necessary that the Foundation maintain adequate records that will allow it to prepare Expenditure Reports.

By the fifteenth (15th) day of each month, commencing May 15, 2011, the Foundation shall forward to VEDP and to each Locality an Expenditure Report covering the prior calendar month.

Any Program Funds remaining unspent as of the End Date shall be returned to VEDP, and the Localities in the same proportion in which each entity contributed Program Funds. Any other residual assets, such as office equipment and supplies, remaining as of the End Date may be sold for fair market value, with the proceeds being delivered to VEDP and the Localities in the same proportion in which each entity contributed Program Funds, or may be distributed at no cost to the Foundation, as authorized by the Working Group. Prior to the final distribution of any unspent Program Funds or other related residual assets, within thirty (30) days after the End Date, any Locality shall have the absolute right to conduct an audit of the Foundation's financial information with respect to the Program Funds or other related residual assets.

Section 3. Working Group.

VEDP and each Locality shall designate a person to serve on the Working Group. The initial member of the Working Group from VEDP and each Locality is noted on the signature page to this MOU. By giving written notice to each of the other parties, VEDP or any Locality may change the identity of its member of the Working Group. Working Group will convene in person or electronically as needed to design and implement the Program. Four (4) members of the Working Group shall constitute a quorum. Decisions shall be made by a majority of a quorum of the Working Group.

The Working Group will have responsibility for designing and implementing the Program and setting the Budget.

The initial Budget is attached to this MOU as Exhibit A. As the Working Group designs and implements the Program, it may become desirable to allocate the Program Funds in the Budget in a manner different or on a timeline different from that provided in the then-applicable Budget, including, if need be, an extension of the End Date. Adjustments to the Budget, including an extension of the End Date, will require the unanimous prior approval of the Working Group and VEDP. Any approved amendments to the Budget will be shared with the Foundation and VEDP.

The Working Group will cause the expenditure of the Program Funds only on Expenses approved in the Budget. The Working Group will direct the Representative to seek the payment from the Foundation of Expenses from the Program Funds.

Section 4. Representative.

The Working Group shall designate one (1) or more people as Representatives. The Representatives need not be members of the Working Group. The Working Group shall provide written notice to the Foundation of the identity of the Representatives. By giving written notice to the Foundation, the Working Group may change the identity of one (1) or all of the Representatives. Until such written notice is received, the Foundation is entitled to assume that the persons previously identified to it as Representatives continue to be authorized to act.

A Representative may submit a request to the Foundation for the expenditure of Program Funds. The Foundation shall have no obligation to verify that the requested expenditure is proper or is in accordance with the Budget. Nevertheless, if the Foundation has a question about the propriety of a requested disbursement, it may direct that question to any or all of the parties and to fully rely on the answer received.

The Foundation will make the disbursements requested by a Representative within ten (10) business days of the receipt of the request for the disbursement.

By the fifteenth (15th) day of each month, commencing May 15, 2011, each Representative shall report to the Working Group the disbursements requested by the Representative during the prior calendar month.

Section 5. Repayment Obligation.

(a) *If Program Funds are Misspent:* If VEDP or any Locality shall determine that Program Funds have been expended on costs other than Program Expenses, such party shall notify the others. Expenditures of Program Funds shall cease until all parties agree that the matter has been satisfactorily resolved.

(b) *If Payment of Expenses is Delayed:* The Working Group shall cause the expenditure of the Program Funds by the End Date. To the extent that the Program Funds are

not so spent, the unspent Program Funds as of the End Date shall be repaid to VEDP, the TICRC and the Localities in the same proportion in which they contributed Program Funds.

(c) *Repayments Subject to Appropriation:* Any repayments due from any party, except the Foundation, are subject to appropriation by the party's governing body.

(d) *Repayment Date; Cure Period:* Any repayments due from any party shall be due within ninety (90) days of the date that the need for such repayment has been determined.

(e) *Withdrawal by a Party:* On any thirty (30) day's prior written notice to all of the other parties, any party to this MOU may withdraw from the Working Group and cease its work on the Program. In such event, the Working Group shall revise the Budget and return to the withdrawing party its proportionate share of the remaining Program Funds, net of a reserve to pay Expenses incurred but not yet disbursed.

Section 7. Notices.

Any notices required or permitted under this MOU shall be given in writing, and shall be deemed to be received upon receipt or refusal after mailing of the same in the United States Mail by certified mail, postage fully pre-paid or by overnight courier (refusal shall mean return of certified mail or overnight courier package not accepted by the addressee):

if to the Foundation, to:

with a copy to:

Future of the Piedmont Foundation

Attention: _____

Attention: _____

if to VEDP, to:

with a copy to:

Virginia Economic Development Partnership
901 East Byrd Street, 19th Floor
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Attention: President and CEO

Virginia Economic Development Partnership
901 East Byrd Street, 19th Floor
Post Office Box 798 (zip: 23218-0798)
Richmond, Virginia 23219
Attention: General Counsel

If to Danville, to:

with a copy to:

City of Danville
P.O. Box 3300
427 Patton St.
Danville, Virginia 24543
Attention: City Manager

Attention: _____

If to Halifax, to:

with a copy to:

County of Halifax
134 South Main Street
P. O. Box 699
Halifax, Virginia 24558
Attention: County Administrator

Attention:

If to Henry, to:

with a copy to:

County of Henry
3300 Kings Mountain Road
P.O. Box 7
Collinsville, Virginia 24078
Attention: County Administrator

Attention:

If to Martinsville, to:

with a copy to:

City of Martinsville
55 West Church St.
P.O. Box 1112
Martinsville, Virginia 24112
Attention: City Manager

Attention:

If to Patrick, to:

with a copy to:

County of Patrick
106 Rucker Street
P.O. Box 466
Stuart, Virginia 24171
Attention: County Administrator

Attention:

If to Pittsylvania, to:

with a copy to:

County of Pittsylvania
21 North Main Street
P.O. Box 426
Chatham, Virginia 24531
Attention: County Administrator

Attention:

Section 8. Miscellaneous.

(a) *Entire Agreement; Amendments:* This MOU constitutes the entire agreement among the parties hereto as to the expenditure of Program Funds and may not be amended or modified, except in writing, signed by each of the parties hereto. This MOU shall be binding

upon and inure to the benefit of the parties hereto and their respective successors and assigns. No party may assign its rights and obligations under this MOU without the prior written consent of all of the other parties.

(b) *Governing Law; Venue:* This MOU is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this MOU shall lie in the Circuit Court of the City of Richmond, and such litigation shall be brought only in such court.

(c) *Counterparts:* This MOU may be executed in one (1) or more counterparts, each of which shall be an original, and all of which together shall be one (1) and the same instrument.

(d) *Severability:* If any provision of this MOU is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

(e) *Dispute Resolution:* In the event of any dispute, controversy or claim of any kind or nature arising under or in connection with this MOU (including disputes as to the creation, validity, or interpretation of this MOU) (a “Dispute”), then upon the written request of any party, each of the parties will appoint a designated senior official whose task it will be to meet for the purpose of endeavoring to resolve the Dispute. Such officials will discuss the Dispute and will negotiate in good faith in an effort to resolve the Dispute without the necessity of any formal proceeding relating thereto. The specific format for such discussions will be left to the discretion of the officials. No formal proceedings for the resolution of the Dispute may be commenced until the earlier to occur of (a) a good faith mutual conclusion by the officials that amicable resolution through continued negotiation of the matter in issue does not appear likely or (b) the sixtieth (60th) day after the initial request to negotiate the Dispute. If the resolution of the Dispute requires any party to take, to cause to be taken or to cease taking, some action, such party shall be provided a reasonable period of time, not to exceed sixty (60) days, to take, to cause, or to cease taking, such action.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

**VIRGINIA ECONOMIC DEVELOPMENT
PARTNERSHIP AUTHORITY**

By _____
Name: Jeffrey M. Anderson
Title: President and CEO
Date: April __, 2011
Initial Member: _____

FUTURE OF THE PIEDMONT

By _____
Name: _____
Title: _____
Date: April __, 2011

CITY OF DANVILLE

By _____
Name: _____
Title: _____
Date: April __, 2011
Initial Member: _____

COUNTY OF HALIFAX

By _____
Name: _____
Title: _____
Date: April __, 2011
Initial Member: _____

COUNTY OF HENRY

By _____
Name: _____
Title: _____
Date: April __, 2011
Initial Member: _____

CITY OF MARTINSVILLE

By _____
Name: _____
Title: _____
Date: April __, 2011
Initial Member: _____

COUNTY OF PATRICK

By _____
Name: _____
Title: _____
Date: April __, 2011
Initial Member: _____

COUNTY OF PITTSYLVANIA

By _____
Name: _____
Title: _____
Date: April __, 2011
Initial Member: _____

Exhibit A: Budget

EXHIBIT A

Regional Marketing Budget Proposal

Branding	\$5,000
Logo	
Tag Line	
Website	\$30,000
3 Designs	
Content	
Content Management	
Site Optimization	
Hosting	
4 Full-Page Ad Campaign	\$10,000
Development of Ads	
5 Direct Mail Campaign	\$12,000
Design	
Postage	
Printing	
Brochure	\$10,000
Design	
Printing	
Ad Placements (Print and Online)	\$150,000
General Site Selection Pubs (examples below)	
Area Development	
Business Facilities	
Forbes	
CNBC	
or	
Target Publications within our Target Sectors (examples below)	
Aviation Week	
Aerospace Manufacturing	
Washington Technology	
Marketing Trips (8)	\$40,000
Atlanta	
Dallas	
Chicago	
New York	
Charlotte	
Trade Shows	
includes flights, meals, entertaining of consultants, clients, etc.for 2 people from the region - the staff person and one other regional rep	
310 Lead Generation Contract	\$20,000

Hosting Consultants to Region 2/year	\$75,000
Yearly Primland Event	
Consultant for Marketing	
Consultant for Board Meeting	
Consultant for Site Evaluations	

2010 Primland/Speedway Event	\$20,000.00
-------------------------------------	--------------------

Total Marketing Budget	\$372,000.00
-------------------------------	---------------------

Regional Overhead Budget

Overhead

Computer (laptop)	\$1,400.00
Wireless Card	\$2,000.00
Blackberry	\$2,600.00
Mileage Reimbursement	\$15,000.00
.50/mile at 15,000 miles/year	
Printer	\$500.00
Office Supplies	
paper	\$100.00
letterhead, envelopes, etc.	\$500.00
business cards (1,000)	\$200.00
misc - pens, cartridges, stamps, etc.	\$1,000.00

Total Overhead Budget	\$23,300.00
------------------------------	--------------------

This leaves \$204,700 to be allocated either to the director/manager salary or contract or to increase the marketing budget and lower the staff salary or contract (whatever we decide)

*note that the director/manager would be responsible for their own taxes, health benefits, retirement, etc.

Meeting Date: May 10, 2011

Item No: 4.

Department: Electric

Issue: Hear a report from GDS Associates regarding the American Municipal Power, Inc. Fremont Energy Center and consider setting a public hearing for June 14, 2011.

Summary: Garrett Cole of GDS Associates Inc. will give a detailed report and recommendations concerning participation in the American Municipal Power Inc. Fremont Energy Center. Marc Gerken presented an overview of Fremont Energy Center to City Council and the Power Advisory Committee during an open work session on March 21, 2011. American Municipal Power Inc. is currently seeking subscriptions for this Natural Gas Combined Cycle generation project and this subscription is offered for consideration by Council.

Duane Dahlquist of Blue Ridge Power Agency and City Electric staff will be present for questions and comments.

Attachments: None

Recommendations: Authorize the Power Advisory Committee Members to initiate their evaluation of the Fremont Energy Center and consider setting a Public Hearing on June 14, 2011 to allow public input on the subscription offering.

Meeting Date: May 10, 2011

Item No: 5.

Department: Public Works

Issue: Hear update on the City's priority list of future transportation projects.

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 May 12th in Salem, 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.

Attachments: [Current list of prioritized projects for the member localities of West Piedmont PDC.](#)

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

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.
2. Pursue all available funding for the expedited completion of construction for Interstate 73.
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.
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.
6. Support for a Route 116 improvements feasibility study, including Route 116/Route 681 intersection.
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.

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.
3. Creation of a commercial grade connector road from Route 40 East to US 220 North.
4. Support of efforts to upgrade US 220 in order to make it a safer highway.
5. Support of development of Interstate 73 from Roanoke to the Virginia/North Carolina line.
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.
7. Altering Franklin Street alignment at the intersection of High Street to improve sight visibility and elimination of safety hazard.
8. Safety improvement/sidewalks along Scuffling Hill Road.
9. Extension of Diamond Avenue to future Route 40 West bypass.

Henry County:

1. Support for the funding and construction of the U.S. Route 58 Improvement Program between Stuart and Hillsville.
2. Support for the funding and construction of a replacement bridge for U.S. Route 220 Business in the Town of Ridgeway.
3. 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.
4. 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.
5. Improvements to the Lee Ford Camp Road/Greensboro Road (US Route 220)/Church Street intersection in Ridgeway, near Mountain View Cemetery, to include signals.
6. Support for the City of Martinsville's request for Phase II of the Liberty Street improvement plan.
7. 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.
8. 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.
9. 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.

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
- 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.
- 3. Extend Commonwealth Boulevard east to an intersection with East Church Street (U.S. Route 58)
- 4. Endorsement for the Interstate 73 project.
- 5. Endorsement for completion of U.S. Route 58 westward to its intersection with Interstate 77.

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.
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.
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.

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

Danville:

Urban Projects:

- 1) Support for project on Route 41/Franklin Turnpike, to reconstruct a segment to four lanes with a center turn lane from Piney Forest Road to the North Corporate Limits.
- 2) 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.

Primary Projects:

- 1) Support for the Franklin Turnpike Connector, to construct a new four-lane limited access highway from Route 29 to North Main Street.

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 to Blairs, Virginia.

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.

Pittsylvania County:

- 1) Escalate completion of the U.S. Route 58 Corridor Improvement Program's remaining projects.
- 2) Completion of construction of Route 41 four-lane improvement project from Danville corporate limits out to Route 863.
- 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.
- 4) Support for Design and Construction of Route 360 improvements.
- 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.
- 7) Upgrade Route 40 West to the future Interstate 73 corridor.
- 8) VA Route 41 Extension – VA Route 730 (0.4 miles west of VA Route 729) to VA Route 360/US Route 29 Bypass
- 9) VA Route 730 and VA Route 733 – VA Route 41 Extension to 0.1 miles south of railroad tracks on VA Route 733.
- 10) VA Route 750 – VA Route 863 to US Route 29 Business (Piney Forest Road) (Realigned Mount Cross Road)
- 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.

Meeting Date: May 10, 2011

Item No: 6.

Department: Public Works

Issue: Consider approval of resolution of intent to participate in a Revenue sharing Agreement with VDOT for the Spruce Street Lighting Project

Summary: Spruce Street between Old Spruce Street and Corn Tassel Trail has been identified by Public Works to have deficiencies in street lighting. The City can enter into a possible cost sharing agreement with VDOT to pay for 50% of the cost to install street lights along this section of Spruce Street.

Attachments: [Resolution of Intent to Participate in the FY 2012 Revenue Sharing Program for Spruce Street Lighting](#)

Recommendations: Approve Resolution to participate in FY 2012 Revenue Sharing Program with VDOT



RESOLUTION

A RESOLUTION OF INTENT TO PARTICIPATE IN THE FY 2012 VDOT REVENUE SHARING PROGRAM FOR THE SPRUCE STREET LIGHTING PROJECT

At a regularly scheduled meeting of the City of Martinsville Council held on Tuesday May 10, 2011, on a motion made by _____, seconded by _____, the following resolution was adopted by a vote of __ to __:

WHEREAS, the City of Martinsville desires to submit an application for an allocation of funds of \$16,000 (\$8,000 state and \$8,000 city) through the Virginia Department of Transportation Fiscal Year 2011-112 Revenue Sharing Program; and,

WHEREAS, \$16,000 of these funds are requested to fund the Spruce Street Lighting, From Old Spruce Street to Corn Tassel Trail (0.50 mi);

THEREFORE, BE IT RESOLVED, that the City of Martinsville hereby supports this application for an allocation of \$16,000.00, representing a fifty/fifty match program, through the Virginia Department of Transportation Revenue Sharing Program; and,

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute, on the behalf of the City of Martinsville, all necessary agreements required in conjunction with said project.

Adopted this 10th day of May 2011

ATTEST:

Clerk of Council

Date



City Council Agenda Summary

Meeting Date: May 10, 2011

Item No: 7.

Department: City Manager

Issue: Presentation and consideration of endorsement of Regional Rural Long-Range Transportation Plan developed by West Piedmont Planning District Commission, VDOT and consultants.

Summary: Bob Dowd, Executive Director, of West Piedmont PDC, and Aaron Burdick will present information on the Regional Rural Long-Range Transportation Plan and request adoption of a resolution.

Attachments: [Resolution](#)

Recommendations: Motion to adopt the resolution



RESOLUTION ENDORSING THE WEST PIEDMONT PLANNING DISTRICT COMMISSION'S 2035 RURAL LONG RANGE TRANSPORTATION PLAN

At a meeting of the Martinsville City Council, held on May 10, 2011, the following resolution was adopted:

WHEREAS, the basic goal of transportation within the Commonwealth of Virginia is the provision for the effective, safe, and efficient movement of people and goods; and

WHEREAS, the West Piedmont Planning District Commission and the Virginia Department of Transportation have developed a Rural Long Range Transportation Plan with a horizon year of 2035 addressing all needs of the transportation system within the region regardless of anticipated funding availability; and

WHEREAS, the *West Piedmont Planning District Commission's 2035 Rural Long Range Transportation Plan* was developed using transportation goals and objectives established through a Transportation Technical Advisory Committee consisting of local government representatives from each member jurisdiction; and

WHEREAS, *West Piedmont Planning District Commission's 2035 Rural Long Range Transportation Plan* identifies specific roadway and bridge deficiencies for each member jurisdiction; and

WHEREAS, recommendations are presented to address the specific roadway and bridge deficiencies for each member jurisdiction; and

WHEREAS, the City of Martinsville; the Counties of Franklin, Henry, Patrick, and Pittsylvania; and the Town of Rocky Mount—member localities of the West Piedmont Planning District—are covered by the *West Piedmont Planning District Commission's 2035 Rural Long Range Transportation Plan*;

NOW THEREFORE BE IT RESOLVED at its meeting on May 10, 2011, the Martinsville City Council, in recognizing the benefits of the *West Piedmont Planning District Commission's 2035 Rural Long Range Transportation Plan*, hereby offers its endorsement.

Kim Adkins, Mayor

Clarence Monday, Martinsville City Manager



City Council Agenda Summary

Meeting Date: May 10, 2011

Item No: 8.

Department: City Manager

Issue: Hear an update on Blue Ridge Regional Library programs.

Summary: Drusilla Carter, Director, of the Blue Ridge Regional Library will be present to give an update on the library's programs and projects.

Attachments: None

Recommendations: Information only, no action required

Meeting Date: May 10, 2011
Item No: 9.
Department: City Manager, City Attorney, Commissioner of the Revenue
Issue: Consider approval, on second reading, of an ordinance granting the requested exemption to Theatre Works Community Players.

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.

A public hearing was held on April 26, 2011 and the ordinance was approved on first reading for Theatre Works Community Players to grant exemption for personal property and business license and a determination was made by Council to designate it as a non-profit cultural organization.

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

Action: Motion to approve ordinance on second 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 designation based on exemption definitions
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	

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

Meeting Date: May 10, 2011
Item No: 10.
Department: City Manager, City Attorney, Commissioner of the Revenue
Issue: Consider approval, on second reading, of an ordinance granting the requested exemption to Martinsville-Henry County Historical Society.

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.

A public hearing was held on April 26, 2011 and the ordinance was approved on first reading for M-HC Historical Society to reaffirm state code exemption as a non-profit providing cultural, education, historical services within a museum setting and exempting from BPOL; Council also reaffirmed state code which already exempts their personal property and real estate.

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

Action: Motion to approve ordinance on second reading

Meeting Date: May 10, 2011

Item No: 11.

Department: Clerk of Council

Issue: Consider setting a public hearing for May 24, 2011 for the purpose of receiving/interviewing citizens interested in appointments for two 3-year positions beginning July 1, 2011 and ending June 30, 2014 to the City's School Board.

Summary: None

Attachments: [Martinsville School Board](#)

Recommendations: Set the public hearing for May 24, 2011 and interview applicants in closed session following the conclusion of the May 24, 2011 Council meeting.

According to State Law, only those citizens interviewed by Council or whose names were brought up during the Public Hearing can be considered for appointment, and appointments cannot be made until seven days after the Public Hearing, thus this item will be on Council's June 14, 2011 agenda.

MARTINSVILLE SCHOOL BOARD

Three-Year Terms

<u>CURRENT MEMBERSHIP</u>	<u>ADDRESS</u>	<u>TERM EXPIRES</u>
Bill R. Manning	1118 Knollwood Place	6/30/13
James H. Johnson, Jr.	1507 White Oak Court	6/30/11
Nancy L. Baker	919 Hunting Ridge Road	6/30/11
Carolyn McCraw	1724 Meadowview Lane	6/30/12
Robert Williams	1017 Country Club Drive	6/30/12



City Council Agenda Summary

Meeting Date: May 10, 2011
Item No: 12.
Department: Finance
Issue: Consider approval of consent agenda

Summary:

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

FY11:

General Fund: \$9,026 – donations and recovered costs
School Fund: \$73,550 – NASA SEMAA funding

Attachments: [Spreadsheet](#)

Recommendations: Motion to approve

BUDGET ADDITIONS FOR 5/10/11

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<u>FY11</u>				
<u>GENERAL FUND</u>				
01100908	480406	Donations - Parks & Recreation		4,875
01725422	506700	Mustangs - Souvenirs	2,160	
01713211	506104	Park Maintenance - Non-Capital Equipment	2,715	
		Donation from M'ville Rec Assoc		
01100909	490801	Recovered Costs - Senior Citizens		2,439
01100908	480420	Donations - Senior Citizens		731
01714212	506016	Senior Citizens - Program Supplies	3,170	
		recovered costs/donations to Sr Services		
01100909	490801	Recovered Costs - Senior Citizens		981
01714212	506008	Senior Citizens - Vehicle Maintenance	341	
01714212	501300	Senior Citizens - Part-time S&W	595	
01714212	502100	Senior Citizens - Social Security	37	
01714212	502110	Senior Citizens - Medicare	8	
		Transportation funds rec'd October thru March		
Total General Fund:			9,026	9,026
<u>SCHOOL FUND:</u>				
18102926	499992	NASA SEMAA		73,550
61101100	561120	MSS/SEMAA - Instructional S&W	30,000	
61101100	561151	MSS/SEMAA - Instructional Aides S&W	12,000	
61101100	562100	MSS/SEMAA - Social Security	3,000	
61101100	562150	MSS/SEMAA - Medicare	1,000	
61101100	562210	MSS/SEMAA - Retirement Payments	4,470	
61101100	562300	MSS/SEMAA - Group Medical	1,500	
61101100	562400	MSS/SEMAA - State Life Insurance	200	
61101100	562520	MSS/SEMAA - LTD	80	
61101100	562750	MSS/SEMAA - RHCC	400	
61101100	565503	MSS/SEMAA - Travel	4,000	
66501100	561120	MSS/SEMAA-SUMMER-Instructional S&W	10,000	
66501100	561151	MSS/SEMAA-SUMMER-Instructional Aides S&W	5,000	
66501100	562100	MSS/SEMAA-SUMMER-Social Security	900	
66501100	562150	MSS/SEMAA-SUMMER-Medicare	200	
66501100	565800	MSS/SEMAA-SUMMER-Miscellaneous	200	
66501100	566013	MSS/SEMAA-SUMMER-Instructional Materials	600	
Total School Fund:			73,550	73,550