

June 26, 2012

The regular meeting of the Council of the City of Martinsville, Virginia, was held on June 26, 2012, in Council Chambers, Municipal Building, at 7:30 PM, Closed Session beginning at 7:00PM, with Mayor Kim Adkins presiding. Council Members present included: Mayor Kim Adkins, Vice Mayor Kimble Reynolds, Gene Teague, Mark Stroud and Danny Turner. Staff present included: Leon Towarnicki, Interim City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Lane Shively, and Mike Rogers.

Mayor Adkins called the meeting to order and advised Council will go into Closed Session. In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon a motion by Gene Teague, seconded by Kimble Reynolds, with the following 5-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; Reynolds, aye; and Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matters: (A) A personnel matter as authorized by Subsection 1. (B) 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. Council then returned to open session and Mayor Adkins advised Closed Session is recessed until end of meeting.

Following the invocation by Mayor Adkins and Pledge to the American Flag, the Mayor welcomed everyone to the meeting and noted three additional items for this agenda: Hear a request from New College Institute, hear update on library funding, and consider re-appointment to Planning Commission.

Board appointment: A motion was made by Mark Stroud, seconded by Kimble Reynolds, with a 5-0 vote, to re-appoint Monty Ridenhour, 1231 Mulberry Rd., to the Planning Commission for a 4 year term ending 6/30/16.

Minutes: On a motion by Kimble Reynolds, seconded by Mark Stroud, with a 5-0 vote, Council approved the minutes of the April 24, 2012 and April 26, 2012 meetings.

Update on City Manager search: Mayor Adkins reported that the majority of Council agreed to continue the city manager search process immediately and she will contact Springstead to get back on schedule.

Request from New College Institute: Leanna Blevins presented information to Council regarding funding that is available from five federal agencies through an Advanced Manufacturing Jobs and Innovation Accelerator Challenge. The agencies are: Economic Development Administration, Employment and Training Administration, Small Business Administration, National Institute of Standards and Technology and Department of Energy. The City is being asked to serve as the fiscal agent that submits the grants with NCI assuming the technical piece of writing the grants. On a motion by Danny Turner, seconded by Mark Stroud, with a 5-0 vote, Council authorized the City Manager to sign the co-applicant agreement document.

Hear an update on Library funding: Leon Towarnicki updated Council on City's funding of the Blue Ridge Regional Library. He reported that the Henry County Board of Supervisors voted today to cut funds directly related to the Bassett Historical Center. Library Board Chairman, Paula Burnette, presented lengthy information regarding library funding needs. Council Member Teague stated that given the cuts this council made to education, staff positions, and the numerous unfunded capital needs, he supported following suit with today's county budget actions and he made a motion to cut Library Budget by \$64,000 which was the city's share of the Library funds previously allocated to support the Bassett Historical center. The motion died for lack of a second. On a motion by Danny Turner, seconded by Kimble Reynolds, with a 5-0 vote, Council agreed to cut city library funding \$36,766.

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Hear an update from Ray Gibbs, Phoenix CDC: Ray Gibbs updated Council on Phoenix CDC activities and Henry Hotel progress. Council discussion points: time to consider putting Henry Hotel up for sale and give Phoenix first refusal and the need to limit expenditures to city in upkeep of Henry Hotel. Council directed Mr. Towarnicki to meet with Mr. Gibbs and come back with a report at the next Council meeting on city's costs on upkeep of the Henry Hotel and options.

Authorize documents relating to School Division VRS: A resolution is required to be signed by the Locality Board Chairman regarding the Martinsville City School's VRS Board-Certified Rate. The City School Board approved the rate at their June 13, 2012 meeting. On a motion by Gene Teague, seconded by Kimble Reynolds, with a 5-0 vote, Council authorized execution of the resolution for Martinsville City Schools: "Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate".

<p>Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate</p> <p>(In accordance with the 2012 Appropriation Act Item 468 (H))</p> <hr/> <p>Resolution</p> <p>BE IT RESOLVED, that the City of Martinsville 55623 does hereby acknowledge that the Martinsville City School Board has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and</p> <p>BE IT ALSO RESOLVED, that the City of Martinsville 55623 does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Martinsville City School Board to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriation Act; and</p> <p>NOW, THEREFORE, the officers of the City of Martinsville 55623 are hereby authorized and directed in the name of the City of Martinsville to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the City of Martinsville, as appropriate, shall be affixed and attested by the Clerk.</p> <p style="text-align: center;"> Locality Board Chairman</p> <p style="text-align: center;">CERTIFICATE</p> <p>I, Brenda Prillaman, Clerk of the City of Martinsville, certify that the foregoing is a true and correct copy of a resolution passed by the City of Martinsville and ratified by the City of Martinsville at a lawfully organized meeting of the City of Martinsville held at Martinsville, Virginia at 7:30 P.M. o'clock on June 26, 2012. Given under my hand and seal of the City of Martinsville this 26 day of June, 2012.</p> <p style="text-align: center;"> Clerk</p> <hr/> <p style="text-align: center;">This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.</p>
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Littering ordinance approval on 1st reading: City Attorney Eric Monday presented the following information: The attached amended ordinance returns the penalty for littering to a class 1 misdemeanor. This amendment results from citizen inquiries and suggestions. Since a class 1 misdemeanor is the maximum allowed, there is no enhanced penalty for a subsequent offense. The authorized punishments for conviction of a misdemeanor are: (a) For Class 1 misdemeanor, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both. (b) For Class 2 misdemeanors, confinement in jail for not more than six months and a fine of not more than \$1,000, either or both. (c) For Class 3 misdemeanors, a fine of not more than \$500. (d) For Class 4 misdemeanors, a fine of not more than \$250.

On a motion by Kimble Reynolds, seconded by Mark Stroud, with the following recorded 5-0 vote: Adkins, aye; Reynolds, aye; Teague, aye; Stroud, aye; and Turner, aye, Council approved the revised littering ordinance, on first reading:

Sec. 18-1. **Littering.** (a) Any person who shall dump, throw, drop, deposit or dispose of any trash, garbage, refuse, dead animal carcass, rubbish, glass, ashes or litter on any public property, street, sidewalk, right-of-way, property adjacent to such street or right-of-way or on private property without the consent of the owner shall be guilty of a Class 4 ~~1~~ **misdemeanor for a first offense and a Class 3 misdemeanor for any subsequent offense.**

(b) When a violation of the provisions of this section has been observed by any person, and the matter dumped, thrown, dropped, deposited or disposed of has been ejected from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting such matter. Such presumption may be rebutted by competent evidence.

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Consent agenda: On a motion by Gene Teague, seconded by Kimble Reynolds, with a 5-0 vote,

Council approved the following consent agenda:

BUDGET ADDITIONS FOR 6/26/12				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY12				
General Fund:				
01100906	461712	Services for Services- Internet Connections		600
01436168	505235	Fiber Optics - Internet Access Charges	600	
		Recovered costs		
01100909	490104	Advance/Recovered Costs		18,415
01331108	501300	Sheriff/Corrections - Part-time & Temporary Wages	13,545	
01331108	502100	Sheriff/Corrections - Social Security	840	
01331108	502110	Sheriff/Corrections - Medicare	196	
01331108	506008	Sheriff/Corrections - Vehicle Equipment & Maint.	2,545	
01331110	506200	Sheriff/Annex - Prisoner Allowance	1,289	
		Total FY's reimbursement from Henry County for litter pickup.		
Total General Fund:			19,015	19,015
Water Fund:				
12101918	443306	Grants - State - WSAG Lanier Rd Project		78,000
12541311	508220	Water - Physical Plant Expansion	78,000	
		Grant Reimbursement		
Total Water Fund:			78,000	78,000

Hear staff report on City Vehicle Policy: Leon Towarnicki provided the following information:

During discussion of the City's capital needs at a recent budget work session, Council requested that staff provide information at a later date on the City's policy and practices related to take-home vehicles, as well as information regarding the decision process utilized to determine vehicle and equipment replacement. This memorandum provides a brief update on both of these issues.

Take-Home Vehicles

There currently are 6 City departments allowing use of take-home vehicles – Police, Fire/EMS, Sheriff, Electric, Public Works, and Water/Sewer. Each department assesses their own needs in regard to after-hours/emergency response requirements and develops their own internal policy regarding which job functions are an appropriate use of a take-home vehicle.

The following is a list by department of current take home vehicles:

- Police (5 vehicles) - Police Chief; Captains (2); K-9 Units (2)
- Fire/EMS (3 vehicles) – Fire Chief; Fire Marshall; Emergency Management Coordinator
- Sheriff (9 vehicles) - Sheriff; Chief Deputy; Courts Administration; Corrections Administration; Work Force Manager; HEM (electronic monitoring transport, project lifesaver); Civil Process (3)
- Electric (2 vehicles) – 6 vehicles are assigned to the after-hours call duty rotation but only 2 are used at any given time – typically a pickup truck and a small single-bucket truck.
- Public Works (3 vehicles) – traffic Control; traffic signals/fiber/telecom; lead on-call employee
- Water/Sewer (1 vehicle) – lead on-call employee.

Additionally, both the Utilities Director and Assistant Public Works Director have a four-wheel drive vehicle assigned for work use, but not take-home. When extreme weather conditions occur (or are predicted) and call-back is imminent, these vehicles may be taken home at their discretion. Typically in most cases, take-home vehicles are not allowed to be used for personal use or to run errands. Stopping at stores on the way to and from work is permitted as long as the stop is located along the normal route to and from work.

Vehicle/Equipment Replacement

For purposes of scheduling replacement, City vehicles and equipment are considered to fall in 3 distinct categories; (1) small items such as chain saws, air compressors, mowers, small tractors, and blowers; (2) intermediate/typical vehicles such as cars, pickup trucks, vans, etc., and; (3) large vehicles/equipment such as garbage trucks, bucket trucks, backhoes, fire trucks, etc.

Small Equipment

The City has a vast array of small equipment items that are essential to carrying out the numerous tasks required of employees. Equipment in this category consists of small mowing equipment, string trimmers, blowers, air compressors, chain saws, etc. Most of this equipment is maintained by the City garage and individual crews. Cost of this equipment can range from several hundred dollars to several thousand dollars. Smaller, less expensive equipment items are typically operated until equipment failure occurs and then cost of repairs is compared to cost of replacement. Generally if cost of repairs exceeds 50% of the cost of replacement, a replacement unit is purchased. Occasionally multiple units of non-functioning like equipment are rebuilt into a usable unit. Other factors are also considered in the decision process such as are multiple units of the same piece of equipment available, warranty, age of equipment and possible difficulty in obtaining replacement parts.

Intermediate Equipment

As noted, equipment in this category consists of "typical" vehicles such as cars, pickup trucks, and vans. The City uses data from several areas in determining a replacement schedule and priority ranking for these types of vehicles. How and where the particular vehicle is used, maintenance cost, and vehicle reliability are key components of the decision process. Additionally, the City garage uses a numerical ranking system taking into account vehicle purchase price, age, mileage, service/maintenance issues and costs, accidents, and future maintenance needs that provides a method of comparing vehicles and equipment for prioritization of replacement. Typically vehicles/equipment that are given the highest priority are those vehicles that must be available to respond to emergencies or vehicles critical to providing services. Police and Fire/EMS vehicles and related equipment are generally given the highest priority followed by essential services vehicles/equipment. Most vehicles in the "intermediate equipment" category are stock, or close to stock items meaning there is typically an inventory of such vehicles available for purchase and lengthy delays in

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obtaining such vehicles generally does not exist. The ability to obtain such vehicles quickly will often impact the replacement decision. Non-critical vehicles in this category (pool cars, standard pickup trucks, etc.) are also available as pre-owned units and City staff will often look at these options before deciding to purchase. Additionally, as new vehicles are purchased, the older vehicles are reassigned to other non-critical uses with the worst of the fleet rotating out of service.

Large Vehicles/Equipment

Equipment in this category consists of garbage trucks, bucket trucks, fire trucks, front-end/bucket loaders, specialty equipment (paving machine, sewer jet truck). These vehicles/equipment are generally the most expensive and require the most time to replace since many are not actually built until specific orders are received, or in some cases involve the coordination of multiple manufacturers (a specialty piece of equipment mounted on a truck chassis). Due to cost of purchase, these vehicles and equipment are generally kept the longest which often drives the replacement schedule due to eventual obsolescence of equipment and inability to obtain replacement parts. Maintenance/repair costs and employee safety are key factors in the replacement decision, followed by availability of backup/spare equipment. In some cases where only one item of a specific/needed piece of equipment is available, replacement may be given a higher priority than if multiple pieces of identical equipment are available.

Summary

Recognizing there are limited resources, vehicles/equipment recommended for replacement are prioritized with emphasis on emergency services, employee safety, and providing essential services for the citizens. Where possible, pre-owned vehicles (and equipment) are considered. Vehicles being replaced are considered for other less critical needs with the worst vehicles rotating out of service and either traded in or auctioned.

Council thanked Mr. Towarnicki for providing the information requested.

Business from floor: Chad Martin-thanked Council for not cutting the Parks & Recreation Department, extended an invitation to a clean-up day on July 14 at Albert Harris Park and reported he is working with a group that is considering an Adopt-A-Park program.

Council comments: Stroud-reminder about Celebration 2012 at Martinsville Speedway; Turner-reminder about July 5th celebration at Hooker Field; Adkins-reported a thank you note to Council was received from Dr. Keiper of the VMNH for the Hoffman proclamation presented at a recent Council meeting.

Interim City Manager comments: Mustangs fireworks scheduled for July 5 and City Employee Night at the Mustangs is this Saturday night; comments on Depot St. renovations; comments on PART bus ridership setting a record on June 19 with 128 riders in one day.

Mayor Adkins announced Council will now suspend the open session and re-convene 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 Danny Turner, with the following recorded 5-0 vote: Adkins, aye; Reynolds, aye; Teague, aye; Stroud, aye; and Turner, aye, Council returned to Open Session. No action taken.

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

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor