

AGENDA-CITY COUNCIL--CITY OF MARTINSVILLE, VIRGINIA
Council Chambers – Municipal Building
7:30 p.m. regular session
Tuesday, June 26, 2012

CLOSED SESSION—7:00 PM

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:

- 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.

Invocation – Mayor Kim Adkins
Pledge to the American Flag

1. [Consider approval of Council meeting minutes of April 24, 2012, and April 26, 2012.](#) (2 mins.)
2. [Hear an update on the city manager search.](#) (10 mins.)
3. [Hear update from Ray Gibbs, Phoenix CDC.](#) (15 mins.)
4. [Consider authorizing execution of document “Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate”.](#) (5 mins.)
5. [Consider approval, on first reading, of revised littering ordinance.](#) (10 mins.)
6. [Consider approval of consent agenda.](#) (2 mins.)
 - A. Accept & appropriate budget adjustments.
7. [Hear staff report on City Vehicle Policy.](#) (10 mins.)
8. Business from the Floor
This section of the Council meeting provides citizens the opportunity to discuss matters, which are not listed on the printed agenda. In that the Council meetings are broadcast on Martinsville Government Television, the City Council is responsible for the content of the programming. Thus, any person wishing to bring a matter to Council’s attention under this Section of the agenda should: (1) come to the podium and state their name and address; (2) state the matter that they wish to discuss and what action they would like for Council to take; (3) limit their remarks to five minutes; and (4) refrain from making any personal references or accusations of a factually false and/or malicious nature. Persons who violate these guidelines will be ruled out of order by the presiding officer and will be asked to leave the podium. Persons who refuse to comply with the direction of the presiding officer may be removed from the chambers
9. Comments by members of City Council. (5 minutes)
10. Comments by City Manager. (5 minutes)



City Council Agenda Summary

Meeting Date: June 26, 2012

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes of City Council April 24, 2012, and April 26, 2012 meetings.

Summary: None

Attachments: [April 24, 2012 minutes](#)
[April 26, 2012 minutes](#)

Recommendations: Motion to approve minutes as presented

April 24, 2012

The regular meeting of the Council of the City of Martinsville, Virginia, was held on April 24, 2012, in Council Chambers, Municipal Building, at 7:30 PM, 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, Wayne Knox, Mike Rogers, and Linda Conover. Prior to the regular Council meeting, NCI held an information session from 6:30pm to 7:30pm for public viewing of the proposed NCI building.

Following the invocation by Mayor Kim Adkins and Pledge to the American Flag, the Mayor welcomed everyone to the meeting. Mayor Adkins noted an adjustment in the agenda: Ray Gibbs of Phoenix CDC is unable to be here to present an update and that item will be rescheduled.

Recognitions: Mayor Adkins presented a proclamation recognizing National Correctional Officers and Employees Week 2012 which was accepted by Lt. Barker.

Public Hearing regarding conveying Baldwin Block to NCI: NCI Executive Director William Wampler updated Council on the recent public information session held at Albert Harris School and the information session held just prior to tonight's Council meeting at City Hall. He noted that other funding partners are awaiting Council's action on the Baldwin Block property and that the NCI Board voted to accept the draft agreement. Mayor Adkins reported that pursuant to Code of Virginia § 15.2-1800 a public hearing is required to convey the block bordered by West Church, Market, Fayette and Moss Streets. Barton Street was abandoned June 24, 2008 and is now part of the Block; that same day Council voted to transfer the Block to the Southern Virginia Recreational Authority; this vote should be rescinded if there is to be a transfer to another entity. Mayor Adkins opened the public hearing regarding the city conveying Baldwin Block to NCI. Tony Jones, 612 Third St., reported he has talked with 162 residents on the Westside of Martinsville and all have endorsed the project. Mayor Adkins closed the public hearing. City Attorney Eric Monday explained technical issues that Council needs to address as the Martinsville Redevelopment Housing Authority.

Martinsville Redevelopment Housing Authority actions regarding Baldwin Block: Eric Monday briefed Council on needed action: Baldwin Block was acquired over a number of years. Some lots are owned by MHRA and some by the City. To convey to a third party, it is more convenient that one entity own all the lots. The MHRA owns lots 32 (01) C 08, 08A and 09 and 32 (01) D 03-07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20 and 21. Further, on June 24, 2008, Barton Street was abandoned, with portions adjoining MHRA lots automatically reverting to the MHRA. This action is a technical one which will allow the entire Block to be conveyed by a single deed. On a motion by Gene Teague, seconded by Danny Turner, City Council recessed and then convened as Martinsville Redevelopment Housing Authority. On a motion by Gene Teague, seconded by Mark Stroud, with the following 5-0 recorded: Adkins, aye; Teague, aye; Reynolds, aye; Stroud, aye; and Turner, aye, the Authority approved the transfer of the above listed lots and any interest in abandoned Barton Street to the City of Martinsville. On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, the MRHA adjourned and Martinsville City Council re-convened.

April 24, 2012

City Council action on Baldwin Block: On a motion by Danny Turner, seconded by Kimble Reynolds, with the following 5-0 recorded vote, Adkins, aye; Teague, aye; Reynolds, aye; Stroud, aye; and Turner, aye, Council approved rescinding council vote of June 24, 2008 to transfer Baldwin Block to the Southern Virginia Recreation Authority. Vice Mayor Kimble Reynolds expressed appreciation to Senator Wampler and all involved to engage the community in the NCI endeavor. Mr. Reynolds noted that since he serves as a member of the NCI Foundation Board, he will abstain from voting on the agreement. On a motion by Danny Turner, second by Mark Stroud, with the following 4-0 recorded vote, Adkins, aye; Teague, aye; Stroud, aye; and Turner, aye, (Reynolds-abstained), Council approved the following Agreement for the Transfer of Title of the Baldwin Block property to NCI:

<p style="text-align: center;">AGREEMENT FOR THE TRANSFER OF TITLE TO REAL PROPERTY</p> <p style="text-align: center;">THIS AGREEMENT dated this ____ day of _____, 2012 by and between the CITY OF MARTINSVILLE, VIRGINIA, a Virginia municipal corporation, ("City") and the NEW COLLEGE FOUNDATION, a Virginia non-stock corporation, ("Foundation"):</p> <p><i>Whereas</i>, the new College Foundation wishes to acquire that parcel of realty in Uptown Martinsville bounded by West Church, Market, Fayette and Moss Streets, designated by the City Council of Martinsville as the Dana O. Baldwin Block, ("premises"); and</p> <p><i>Whereas</i>, the City wishes to accommodate the Foundation and to further the goals of the New College Institute as set forth in Code of Virginia § 23-231.30;</p> <p><i>Now, therefore</i>, in consideration of the foregoing, the mutual benefits, promises and undertaking of the parties to this agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby covenant and agree as follows:</p> <p>1. The Foundation shall have 180 days from the date of execution of the last party to execute this document to make such inspections, studies, inquires, examinations, financial analyses, environmental and ecological testing and other examinations (collectively "due diligence") of or in respect to the premises as Foundation may, in its sole discretion, elect to determine the suitability of the premises for its purposes. In this regard City shall make all documents, data and information in respect of such property as Foundation may reasonably request available to Foundation and shall permit Foundation to go upon the property at all reasonable times to conduct such due diligence as is necessary to be conducted on site. Foundation may, at its discretion, terminate this Agreement for any fact or condition affecting or existing on or in respect of the property or its acquisition, including but not limited to the Foundation's inability to raise sufficient financing to adequately fund improvements necessary for Foundation's intended use of the premises, by delivering written notice of termination to City prior to the expiration of said 180 day period.</p> <p>Should Foundation elect to terminate this Agreement in accordance with the provisions set forth above, then all information, data and other documents produced by the City shall be returned to the City.</p> <p>2. During the same period, the City shall undertake all statutory, political and legal requirements necessary for it to transfer title in the event the Foundation requests a transfer of title.</p>	<p>3. City shall convey the Premises to Foundation or its assignee by general warranty deed, with English covenants of title. The Foundation shall be responsible for examination of title and the purchase of such title insurance as it deems necessary. Closing shall take place 210 days from the date of execution of the last party to execute this document.</p> <p>4. It is expressly understood that New College Foundation will in conducting its due diligence and in undertaking to develop the premises commit a substantial amount of its time, resources and assets. Accordingly, it is acknowledged by City that Foundation's undertakings hereunder constitute valuable and sufficient consideration for the premises of City hereunder.</p> <p>5. Development and construction on the premises shall be executed generally in accordance with the presentation made to Martinsville City Council on April 10, 2012. Plans for all development and construction shall be presented to City Council before being initiated. Development and construction which, in the opinion of a majority of City Council, significantly deviates from that contained in the presentation shall be subject to rejection by the majority vote of Council, shall be revised, and shall be presented again for further review by Council.</p> <p>6. Transfer of title shall be subject to the following restrictive covenants, which shall be appurtenant to the premises and inure to the benefit of the parties and their successors or assigns:</p> <p>A. Development, occupancy and use of the premises shall be in accordance with and in furtherance of the goals set forth in Code of Virginia § 23-231.30(B) in existence at the execution of this Agreement.</p> <p>B. Development and construction of the premises shall be commenced no later than three years from the execution hereof and shall be substantially completed no later than five years from the execution hereof. In the event either deadline is unable to be met, the Foundation may, no later than 60 days prior to its expiration, seek an extension by majority vote of City Council. Such an extension shall not be unreasonably withheld, provided that the Foundation is making a good faith effort to effect completion.</p> <p>C. The premises as a whole shall at all times be designated the "Dana O. Baldwin Block," in addition to such names as may be designated for individual or collective structures, components or features thereon.</p>	<p>D. In the event that the Foundation ceases to exist and it is not succeeded by a successor entity, the mission and purposes of which are substantially the same as those of the Foundation, or in the event of a violation by Foundation of the restrictions contained in this Paragraph 6 or should the Foundation or the New College Institute become insolvent then title to the premises shall revert to the City or its successors in interest. Adjudication of any dispute concerning the interpretation or enforcement of such reversion shall be vested in the Circuit Court of the City of Martinsville.</p> <p>E. Assignment of any rights and duties established herein to any entity other than a direct successor in interest shall be subject to the written consent of the parties.</p> <p>7. This Agreement shall be governed by the laws of the Commonwealth of Virginia.</p> <p>IN WITNESS WHEREOF, the parties hereto have executed this agreement:</p> <p style="text-align: center;">The CITY</p> <p>By: _____ Title: City Manager</p> <p>Date: _____</p> <p>Approved as to form:</p> <p>_____ <i>City Attorney</i></p> <p style="text-align: center;">The FOUNDATION</p> <p>By: _____ Title: _____ Date: _____</p>
--	--	--

On a motion by Gene Teague, seconded by Mark Stroud, with the following 4-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; and Turner, aye, (Reynolds-abstained), Council approved transfer of the entire Baldwin Block as previously outlined.

Public Comment regarding Martinsville City Manager search: Mayor Adkins reported on city manager search process noting there have been 142 responses to the online survey, which is designed to seek input from citizens on what qualities, qualifications and experiences they believe are important characteristics for the City's next manager to have. Responses from this survey will be used to develop the community and position profile for the upcoming executive search for city manager and this profile will let potential candidates know what we are looking for in our next city manager. Citizens were encouraged to fill out the survey before the deadline of April 24. Mayor Adkins opened the public comment period. No comments were made and the Mayor closed the public comment period.

Zoning ordinance amendments related to pawnshops 2nd reading: On a motion by Gene Teague, seconded by Kimble Reynolds, with the following 4-1 recorded vote, Council approved the following

April 24, 2012

ordinance, on second reading, Adkins-aye; Teague-aye; Reynolds-aye; Stroud-aye; Turner-nay. Council noted with the new language, this ordinance provides flexibility and addresses citizens' concerns.

PROPOSED AMENDMENTS – ZONING ORDINANCE, Appendix B, City Code
(Strikethrough indicates deletion; *italicized bold* indicates addition)

SECTION XII: COMMERCIAL DISTRICTS

A. C-1 Neighborhood Commercial District

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

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

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

E. C-1A Intermediate Commercial District.

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

61. ~~Pawnshops~~ or second hand stores

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

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

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

I. C-2 Central Business District.

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

61. ~~Pawnshops~~ or second hand stores

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

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

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

M. C-3 General Commercial District.

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

58. ~~Pawnshops~~ or second hand stores

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

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

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

SECTION XIII: BUSINESS AND MANUFACTURING DISTRICTS

E. M-1 Light Manufacturing District.

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

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

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

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

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

I. M-2 Heavy Manufacturing District.

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

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

25. *Pawnshops*

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

4. *Pawnshops, potentially subject, but not limited to, the following conditions:*

April 24, 2012

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

Update from Mark Heath: Mark Heath of the M-HC Economic Development Corp. gave an update on activities and asked Council for level funding of the organization.

Local tax exemption request from Piedmont Youth Soccer League 2nd reading: On a motion by Gene Teague, seconded by Mark Stroud, with the following 5-0 recorded: Adkins, aye; Teague, aye; Reynolds, aye; Stroud, aye; and Turner, aye, Council approved the personal property tax exemption ordinance, on second reading, designating Piedmont Youth Soccer League as a benevolent organization:

ORDINANCE 2012-_____

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

M. Taxation exemption for Piedmont Youth Soccer League Ltd.

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 Piedmont Youth Soccer League Ltd., a nonprofit organization, is hereby classified and designated as a benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. Personal property owned by Piedmont Youth Soccer League Ltd., and used exclusively for benevolent purposes on a nonprofit basis, as set forth in subsection 1 of this section, is hereby determined to be exempt from local personal property taxation.
3. Continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

Attest:


Clerk of Council

April 24, 2012
Date Adopted

May 4, 2012
Date Effective

Local tax exemption request from the Pregnancy Care Center of MHC 2nd reading: On a motion by Mark Stroud, seconded by Gene Teague, with the following 5-0 recorded: Adkins, aye; Teague, aye; Reynolds, aye; Stroud, aye; and Turner, aye, Council approved the personal property tax exemption ordinance, on second reading, designating Pregnancy Care Center of MHC, Inc. as a religious and charitable organization:

ORDINANCE 2012-_____

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

M. Taxation exemption for Pregnancy Care center of MHC Inc.

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 Pregnancy Care center of MHC Inc., a nonprofit organization, is hereby classified and designated as a religious and charitable organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. Personal property owned by Pregnancy Care center of MHC Inc., and used exclusively for religious and charitable purposes on a nonprofit basis, as set forth in subsection 1 of this section, is hereby determined to be exempt from local personal property taxation.
3. Continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

Attest:


Clerk of Council

April 24, 2012
Date Adopted

May 4, 2012
Date Effective

April 24, 2012

through similar action, those fund balance resources are considered committed. If a government has intentions for certain resources, but they are not externally restricted or committed through formal governing body action, those resources are considered assigned fund balance. If the general fund has net resources in excess of the other four categories that surplus is considered unassigned. Council is to give feedback and this item will be placed on a future agenda for approval of policy by July 1, 2012.

Business from floor: Ural Harris, 217 Stuart St.-comments on budget and proposed rate increases; Council Member Turner asked for update on Prairie State project and Mr. Towarnicki advised that information will be presented at next Council meeting; Patrick Henry Amateur Radio association members gave a brief update on their organization and encouraged citizen participation in classes to be offered.

Council comments: Stroud-pleased with NCI project; Reynolds-kudos to NCI for recognizing the legacy of Dr. Baldwin; Turner-promoted attendance at Uptown activities; Adkins-commended NCI team and Tony Jones' leadership on the collaborative work done on the NCI project.

Interim City Manager comments: reminder about April 26 budget presentation and baseball tournament events coming up in next several weeks.

There being no further business, the meeting adjourned at 8:55 pm.

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor

April 26, 2012

A special meeting of the Council of the City of Martinsville, Virginia, was held on April 26, 2012, in Council Chambers, Municipal Building, at 7:00 PM, to receive the City Manager's FY13 budget recommendations with Mayor Kim Adkins presiding. Council Members present included: Mayor Adkins, Vice Mayor Kimble Reynolds, Gene Teague, Danny Turner, and Mark Stroud. Staff present included: Leon Towarnicki, Interim City Manager, Brenda Prillaman, Linda Conover, Mike Rogers, and Donna Odell.

Interim City Manager, Leon Towarnicki, presented the proposed FY13 budget for Council's consideration. The presentation and proposed FY13 budget is to be posted on the city's website.

On a motion by Gene Teague, seconded by Danny Turner, with a 5-0 vote, Council agreed to set a public hearing for the FY13 budget for the May 22, 2012 Council meeting.

Council members have set budget work sessions for May 1 and May 3, 2012 beginning at 4:00pm. The public hearing and first reading of the FY13 budget ordinance will be held on May 22, 2012, with the final vote on the FY13 budget on June 12, 2012.

There being no further business, Mayor Adkins adjourned the meeting at 7:35 pm.

Brenda Prillaman, Clerk of Council

Kim Adkins, Mayor



City Council Agenda Summary

Meeting Date: June 26, 2012

Item No: 2.

Department: City Council

Issue: Hear an update on the city manager search.

Summary: City Council will update citizens on search for city manager.

Attachments: none

Recommendations: for information.



City Council Agenda Summary

Meeting Date: June 26, 2012

Item No: 3.

Department: City Council

Issue: Hear an update from Ray Gibbs of Phoenix Community Development Corporation.

Summary: Mr. Gibbs will update City Council on the Henry Hotel.

Attachments: none

Recommendations: for information.

Meeting Date: June 26, 2012

Item No: 4.

Department: City Manager

Issue: Consider authorizing execution of document “Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate”.

Summary: The attached 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.

Attachments: [Resolution](#)-Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate

School Board signed resolutions approved at their June 13, 2012 meeting:
[VRS Resolution Employer Rate \(Schools\)](#)
[VRS Resolution Employer Implementation Schedule \(Schools\)](#)

Recommendations: Motion to authorize execution of resolution for Martinsville City Schools: “Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate”.

Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate

(In accordance with the 2012 Appropriation Act Item 468 (H))

Resolution

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

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

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.

Locality Board Chairman

CERTIFICATE

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

Clerk

**This resolution must be passed prior to July 1, 2012 and
received by VRS no later than July 10, 2012.**

**Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2012 Appropriation Act Item 468(H))**

Resolution

BE IT RESOLVED, that the Martinsville City School Board 55623 does hereby acknowledge that its contribution rates effective July 1, 2012 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may 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

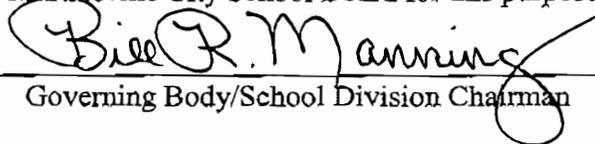
BE IT ALSO RESOLVED, that the Martinsville City School Board 55623 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2012:

(Check only one box)

The Certified Rate of 23.73% The Alternate Rate of 17.00%; and

BE IT ALSO RESOLVED, that the Martinsville City School Board 55623 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of Martinsville City School Board 55623 are hereby authorized and directed in the name of the Martinsville City School Board to carry out the provisions of this resolution, and said officers of the Martinsville City School Board are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by Martinsville City School Board for this purpose.


Governing Body/School Division Chairman

CERTIFICATE

I, Lynda W. Pulliam, Clerk of the Martinsville City School Board, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Martinsville City School Board held at Martinsville, Virginia at 6:00 P. M. o'clock on June 13, 2012. Given under my hand seal of the Martinsville City School Board this 13th day of June, 2012.


Clerk

**This resolution must be passed prior to July 1, 2012 and
received by VRS no later than July 10, 2012.**



Member Contributions by Salary Reduction for School Divisions

(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

WHEREAS, the Martinsville City Schools employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 2012 ("FY2013 Employees" for purposes of this resolution), shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis upon commencing or recommencing employment; and

WHEREAS, the Martinsville City Schools employees who are Virginia Retirement System members and in service on June 30, 2012, shall be required to contribute five percent of their creditable compensation by salary reduction pursuant to Internal Revenue Code § 414(h) on a pre-tax basis no later than July 1, 2016; and

WHEREAS, such employees in service on June 30, 2012, shall contribute a minimum of an additional one percent of their creditable compensation beginning on each July 1 of 2012, 2013, 2014, 2015, and 2016, or until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the Martinsville City Schools may elect to require such employees in service on June 30, 2012, to contribute more than an additional one percent each year, in whole percentages, until the employees' contributions equal five percent of creditable compensation; and

WHEREAS, the second enactment clause of Chapter 822 of the 2012 Acts of Assembly (SB497) requires an increase in total creditable compensation, effective July 1, 2012, to each such employee in service on June 30, 2012, such increase in total creditable compensation to be equal to the difference between five percent of the employee's total creditable compensation and the percentage of the member contribution paid by such employee on January 1, 2012.

BE IT THEREFORE RESOLVED, that the Martinsville City Schools does hereby certify to the Virginia Retirement System Board of Trustees that it shall effect the implementation of the member contribution requirements of Chapter 822 of the 2012 Acts of Assembly (SB497) according to the following schedule for the fiscal year beginning July 1, 2012 (i.e., FY2013):

Professional Employees 40223:

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	% 4	% 1
Plan 2	% 4	% 1
FY2013 Employees	0%	5%

(Note: Each row must add up to 5 percent.)

Non-professional Employees 55623:

Type of Employee	Employer Paid Member Contribution	Employee Paid Member Contribution
Plan 1	% 4	% 1
Plan 2	% 4	% 1
FY2013 Employees	0%	5%

(Note: Each row must add up to 5 percent.); and

BE IT FURTHER RESOLVED, that such contributions, although designated as member contributions, are to be made by the Martinsville City Schools in lieu of member contributions; and

BE IT FURTHER RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and

BE IT FURTHER RESOLVED, that member contributions made by the Martinsville City Schools under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and

BE IT FURTHER RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the Martinsville City Schools directly instead of having them paid to VRS; and

BE IT FURTHER RESOLVED, that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the Martinsville City Schools shall be reduced by the amount of member contributions picked up by the Martinsville City Schools on behalf of such employee pursuant to the foregoing resolutions.

NOW, THEREFORE, the officers of Martinsville City Schools are hereby authorized and directed in the name of the Martinsville City Schools to carry out the provisions of this resolution, and said officers of the Martinsville City Schools are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the Martinsville City Schools for this purpose.


 School Division Chairman

CERTIFICATE

I, Lynda W. Pulliam, Clerk of the Martinsville City Schools, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Martinsville City Schools held at Martinsville, Virginia at 6:00 P.M. o'clock on June 13, 2012. Given under my hand and seal of the Martinsville City Schools this 13th day of June, 2012.



Lynda W. Pulliam
Clerk

This resolution must be passed prior to July 1, 2012 and received by VRS no later than July 10, 2012.

Date: June 26, 2012

Item No: 5.

Department: City Attorney

Issue: Consider approval of revised littering ordinance on first reading.

Summary: 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 misdemeanors, 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.

Attachments: [Draft ordinance.](#)

Recommended Action: Motion to adopt on first reading with a roll call vote.

City of Martinsville, Virginia

ORDINANCE 2012-_____

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on May 22, 2012 that sections 18-1 of the City Code be amended to read as follows:

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.

Attest:

**Brenda Prillaman,
Clerk of Council**

Date Adopted

Date Effective

BUDGET ADDITIONS FOR 6/26/12

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<u>FY12</u>				
<u>General Fund:</u>				
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
<u>Water Fund:</u>				
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



City Council Agenda Summary

Meeting Date: June 26, 2012
Item No: 6.
Department: Finance
Issue: Consider approval of consent agenda.

Summary:

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

FY12:

General Fund: \$19,015 – Recovered Costs & Reimbursements

Water Fund: \$78,000 – Grant Reimbursement

Attachments: [Consent Agenda 6-26-12.xls](#)

Recommendations: Motion to approve consent agenda.

Meeting Date: June 26, 2012

Item No: 7.

Department: City Manager

Issue: Hear a staff update regarding replacement of City vehicles and equipment, and information regarding departmental policies related to take-home vehicles.

Summary: At one of the recent budget work sessions, staff was requested to report back to Council at a later date on the City's process of determining replacement of vehicles and equipment, as well as departmental policies related to take-home vehicles. Staff will provide an update on both of these issues.

Attachments: none

Recommendations: None. Presented for information purposes only.