

July 23, 2013

The regular meeting of the Council of the City of Martinsville, Virginia, was held on July 23, 2013, 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 Gene Teague, Mark Stroud, and Sharon Brooks Hodge. Mr. Turner was absent. Staff present included: Leon Towarnicki, City Manager, Brenda Prillaman, Eric Monday, Mike Rogers, Marshall Thomas, Steve Draper, Kathy Vernon, Jay Stout, Linda Conover, Danny Wimmer, Lane Shively, Doug Hardy, Robert Fincher, Betsy Pace, Mildred Montgomery, Bart Hampton, Eddie Cassady, Janet Hiatt, and Coretha Gravely.

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 Sharon Brooks Hodge, with the following 4-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; and Hodge, aye, (Turner-absent), Council convened in Closed Session, for the purpose of discussing the following matters: (A) Appointments to Boards and Commissions as authorized by Subsection 1. (B) A personnel matter as authorized by Subsection 1.

Following the invocation by Mayor Adkins and Pledge to the American Flag, the Mayor welcomed everyone to the meeting.

Boards & Commissions actions taken:

Southern VA Recreation Facilities Authority-on a motion by Gene Teague, seconded by Mark Stroud, with 3-0 vote, (Hodge abstained), Council appointed Gavin Russell of 1014 Sheraton Ct. to a 4-year unexpired term ending 10/31/16.

Southern VA Recreation Facilities Authority-on a motion by Gene Teague, seconded by Mark Stroud, with a 3-0 vote (Hodge abstained), Council appointed Will Vaughn of 1015 Sheraton Ct. to a 4-year unexpired term ending 10/31/14.

Transportation Safety Commission-on a motion by Mark Stroud, seconded by Gene Teague, with a 4-0 vote, Council appointed Joseph Allan Martin of 27 East Church St. to a 4-year unexpired term ending 12/31/13.

Minutes: On a motion by Gene Teague, seconded by Sharon Brooks Hodge, with a 4-0 vote, Council approved the minutes of the June 11, 2013 meeting.

City Sheriff's office reaccreditation- Sheriff Eric Atkins of the City of Salem presented the certificate to the Sheriff's Office personnel for earning reaccreditation from the Virginia Law Enforcement Professional Standards Commission (VLEPSC). Sheriff Atkins briefed Council on the process for reaccreditation pointing out that seeking VLEPSC accreditation is strictly voluntary. Accreditation standards provide norms against which an agency's performance can be measured and monitored, boosting public confidence in how their community is being served in crime prevention and control. During December 2012, the VLEPSC certified assessors spent three days with the Martinsville Sheriff's Office going through files, randomly interviewing deputies to test their knowledge, touring the facilities, riding along with civil enforcement deputies, and conducting other functions for their audit. There were zero deficiencies noted and the Martinsville Sheriff's Office complied with all 188 standards set forth by VLEPSC. With a 100 percent score, the Martinsville Sheriff's Office went before the VLEPSC accreditation board on January 10, 2013 where it was

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announced the office earned the seal of approval as an accredited Virginia law enforcement agency. This was Martinsville Sheriff's Office second accreditation. The executive board consists of representatives selected by the Virginia Sheriffs' Association (VSA), and the Virginia Association of Chiefs of Police (VACP). The Department of Criminal Justice Services (DCJS) provides oversight. VLEPSC accreditation indicates that participating Virginia agencies are systematically measured and evaluated on policy and procedure. Law enforcement professionalism is advanced through the establishment of professional standards. There is a formal mechanism by which all accredited agencies across the Commonwealth of Virginia are measured and delivery of services is more effective and efficient. Cooperation and coordination among all components of the criminal justice system is promoted and the appropriate level of training for law enforcement personnel is ensured. Ultimately, public confidence in law enforcement is enhanced. VLEPSC accreditation remains in effect for four years and it is a coveted award that symbolizes professionalism, excellence, and competence.

Recognition of retiring Police Chief Mike Rogers: City Council formally recognized retiring Police Chief Mike Rogers with presentation of a Key to the City in appreciation for over 33 years of dedicated service to the citizens of Martinsville, VA from February, 1980 to July, 2013 and for serving the Martinsville Police Department as Police Chief. Council members, along with Commonwealth's Attorney Joan Ziglar, and several citizens made comments commending Chief Rogers for his service. City Neighborhood Watch group members and Lane Shively, City Garage employee, along with Officer Coretha Gravely presented Chief Rogers with a framed, enlarged reproduction of a former patch that officers wore on their uniforms.

Proclamation for National Night Out 2013: Mayor Adkins read and presented a proclamation regarding National Night Out August 6, 2013 to Officer Coretha Gravely and Neighborhood Watch members.

Proclamation for Smith River Week 2013: Mayor Adkins read and presented a proclamation regarding Smith River Week to Brian Williams and members of the Smith River Fest Committee.

Council Neighborhood meetings FY: Council discussed locations for the Neighborhood Focus Meetings to be held in September, November, February, and April. City Staff was directed to firm up locations using Council's suggestions of Druid Hills School Administration office for the September meeting, Fuller Memorial Church for Southside meeting, Chatham Hts. Baptist for the Northside meeting, and the City Housing Office for the Westside meeting.

Passport fees ordinance first reading: City Attorney Eric Monday briefed Council on the ordinance regarding recovery of passport fees. The Clerk of the Circuit Court processes applications for passports as a Passport Agent for the State Department. He remits all application and processing fees set by the Department of State for processing the applications to the Commonwealth, but is allowed to reimburse the City for passport application mailing costs. The Clerk also takes and processes passport photographs. Although authority to process passport applications is recognized and allowed by the Commonwealth of Virginia, the State appropriates no funding for this activity; the City supports this activity financially, under authority of Code of Virginia section 15.2-1656, by furnishing supplies and equipment to accomplish this purpose. The Clerk recommends that an ordinance be adopted to ensure these funds remain with the City and are not intercepted and redirected to the Commonwealth. On a motion by Gene Teague, seconded by Mark Stroud,

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with the following recorded vote of 4-0: Adkins, aye; Teague, aye; Stroud, aye; and Hodge, aye, (Turner-absent), Council approved the following proposed ordinance on first reading. Council will consider the ordinance again at the August 13, 2013 meeting for the second reading and final vote.

2-27. Recovery of Costs Related to Passport Applications.

The Clerk of Martinsville Circuit Court is authorized:

- (1) To collect a Passport Photo Fee of \$15 from every passport applicant who requests photograph services; and
- (2) To assess and collect passport application mailing costs; and
- (3) To pay the fees and recovered costs monthly to the Treasurer of the City of Martinsville.

Should Passport Agent authority of the Office of the Clerk of Martinsville Circuit Court be removed or suspended, either temporarily or permanently, by the United States Department of State, the Clerk shall immediately notify the Martinsville City Manager. Collections of revenue authorized by this Section shall cease during any period of removal or suspension, and shall immediately resume upon re-authorization of the Office of the Clerk of Martinsville Circuit Court as Passport Agent. *State code reference: Code of Virginia § 15.2-1656*

Sewer/water discharges ordinance first reading: City Attorney Eric Monday briefed Council on the ordinance regarding unlawful sewer/water discharges pointing out that an issue has arisen concerning discharge of commercial car wash water into City streets and storm water systems and the existing ordinance is too vague to be enforceable. An attempt to resolve the issue short of legislation has been unsuccessful. Discussions with Director of the Water Department indicated that an expansion of the existing ordinance to protect the storm water system more generally would be appropriate. Council discussion included whether due diligence has been done before putting people out of business and the ordinance impact on streams. On a motion by Gene Teague, seconded by Mark Stroud, with the following recorded vote of 4-0: Adkins, aye; Teague, aye; Stroud, aye; and Hodge, aye, (Turner-absent), Council approved the following ordinance on first reading.

Sec. 23-3. - Unlawful disposal of sewage and waste water.

A. No person shall make use of any vacant lot, or any building or structure without toilet facilities, for the disposal of human wastes, and no person shall make like use of any street, sidewalk or public or private alley. ~~No wash water or other waste water producing or likely to produce an offensive odor shall be emptied so as to flow upon any paved alley, sidewalk street in the city at any time.~~

B. It shall be unlawful and a violation of this section to:

- (1)Cause or allow any illicit discharge to the city's storm sewer system;
- (2)Cause or allow any illicit connection to the city's storm sewer system; or
- (3)Violate any condition or provision of this section, or any permit or approval granted to allow any storm water discharges to the city's storm sewer system.

C.The following activities shall not be considered illicit discharges:

- (1)Water line flushing;
- (2)Landscape irrigation;
- (3)Diverting stream flows or rising groundwater, or infiltration of uncontaminated groundwater;
- (4)Public safety activities, including, but not limited to, law enforcement and fire suppression;
- (5)Pumping of uncontaminated groundwater from potable water sources, foundation drains, irrigation waters, springs, or water from crawl spaces or footing drains;
- (6)Lawn watering;
- (7)Individual car washing on residential properties;
- (8)De-chlorinated swimming pool discharges (less than 1 PPM chlorine);
- (9)Street washing;
- (10)Any activity authorized by a valid National Pollutant Discharge Elimination System (NPDES) permit, waiver or discharge order, a Virginia Pollutant Discharge Elimination System (VPDES) permit, waiver or discharge order, or a Virginia Pollution Abatement (VPA) permit;
- (11)Any activity by a governmental entity in accordance with federal, state, and local regulations and standards for the maintenance or repair of drinking water reservoirs or drinking water treatment or distribution systems; and

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(12)Any activity by the city, its employees and agents, in accordance with federal, state and local regulations and standards, for the maintenance of any component of its storm water management system.

(13)Discharges specified in writing by the City Manager or his designee as being necessary to protect public health and safety.

(14)Dye testing, following notification to the City Manager or his designee.

D.If any of the activities listed in subsection (b), above, of this section are found to be sources of pollutants to public waters, the City Manager or his designee shall so notify the person performing such activities and shall order that such activities be stopped or conducted in such manner as to avoid the discharge of pollutants into such waters. The failure to comply with any such order shall be unlawful and a Class 1 misdemeanor. (Code 1971, § 17-2)

Finance report: Finance Director Linda Conover presented the following finance report:

FY13 – Revenues & Expenditures through June 30, 2013; Combined Balance Sheet; Projected Fund Balance

Although FY13 officially ended on June 30, all year-end transactions will not be finalized until early fall in order to realize all earned revenue and incurred expenses for the fiscal year. The annual audit process will begin in late September or early October. The reports provided this evening reflect only the actual transactions to-date and some of the anticipated transactions yet to occur. Additional adjustments will impact both revenues and expenditures before FY13 is officially “closed”.

Exclusive of School and Special Revenue funds, actual revenues posted to-date are \$57,896,800, representing 96.6% of the anticipated \$59,957,500 through the fourth quarter, ending June 30th. Representing eleven months, Local Sales/Use Taxes received from the Commonwealth through June 30 are ahead of anticipated by \$59,490, for total receipts of \$1,883,490. Utility revenues in Refuse, Water, and Sewer Fund were all greater than anticipated; Electric Fund revenues were less than anticipated for June 30. Actual expenditures currently posted through June 30 are \$64,417,320.

Currently, as of the end of the FY13 fourth quarter, the current total combined fund balance for FY13 is \$21,781,721, a decrease over FY12 of \$4,990,800. The unadjusted available cash-on-hand June 30th for all City Funds was \$15.8 million.

The projected fund balance, including all Utility Funds, for FY13 is \$17,205,067 – a decrease from FY12 year-end of \$9,567,454. Based upon this projection, the unassigned Fund Balance would be \$3,424,471 for non-utility funds and \$9,347,123 for utility funds, for a total of \$12,771,594. Again, these numbers are still fluid and will change as the year-end closing process continues. There are still many revenue, expense and balance sheet adjustments to be made.

On a motion by Gene Teague, seconded by Mark Stroud, with a 4-0 vote, Council approved the finance report.

Consent Agenda: On a motion by Gene Teague, seconded by Sharon Brooks Hodge, with a 4-0 vote, Council approved the following consent agenda:

BUDGET ADDITIONS FOR 7/23/13				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY13				
General Fund:				
01101917	442810	Categorical Other - State - Highway Projects		576,587
01413151	503193	Thorofare Construction - Prof.Serv. -Inspections/Fees	45,519	
01413151	508220	Thorofare Construction - Physical Plant Expansion	531,068	
		Reimbursement-Liberty St Project		
01100909	490801	Recovered Costs - Senior Citizens		5,386
01714212	506016	Senior Center - Program Supplies	2,203	
01714212	501300	Senior Center - Part-time Wages	1,998	
01714212	502100	Senior Center - Social Security	124	
01714212	502110	Senior Center - Medicare	29	
01714212	506049	Senior Center - Vehicle Fuels	1,032	
		Transportation Grant and Reimbursements		
01101916	434703	Categorical Shared - Circuit Ct Clerk - Addtl Allowance		16,268
01216076	503320	Circuit Court Clerk - Maint. Service Contracts	15,500	
01216076	505410	Circuit Court Clerk - Lease/Rental of Equipment	768	
		Additional Reimbursement from Comp Board		
01102926	443157	Categorical Federal - Safe Routes to School		302,729
01413146	503191	Street Marking - Prof. Services - Contractors	302,729	
		Safe Routes to School Project		
Total General Fund:			900,970	900,970
SCHOOL FUND				
18102926	418297	Nasa Program		20,000
61101100	561120	Instructional S&W	9,345	
61101100	561620	Supplementatl S&W	7,450	
61101100	562100	Social Security	1,041	
61101100	562150	Medicare	244	
66501100	562210	Retirement	1,463	
66501100	562400	State Life	111	

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66501100	562750	RHCC	104	
66501100	566000	Materials & Supplies	242	
18101917	402912	Mentor Teacher Program		1,000
85031310	561620	Supplemental S&W	929	
85031310	562100	Social Security	58	
85031310	562150	Medicare	13	
18103919	489904	Harvest		10,000
81621310	568200	Capital Outlay Additions	10,000	
18103909	480301	Bus Operations		15,760
80003400	566051	Bus Fuel	15,760	
Total School Fund:			46,760	46,760

Business from floor: No comments.

Council comments: Hodge-explained that she abstained on the Southern VA Recreation Facilities appointment vote because the person appointed by Council in February has indicated to her that he felt unwelcomed to serve and conversations need to be had with boards and commission chairs to involve all citizens; Stroud-wished retiring Chief Rogers well and thanked him for his service.

City Manager comments: Mr. Towarnicki reported (1) Druid Hills pool demolition is underway (2) reminded Council of VML Committee meetings this week (3) reported on a press release announcing that Eddie Cassady will be serving as interim police chief and a future report will be brought to Council regarding possibilities of combining services of police department and sheriff's office.

Council reconvened 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 Sharon Brooks Hodge, with the following recorded 4-0 vote: Adkins, aye; Teague, aye; Stroud, aye; and Hodge, aye, Council returned to Open Session. No action was taken.

There being no further business, the meeting adjourned at 9:42pm.

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor