

July 27, 2010

The regular meeting of the Council of the City of Martinsville, Virginia, was held on July 27, 2010, 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, Jr., Gene Teague, Mark Stroud, Sr., and Danny Turner. Staff present included: Leon Towarnicki, Assistant City Manager, Brenda Prillaman, Eric Monday, Wayne Knox, Coretha Gravely, Eddie Cassady and Linda Conover.

Following the invocation by Vice Mayor Kimble Reynolds and Pledge to the American Flag, Mayor Adkins welcomed everyone to the meeting and advised due to an addendum item added, the meeting is to begin with the call to order of the Martinsville Redevelopment and Housing Authority.

As Chairperson of the Martinsville Redevelopment & Housing Authority, Chairperson Kim Adkins called on Wayne Knox to brief Council on the resolution regarding Section Management Assessment Program (SEMAP) certification as required by HUD. A requirement of the Housing Choice Voucher program is an annual certification of the Section 8 Management Assessment Program. This certification includes 14 key indicators of performance from selection of applicants to family self – sufficiency programs. HUD will rate each Housing Authority on each of the 14 indicators and assign an overall performance rating of high, standard, or troubled. Council asked that Mr. Knox provide Council members with our current performance grade as well as last year's grade for comparison. On a motion by Gene Teague, seconded by Kimble Reynolds, with a 5-0 vote, the Martinsville Redevelopment & Housing Authority approved the following resolution:

**SECTION MANAGEMENT ASSESSMENT PROGRAM (SEMAP) CERTIFICATION**

Whereas, 24 CFR 985.101 requires a Public Housing Agency administering a tenant – based assistance program to submit an annual SEMAP Certification within 60 days after the end of its fiscal year;

Whereas, SEMAP requires HUD to rate the performance of Public Housing agencies by assessing 14 performance indicators subject to HUD verification by an on – site confirmation review at any time;

Whereas, The Housing Authority is required to submit certification to HUD for the 14 performance indicators, and;

Whereas, The Certification must be approved by the PHA board and signed by the PHA Executive Director; now, therefore,

**BE IT RESOLVED, by the Board of Commissioners of the Martinsville Redevelopment and Housing Authority,**

1. That the Section 8 Management Assessment Program Certification for the Fiscal year ending June 30, 2010 shall be completed as stipulated by HUD and;
2. That the Executive Director is hereby authorized to sign and submit the certification as required.

The Martinsville Redevelopment & Housing Authority adjourned and Martinsville City Council convened with Mayor Kim Adkins presiding.

Mayor Adkins presented a proclamation proclaiming National Night Out, August 3, 2010, to Police Officer Coretha Gravely and several Neighborhood Watch Group Captains present at the meeting.

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On a motion by Danny Turner, seconded by Kimble Reynolds, with a 4-0 vote, (Mayor Adkins abstained as she was a member-elect during this meeting), Council approved the minutes of May 17 and May 19, 2010 meetings.

Eric Monday, City Attorney, briefed Council on Section 21-130 codifying probate tax fee collection. On a motion by Kimble Reynolds, seconded by Gene Teague, with the following 5-0 recorded vote, Mrs. Adkins, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council approved the following ordinance, on second reading, codifying probate tax fee collection:

**BE IT ORDAINED** by the Council of the City of Martinsville, Virginia, in regular session held on July 13, 2010 that Chapter 21 of the City Code, is hereby amended to add a new Article XI and section 21-130 to read as follows:

**Article XI: City Probate Tax**

**Section 21-130. City Probate Tax.**

There is hereby imposed upon the probate of a will, or grant of administration on the probate of every such will or grant of administration, a tax payable to the City in an amount equal to one-third of the amount of the state tax thereon imposed by §§ 58.1-1712 and 58.1-1717.1 of the Code of Virginia, as amended.

Eric Monday, City Attorney, briefed Council on Section 18-1 amending the littering ordinance and Section 19-13 regarding cuttings on the street. On a motion by Gene Teague, seconded by Danny Turner, with the following 5-0 recorded vote, Mrs. Adkins, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council approved the following ordinance, on second reading amending the littering ordinance:

**BE IT ORDAINED** by the Council of the City of Martinsville, Virginia, in regular session held on July 13, 2010 that sections 18-1 and 19-13 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~~ **4** 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.

**Cross references:** Penalty for Class 4 and 3 misdemeanor, § 1-11; deposit of leaves on streets, § 19-13.

On a motion by Gene Teague, seconded by Kimble Reynolds, with the following 5-0 recorded vote, Mrs. Adkins, aye; Mr. Reynolds, aye; Mr. Stroud, aye; Mr. Teague, aye; and Mr. Turner, aye, Council approved the following ordinance, on second reading amending ordinance regarding deposit of cuttings on streets:

**Sec. 19-13. Deposit of cuttings on streets.**

It shall be unlawful and a Class 4 misdemeanor for a first offense and a Class 3 misdemeanor for any subsequent offense for any person to rake, deposit or place leaves, grass clippings, brush trimmings or branches or other green waste or cuttings of vegetative matter in or on any street, alley or other public property within the city, without first having obtained the consent thereto of the director of public works. This section shall not prohibit the placement of such material at the curb for pickup by the city as a part of its refuse collection service.

On a motion by Gene Teague, seconded by Kimble Reynolds, with a 5-0 vote, Council approved the following consent agenda for FY10 & FY11 budgets:

| BUDGET ADDITIONS FOR 07/27/10 |        |   |       |        |
|-------------------------------|--------|---|-------|--------|
| ORG                           | OBJECT | DESCRIPTION                                 | DEBIT | CREDIT |
| <b>FY10</b>                   |        |   |       |        |
| <b>GENERAL FUND</b>           |        |   |       |        |
| 01100909                      | 490110 | Recovered Costs - National Guard Armory     |       | 2,991  |
| 01715213                      | 508220 | Armory - Physical Plant Expansion           | 2,991 |        |
|                               |        | DOD reimbursement - fire suppression system |       |        |

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|                                    |        |   |        |        |
|------------------------------------|--------|---|--------|--------|
| <b>Total General Fund:</b>         |        |   | 2,991  | 2,991  |
| <b>CDBG FUND</b>                   |        |   |        |        |
| 47101917                           | 447026 | Categorical Other State - Uptown Planning Grant             |        | 3,500  |
| 47823519                           | 503140 | Uptown Revitalization Planning Grant-Prof. Serv. - Eng/Arch | 3,500  |        |
|                                    |        | Uptown M'ville Planning Grant funding                       |        |        |
| <b>Total CDBG Fund:</b>            |        |   | 3,500  | 3,500  |
| <b>CAPITAL RESERVE FUND:</b>       |        |   |        |        |
| 16100909                           | 490104 | Recovered Costs   |        | 42,906 |
| 16577367                           | 508013 | Physical Plant Expansion - Minet Expenses appropriate funds | 42,906 |        |
| <b>Total Capital Reserve Fund:</b> |        |   | 42,906 | 42,906 |
| <b>FY11 GENERAL FUND</b>           |        |   |        |        |
| 01100908                           | 440402 | Miscellaneous - Donations/Hooker Field                      |        | 852    |
| 01725422                           | 505508 | Mustangs - Meals  | 804    |        |
| 01725422                           | 506010 | Mustangs - Game Equipment                                   | 48     |        |
|                                    |        | Appropriate donations                                       |        |        |
| 01100909                           | 490134 | Recovered Costs - Recreation & Parks                        |        | 120    |
| 01711210                           | 503159 | Parks & Recreation - Prof. Services - Instructors           | 120    |        |
|                                    |        | Appropriate fees from Art Camp                              |        |        |
| 01100908                           | 480410 | Miscellaneous - Donations/Fire Dept                         |        | 465    |
| 01322105                           | 505500 | EMS - Training  | 465    |        |
|                                    |        | Appropriate donations                                       |        |        |
| 01101916                           | 434102 | Categorical State Shared Expenses - Comm Atty Temp          |        | 27,970 |
| 01221082                           | 501300 | Commonwealth's Attorney - Part-time & Temporary             | 27,970 |        |
|                                    |        | Appropriate additional compensation                         |        |        |
| <b>Total General Fund:</b>         |        |   | 29,407 | 29,407 |
| <b>SCHOOL FUND</b>                 |        |   |        |        |
| 18102926                           | 418316 | Categorical Federal - Learn & Serve STEM                    |        | 24,444 |
| 71301100                           | 561620 | Learn & Serve STEM - Supplemental S&W                       | 4,500  |        |
| 71301100                           | 562100 | Learn & Serve STEM - Social Security                        | 279    |        |
| 71301100                           | 562150 | Learn & Serve STEM - Medicare                               | 65     |        |
| 71301100                           | 563000 | Learn & Serve STEM - Purchased Services                     | 3,468  |        |
| 71301100                           | 565503 | Learn & Serve STEM - Travel                                 | 1,632  |        |
| 71301100                           | 566013 | Learn & Serve STEM - Instructional Materials & Supplies     | 14,500 |        |
| <b>Total School Fund:</b>          |        |   | 24,444 | 24,444 |

There were no comments from Business from the Floor.

Comments from City Council: Turner—wants Council to consider ways to make it easier for seniors to apply for water discount and expressed his condolences to Town of Rocky Mount for their recent tragedy of the loss of two volunteer firefighters. Mayor Adkins directed staff to place on next agenda to bring back recommendations on how to make it more convenient to sign up for the senior discount program. Stroud—expressed condolences to Gower and Wade family and reminded citizens to sign up for organ donor program. Teague—asked Council to consider moving the August 10 Council meeting so Council members could attend the Chamber of Commerce Annual Dinner where the Lt. Governor will be the guest speaker. Staff was directed to check on the possibility of the school board moving their Monday night meeting so the Council meeting could be moved to Monday night. Details will be worked out by staff and Council will be advised. Adkins—asked that staff prepare a fact sheet on AMP and have representatives at a Council meeting in August; Adkins distributed a VDOT letter regarding I-73 environmental assessments and Leon Towarnicki advised Council that the city has

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communicated with VDOT about environmental concerns and will continue to evaluate; Adkins congratulated Kimball Hospitality on bringing in 67 new jobs and commended all who worked to make this happen.

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 Danny Turner, with the following 5-0 recorded vote: Adkins, aye; Reynolds, aye; Teague, aye; Stroud, aye; and Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matters: (A) Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected as authorized by Subsection 6. (B) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms of scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body as authorized by Subsection 29.

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 said Session. On a motion by Gene Teague, seconded by Kimble Reynolds, 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 was taken.

There being no further business and with a motion by Gene Teague, seconded by Mark Stroud, the meeting adjourned at 9:40 PM.

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Leon E. Towarnicki  
Deputy Clerk of Council

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Kim E. Adkins  
Mayor