

AGENDA--CITY COUNCIL -- CITY OF MARTINSVILLE, VIRGINIA
Council Chambers – Municipal Building
7:00 pm CLOSED SESSION **7:30 pm regular session**
Tuesday, August 13, 2013

7:00--Closed Session

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

7:30—Regular Session

Invocation & Pledge to the American Flag-Mayor Kim Adkins

1. Consider approval of minutes of June 25, 2013. (2 mins)
2. Presentation of proclamation recognizing Wigs Unlimited & Cottage Salon for the Hair-4-A Friend Program. (2 mins)
3. Hear an update from Chris Pope of Martinsville VEC office. (10 mins)
4. Hear an update from M-HC Economic Development Corporation. (10 mins)
5. Hear update on City Electric issues. (15 mins)
6. Consider adoption of resolution of resolution regarding Industrial Revitalization Fund (IRF)-The Henry Hotel. (5 mins)
7. Consider adoption of resolution and approval, on first reading, of amendment to ordinance relating to residency requirements for City employees. (5 mins)
8. Consider approval of ordinance, on second reading, regarding recovery of passport fees. (5 mins)
9. Consider approval of ordinance, on second reading, regarding unlawful sewer/water discharges. (5 mins)
10. Consider approval of consent agenda. (2 mins)
11. 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 name and address;**
 - (2) state the matter that they wish to discuss and what action they would like for Council to take;**
 - (3) limit remarks to five minutes;**
 - (4) refrain from making any personal references or accusations of a factually false and/or malicious nature.****Persons who violate these guidelines will be ruled out of order by the presiding officer and 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.
12. Comments by members of City Council. (5 minutes)
13. Comments by City Manager. (5 minutes)



City Council Agenda Summary

Meeting Date: August 13, 2013

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes of City Council meeting June 25, 2013.

Summary: None

Attachments: June 25, 2013

Recommendations: Motion to approve minutes as presented

June 25, 2013

The regular meeting of the Council of the City of Martinsville, Virginia, was held on June 25, 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, Sharon Brooks Hodge and Danny Turner. Staff present included: Leon Towarnicki, City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Eddie Cassidy, Dennis Bowles, 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 Mark Stroud, with the following 5-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; Hodge, aye; and Turner, aye, 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) 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 or 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. (C) 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.

Action taken on Board appointments:

School Board: A motion was made by Gene Teague, seconded by Danny Turner, with a 4-1 vote (Hodge-nay), to appoint Rives Coleman, 603 Mulberry Rd., to a 3 year term ending 6/30/2016.

Piedmont Community Services Board: A motion was made by Sharon Brooks Hodge, seconded by Danny Turner, with a 5-0 vote, to re-appoint Mark Stroud to a 3 year term ending 6/30/2016.

Council Comments on School Board appointment: Teague-with so many qualified candidates, it was a tough decision; Stroud-echoed Mr. Teague's comments and it was very difficult; Turner-it was a hard decision and he encouraged applicants to apply for other positions; Hodge-some of the other candidates would have helped us serve populations we don't already serve; Adkins-encouraged applicants to apply for other vacancies.

Minutes: On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Council approved the minutes of the April 24, 2013, April 25, 2013, and May 2, 2013 meetings.

Update from Dr. Boaz on proposed medical school: Dr. Noel Boaz, founder and president of the Integrative Centers for Science and Medicine briefed Council on the progress made on the development of the College of Henricopolis School of Medicine in Martinsville. He reported with their aggressive timetable, plans are to open the medical school in September 2015.

Workforce Investment Board quarterly report: Lisa Fultz, the new Executive Director, briefed Council on activities and programs of the WIB.

Amended Electric Terms and Conditions: Dennis Bowles presented the following information to Council regarding Time of Day Rate and Returned Checks and Bank Draft additions to the City's Electric Terms and Conditions: (1)A Time of Day (TOD) rate is an electric rate that varies according to the time of day and staff recommends the implementation of a TOD rate on experimental basis to assess the impact to system

June 25, 2013

load and revenue generated from the schedule for a small sampling of potential new customer base load. The rate may offer some energy savings over the Medium General Service Rate for new customers where power consumption for the facility mainly occurs after the on-peak hours of the day, usually before 7:00AM and after 8:00PM; (2) A fee of \$20 is currently assessed for returned checks or debit bills returned for insufficient funds related to Direct Payments by bank draft. In order to more adequately recover cost associated with returned checks and returned debit bills, staff recommends paralleling the Commonwealth of Virginia's returned check fee presently set at of \$50.00 as allowed by the Code of Virginia Section 15.2-106 as follows: § 15.2-106. Ordinances providing fee for passing bad checks to localities. Any locality may by ordinance provide for a fee, not exceeding \$50, for the uttering, publishing or passing of any check, draft, or order for payment of taxes or any other sums due, which is subsequently returned for insufficient funds or because there is no account or the account has been closed, or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft, or order by the drawer. After discussion, a motion was made by Gene Teague, seconded by Mark Stroud, to establish Time of Day rate as presented and motion passed with 5-0 vote. Danny Turner made a motion to make the returned check fee \$20 which was seconded by Sharon Hodge. An amended motion was made by Gene Teague, seconded by Mark Stroud, to increase returned check fee to \$35.00. The amended motion passed with a 3-2 vote (Hodge and Turner voting nay).

Resolutions regarding VRS contributions: Mr. Towarnicki briefed Council on the resolution required by VRS confirming the City's decision to require full-time VRS-covered employees to provide a 1% employee contribution to VRS, offset by a 1% pay increase to employees effective July 1, 2013. In FY13, it was decided to implement the required 5% VRS employee contribution by phasing in 1% increments over a 5 year period with FY14 being the second year of the implementation schedule. On a motion by Gene Teague, seconded by Danny Turner, with a 5-0 vote, the resolution was approved:

Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions
(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497))

Resolution

WHEREAS, the CITY OF MARTINSVILLE [Political Subdivision Name] 59223 Employer code] employees who are Virginia Retirement System members who commence or recommence employment on or after July 1, 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 upon commencing or recommencing employment; and

WHEREAS, the CITY OF MARTINSVILLE [Political Subdivision Name] 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 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 CITY OF MARTINSVILLE [Political Subdivision Name] 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, 2013, to each such employee in service on June 30, 2013, to offset the cost of the member contributions, such increase in total creditable compensation to be equal to the percentage increase of the member contribution paid by such pursuant to this resolution (For example, if the member contribution paid by the employee increases from two to three percent pursuant to this resolution, the employee must receive a one percent increase in creditable compensation.)

BE IT THEREFORE RESOLVED, that the CITY OF MARTINSVILLE [Political Subdivision Name] 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, 2013:

PLAN 1		PLAN 2	
Employer Paid Member Contribution	Percent	Employer Paid Member Contribution	Percent
Employer Paid Member Contribution	3 %	Employer Paid Member Contribution	3 %
Employee Paid Member Contribution	2 %	Employee Paid Member Contribution	2 %
Total	5%	Total	5%

(Note: Each column 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 CITY OF MARTINSVILLE [Political Subdivision Name] 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 CITY OF MARTINSVILLE [Political Subdivision Name] 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 CITY OF MARTINSVILLE [Political Subdivision Name] 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 CITY OF MARTINSVILLE [Political Subdivision Name] shall be reduced by the amount of member contributions picked up by the CITY OF MARTINSVILLE [Political Subdivision Name] on behalf of such employee pursuant to the foregoing resolutions; and

BE IT FURTHER RESOLVED, that in accordance with the Appropriation Act, no salary increases that were provided solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1-144 of the Code of Virginia will be used to certify that the salary increases required by the Appropriations Act have been provided.

NOW, THEREFORE, the officers are hereby authorized and directed in the name of the CITY OF MARTINSVILLE [Political Subdivision Name] to carry out the provisions of this resolution, and said officers 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 CITY OF MARTINSVILLE [Political Subdivision Name] for this purpose.

Kim E. Davis
Governing Body Chairman

CERTIFICATE

I, CLERK of Council, [Title, e.g. Clerk, Secretary] of the CITY OF MARTINSVILLE [Political Subdivision Name], certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the CITY OF MARTINSVILLE [Political Subdivision Name] held at MARTINSVILLE, Virginia at 7:30pm o'clock on June 25, 2013. Given under my hand and seal of the CITY OF MARTINSVILLE [Political Subdivision Name] this 25 day of June, 2013.

Brenda H. Pullman
Clerk

Special Events Itinerant Merchant BPOL issue: Mayor Adkins advised this agenda item has been withdrawn from the agenda.

June 25, 2013

VML 2013 Policy Committee nominations: Council agreed on the following nominations to submit to the Virginia Municipal League for the 2013 Policy Committees with Mr. Turner asking to be excluded as he does not agree with VML policy:

- Community & Economic Development-Kim Adkins, Mayor
- Environmental Quality-Eric Monday, City Attorney
- Finance-Leon Towarnicki, City Manager
- General Laws-Gene Teague, Vice Mayor
- Human Development & Education-Mark Stroud, Council Member
- Transportation-Sharon Brooks Hodge, Council Member

Consent agenda: On a motion by Gene Teague, seconded by Sharon Brooks Hodge, with a 5-0 vote, Council approved the following consent agenda:

BUDGET ADDITIONS FOR 6/25/13				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY13				
General Fund:				
01100909	490104	Advance/Recovered Costs		7,500
01221082	501300	Commonwealth's Attorney - Part-time/Temporary Wages	3,000	
01122028	501300	Communications - Part-time/Temporary Wages	3,000	
01814243	501300	Planning & Zoning - Part-time/Temporary Wages	1,500	
		Funds from NCI for summer interns		
Total General Fund:			7,500	7,500
Capital Reserve Fund:				
16100909	490104	Advance/Recovered Costs		15,000
16577367	508132	Physical Plant Expansion - Hooker Field	15,000	
		New scoreboard @ Hooker Field		
Total Capital Reserve Fund:			15,000	15,000

Business from floor: Ural Harris, 217 Stuart St.: 1.commented on need for AMP to address Council on electric issues and take questions from public 2.Commonwealth Crossing permit comments.

Council comments: Turner-1.reminders about July 4th events 2.reported citizen concerns about a noisy Southside event held at PYSL field; Stroud-1.regrets on several events he missed due to his vacation 2.voiced citizen concerns he had heard about the noisy event in Southside area 3.reported on Patrick Henry Ham Radio Association event; Teague-1.voiced citizen concerns he had received regarding the noisy event at Southside field 2.reported he missed the last Council meeting due to a work commitment.

Closed Session: Mayor Adkins recessed the regular meeting and Council re-convened Closed Session at 9:00PM. 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; Teague, aye; Stroud, aye; Hodge, aye; and Turner, aye, Council returned to Open Session. There being no further business, the meeting adjourned at 10:11pm.

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor



City Council Agenda Summary

Meeting Date: August 13, 2013

Item No: 2.

Department: City Council

Issue: Presentation of proclamation to Wigs Unlimited regarding their Hair 4-A Friend program.

Summary: Ella Mae Wickham, owner of Wigs Unlimited, will be present to accept the proclamation.

Attachments: Proclamation

Recommendations: Presentation only



Proclamation

In Recognition of HAIR 4-A FRIEND PROJECT

WHEREAS, Wigs Unlimited & Cottage Salon of 117 Broad Street in the City of Martinsville recognizes the increasing need for female cancer victims to have access for hair loss replacement options due to the trauma of cancer medications and treatments;

WHEREAS, Ella Mae Wickham, owner of Wigs Unlimited & Cottage Salon, is a cancer survivor who wants to give back to the community and assist other female cancer victims in obtaining wigs to encourage and support them as they fight cancer; and

WHEREAS, the Hair 4-A Friend project fundraiser will help raise funds to assist those whose insurance will not cover the cost of a wig due to hair loss from cancer treatments; and

WHEREAS, a Zumbathon was held on July 13, 2013 at Wigs Unlimited & Cottage Salon and over \$800 was raised for the Hair 4-A Friend project to help defray costs for wigs for female cancer victims.

NOW THEREFORE, BE IT RESOLVED, that I, Kim E. Adkins, Mayor of the City of Martinsville, along with City Council, do hereby express our appreciation of the fundraising efforts of Wigs Unlimited & Cottage Salon with the Hair 4-A Friend project in the City of Martinsville.

Kim E. Adkins
Mayor

Meeting Date: August 13, 2013

Item No: 3.

Department: City Council

Issue: Hear an update from the Chris Pope, Office Manager, Martinsville VA Employment Commission.

Summary: Chris Pope will give this update regarding local unemployment rate, how the rate is derived and efforts to improve employment opportunities in the community.

Attachments: None

Recommendations: No action required



City Council Agenda Summary

Meeting Date: August 13, 2013

Item No: 4.

Department: City Council

Issue: Hear an update from the Martinsville-Henry County Economic Development Corporation.

Summary: Mark Heath of the EDC will give this update and answer any questions.

Attachments: None

Recommendations: No action required



City Council Agenda Summary

Meeting Date: August 13, 2013

Item No: 5.

Department: Electric

Issue: Review of the Electric Rate Stabilization Fund and Corresponding Power Cost ending FY13.

Summary:

Staff will provide an update on the Electric Rate Stabilization Fund for fiscal year ending June 30, 2013 and review the impact the fund has had on the City's power cost.

Attachments: None

Recommendations: No action. For information only.



City Council Agenda Summary

Meeting Date: August 13, 2013

Item No: 6.

Department: Community Development

Issue: Consider adoption of resolution regarding Industrial Revitalization Fund (IRF) – The Henry Hotel

Summary: This is the latest round of funding under the Industrial Revitalization Fund (IRF), administered by the Department of Housing & Community Development for the Henry Hotel which requires approval of City Council.

Attachments: Resolution

Recommendations: Authorize staff to submit IRF application with a motion adopting the attached resolution.

City of Martinsville

Resolution

WHEREAS, the City of Martinsville is the owner of record of the historic “Henry Hotel Building”, located on 50 East Church Street in Uptown Martinsville, and;

WHEREAS, building was purchased by the City of Martinsville to both preserve the historic structure and to make the building available for redevelopment, and to be a catalyst for new investment in the Uptown area, and;

WHEREAS, the purchase price for the “Henry Hotel Building” was a total of \$425,000, with a cash payment of \$95,000 and the balance in the form of a loan from The Harvest Foundation(for \$330,000), and;

WHEREAS, The Harvest Foundation has forgiven the loan of \$330,000, as an expression of its support of this project, and;

WHEREAS, The City of Martinsville desires to work with Waukeshaw Development, Incorporated, toward the renovation of the Henry Hotel Building and is willing to transfer the ownership of the building for the sum of \$1.00, and;

WHEREAS, the analysis by Phoenix CDC, followed by a subsequent analysis by Waukeshaw Development, Incorporated, that was contracted by Martinsville Uptown Revitalization Association, shows that it is feasible to renovate the building from a physical standpoint, it would not be economically feasible to renovate the building without the use of both various Tax Credit programs and other Grants to fill the financial gaps caused by the local economic conditions, and;

WHEREAS, considering the City’s previous purchase of the building and have spent an additional \$233,000 toward maintenance of the building and together bring the current local funds committed to the renovation project totaling \$658,000, and;

WHEREAS, this amount meets the minimum required local matching funds for an “2013 Industrial Revitalization Fund (IRF) Grant” at the maximum grant amount of \$600,000, now then;

HEREBY BE IT RESOLVED, that the City Council of the City of Martinsville, does hereby authorize the City Staff to prepare and submit on behalf of the City of Martinsville a “2013 Industrial Revitalization Fund (IRF) Grant Application” to the Virginia Department of Housing and Community Development (DHCD) to request funding for the renovation of the Henry Hotel Building which is owned by the City of Martinsville. Such grant request to total \$600,000, and

BE IT ALSO RESOLVED, that if approved by DHCD, the IRF Grant Funds would be used to financially assist in the physical renovation of the Henry Hotel Building, the total renovation cost currently estimated to be over \$3.4 million, with Waukeshaw Development, Incorporated, a for – profit organization , incorporated in the Commonwealth of Virginia, serving as the Project Developer.

This Resolution was read and approved by majority vote of the City Council of the City of Martinsville, at its Council meeting, held on the Thirteenth (13th) Day of August in the Year 2013, and recognized by the Authorized Signature(s) below:

Signature of Authorized Official

Attest:

Brenda Prillaman, Clerk of Council



City Council Agenda Summary

Date: August 13, 2013
Item No: 7.
Department: City Manager, City Attorney

Issue: Consider adoption of resolution and approval, on first reading, of repeal of ordinance relating to residency requirements for City employees.

Summary: Staff recommends that the residency requirements for department heads be repealed, as set forth in the attached ordinance (deletions in ~~strike~~through, additions in *italicized underlined*).

The attached resolution rescinds an earlier resolution listing particular offices subject to the requirement.

Council may wish to add or delete particular offices.

Attachments: Ordinance and Resolution

Recommendations: Motion to adopt ordinance on first reading with a roll call vote.
Motion to approve resolution on voice vote.

CITY OF MARTINSVILLE, VIRGINIA

ORDINANCE NO. 2013-7

REPEAL OF RESIDENCY REQUIREMENT

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session assembled on August 27, 2013, that section 2-3 of the Code of the City of Martinsville, be repealed:

Sec. 2-3. - Residency required for certain employees.

~~The city manager, the city attorney, the assistant city manager and the head of any department of the city established pursuant to the Charter, the City Code, or resolution of the city council shall establish residence within the corporate boundaries of the city no later than twelve (12) months after the commencement of employment and shall thereafter maintain residence within the corporate boundaries of the city during the term of his or her employment. The city manager may make exceptions to the requirements established hereby when unusual or extraordinary conditions exist that would constitute a hardship for an applicant. A determination as to whether such employee resides in the city shall be made by the city manager, with the exception of the city manager's residency, which shall be determined by the city council. This section shall apply to any new employee and to any existing employee subsequently promoted to an office or position affected hereby. This section shall not apply to any person employed in an office or position affected hereby if such person was so employed prior to this section's enactment, nor shall it apply to any person employed by the city at least fifteen (15) years prior to this section's enactment. Violation of this section shall result in termination of employment.~~

Repealed.

(Ord. No. 2004-17, 10-26-2004)

* * * * *

Attest:

Brenda Prillaman, Clerk of Council

Date Adopted

Date Effective



RESOLUTION

WHEREAS, the Council of the City of Martinsville adopted on October 26, 2004 an ordinance amending Section 2-3 of the City Code, requiring residency within the City for certain employees of the City; and

WHEREAS, Section 2-3 provides that officials subject to the ordinance may be set forth by resolution of the City Council; and

WHEREAS, the City Council has, concurrently with this resolution, voted to repeal that ordinance; now, therefore

BE IT RESOLVED by the City Council of the City of Martinsville Virginia, convened in regular session on August 13, 2013, that its prior resolution dated October 26, 2004, listing specific offices subject to the residency requirements set forth in Section 2-3 of the City Code is hereby rescinded.

* * * * *

Attest:

Brenda Prillaman, Clerk of Council

Date Adopted

Date: August 13, 2013

Item No: 8.

Department: Clerk of Circuit Court, City Attorney

Issue: Consider approval of ordinance, on second reading, regarding recovery of passport fees.

Summary: 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. He 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.

Attachments: Draft ordinance and fiscal impact statement

Recommended Action: Motion to approve on second reading with a roll call vote.

CITY OF MARTINSVILLE, VIRGINIA

ORDINANCE NO. 2013-5

RECOVERY OF COSTS RELATED TO PASSPORT APPLICATIONS

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session assembled on August 13, 2013, that section 2-27 of the Code of the City of Martinsville, currently reserved, is amended to read as follows:

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

* * * * *

Attest:

Brenda Prillaman, Clerk of Council

Date Adopted

Date Effective

FISCAL IMPACT STATEMENT

Title: **Recovery of Costs Related to Passport Applications**

Summary/Purpose:

The purpose of this ordinance is to authorize the Clerk of Circuit Court to reimburse the City of Martinsville for its financial support in processing passport applications.

In furtherance of its duties as a Passport Agent for the United States Department of State, the Clerk's Office incurs two expenses that are funded solely by support from the City of Martinsville: (1) passport application mailing costs, and (2) passport photography.

Passport Application Mailing Costs:

Since October 1, 2009, the Clerk has been authorized by the Commonwealth of Virginia to reimburse the locality for passport application mailing costs. By this Ordinance, this reimbursement authority is recognized and a procedure is authorized to remit this revenue to the City Treasurer.

Passport Photography:

Since March 2010, the Clerk's Office has been authorized by the Department of State to take passport photographs, a requirement for every application. This photography requires special camera equipment, unique software and photography supplies. The Commonwealth of Virginia requires the Clerk's Office to pay all agent fees to the state, but (other than reimbursement for mailing costs) it appropriates no financial support for passport processing. Pursuant to Code of Virginia § 15.2-1656, cost funding for passport photography is funded exclusively by the City of Martinsville. By this Ordinance, a fee is established in an amount sufficient to recover the cost of photography supplies and camera maintenance, and authorizes a procedure to remit this revenue to the City Treasurer.

Fiscal Implications:

Passport Application Mailing Costs:

The amount of costs recovered depends on the number of passport applications processed. The Clerk's Office estimates approximately \$800 in recaptured costs for FY2013-14.

Passport Photography:

The amount of cost recapture depends on the number of applicants who request photography services. The Clerk's Office estimates approximately \$4,000 in fees for FY2013-14.

Affected Departments: Circuit Court Clerk's Office

Effective Date: Upon adoption by City Council.

This revenue is currently being collected as indicated above. This Ordinance establishes the grounds for the collection and confirms the collection procedure.



City Council Agenda Summary

Date: August 13, 2013

Item No: 9.

Department: City Attorney

Issue: Consider approval of ordinance, on second reading, regarding unlawful sewer / water discharges.

Summary: An issue has arisen concerning discharge of commercial car wash water into City streets and stormwater systems. 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 stormwater system more generally would be appropriate.

Attachments: Draft ordinance

Recommended Action: Consider approval of ordinance, on second reading, with a roll call vote.

CITY OF MARTINSVILLE, VIRGINIA

ORDINANCE NO. 2013-6

UNLAWFUL DISPOSAL OF SEWAGE AND WASTE WATER

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session assembled on August 13, 2013, that section 23-3 of the Code of the City of Martinsville, currently reserved, is amended to read as follows:

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 stormwater 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

(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 stormwater 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)

* * * * *

Attest:

Brenda Prillaman, Clerk of Council

Date Adopted

Date Effective



City Council Agenda Summary

Meeting Date: August 13, 2013
Item No: 10.
Department: Finance
Issue: Consider approval of consent agenda

Summary:

The attachments amend the FY13 Budget with appropriations in the following funds:

FY13:
General Fund: \$4,216 – Reimbursements

Attachments: Consent Agenda - 8-13-13.xls

Recommendations: Motion to approve

BUDGET ADDITIONS FOR 8/13/13

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<u>FY13</u>				
<u>General Fund:</u>				
01100909	490104	Advance/Recovered Costs		4,216
01331108	501300	Sheriff/Corrections - Part-time & Temporary Wages	3,065	
01331108	502100	Sheriff/Corrections - Social Security	190	
01331108	502110	Sheriff/Corrections - Medicare	44	
01331108	506008	Sheriff/Corrections - Vehicle Equipment & Maint.	613	
01331110	506200	Sheriff/Annex - Prisoner Allowance	304	
		Reimbursement from Henry County for litter pickup - Apr 2013 - June 2013		
Total General Fund:			4,216	4,216