



City Council Agenda Summary

Meeting Date: July 13, 2010

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of the minutes of City Council's meeting of May 13, 2010.

Summary: None

Attachments: [Minutes May 13, 2010](#)

Recommendations: Motion to approve minutes as presented

May 13, 2010

A budget worksession of the Council of the City of Martinsville, Virginia, was held on May 13, 2010, in Council Chambers, Municipal Building, at 7:30 PM, with Mayor Kathy Lawson presiding. Council Members present included: Mayor Kathy Lawson, Vice Mayor Kimble Reynolds, Gene Teague, Mark Stroud, Sr., and Danny Turner. Staff present included: Clarence Monday, City Manager, Brenda Prillaman, Eric Monday, Donna Odell, Linda Conover, Leon Towarnicki, Mike Rogers, and Kenneth Draper.

Bob Dowd of West Piedmont Planning District Commission asked Council for level funding and explained how contributions to WPPDC from other localities will be cut in relation to the City's amount. A motion by Gene Teague, seconded by Kimble Reynolds, with a 5-0 vote, Council agreed to restore the \$403 to level fund the West Piedmont Planning District Commission.

Jim Johnson, Chairman, of the Martinsville School Board, and School Superintendent Dr. Scott Kizner made comments regarding the city school budget. There was discussion as to capital needs of \$218,000, what the expected year-end surplus amount would be, whether furlough days for school employees are being considered as they are for city government employees, ways school programs could be combined with the city functions and estimated dollar amount, and decrease in employee education tuition expenses. Council asked that a committee be put together and meet before the next budget worksession on Monday night to target savings for combining city and schools department functions. Dr. Kizner asked that Council consider allowing the schools to use up to \$225,000 of their surplus fund balance at 6/30/10. On a motion by Mark Stroud, seconded by Gene Teague, with a 5-0 vote, Council approved the amount recommended in the City Manager's budget for the schools (\$5,826,394) for FY11. This amount is \$612,857 less than the schools received in the current fiscal year.

City Manager Clarence Monday reviewed information that had been gathered from agencies as to pay increases. There was discussion on equity of funding of city and county to the Economic Development Corporation. A motion was made by Danny Turner to cut the amount for Southside Business Technology to zero. The motion died for lack of a second. A motion was made by Danny Turner to cut the EDC budget to per capita fairness figure. The motion died for lack of a second. Kathy Lawson made a motion, seconded by Mark Stroud to cut \$100,000 from the EDC and restore employee furlough days as city employees are sacrificing a lot. The motion was withdrawn after Gene Teague cautioned that Council needs to be very careful in cutting EDC funding as it will affect their funding from the county and the Harvest Foundation. He pointed out that discussion is needed before cutting funds to look at equitable funding. Council directed the City Manager to set up a discussion with the EDC Board to discuss the EDC funding issue.

Mark Stroud made a motion to increase Piedmont Arts funding to \$23,750. The motion died for lack of a second. There being no further business, the meeting adjourned at 9:25 pm.

Clarence C. Monday, Clerk of Council

Kathy C. Lawson, Mayor

Meeting Date: July 13, 2010

Item No: 2.

Department: Public Works

Issue: Consider discussion of Surplus City-Owned Property Report

Summary:

As part of the FY 2010-2011 budget revenues, staff was asked to review properties owned by the City of Martinsville to recommend tracts for disposition. The first 6 parcels were chosen due to their stand-alone value as buildable lots or timber tracts, and range in size from 2.6 acres to just over 7000 square feet. Their combined assessed value is approximately \$20,700. Sealed bids will be solicited for each individual property and reviewed by staff with a recommendation given to Council at a later date. Those recommended for sale will be disposed of through quit claim by the City. A separate public hearing will be required for each parcel to be sold. A date for these public hearings will be set after review of the bids received.

Additional properties and tracts will be reviewed for disposition, and will be brought before Council for approval at future meetings.

Attachments: Individual tracts as noted:
[2001 Smith Lake Road](#)
[125 Village Street](#)
[230 Moss Street](#)
[229 Moss Street](#)
[201 Salem Street](#)
[1125 Pine Hall Road](#)

Recommendations: Council is asked to approve staff's recommendations that these tracts be advertised for bids.



Lot – 125 Village Street

Zoned R-6, Size: 1.6 ac

Tax Map Number: 60 (12) 00/13R

Deed Book/Page: 202-287

Assessed Value: \$6000

Recommended Action: Sell Property Via Public Bids



Lot – 201 Salem Street

Zoned R-6, Size: 7765 sq. ft.

Tax Map Number: 41 (01) 00/146 and 147

Deed Book/Page:

Assessed Value: \$700

Recommended Action: Sell Property Via Public Bids



Lot – 229 Moss Street

Zoned R-6, Size: 10368 sq. ft.

Tax Map Number: 32 (01) O/17R

Deed Book/Page: 256-479

Assessed Value: \$3000

Recommended Action: Sell Property Via Public Bids



Lot – 230 Moss Street

Zoned R-6, Size: 15,926 sq. ft.

Tax Map Number: 32 (01) T/11Y

Deed Book/Page: 255-745

Assessed Value: \$3000

Recommended Action: Sell Property Via Public Bids



Lot – 1125 Pine Hall Road

Zoned R-9, Size: 15,562 sq. ft.

Tax Map Number: 29 (07) 00/01 and 02

Deed Book/Page: 116-085

Assessed Value: \$4000

Recommended Action: Sell Property Via Public Bids



Lot - 2001 Smith Lake Road

Zoned R-6, Size: 2.6 ac

Tax Map Number: 59 (09) 00/94

Deed Book/Page: 202-287

Assessed Value: \$4000

Recommended Action: Sell Property Via Public Bids



City Council Agenda Summary

Date: July 13, 2010

Item No: 3.

Department: Human Resources / City Attorney

Issue: Consider approval, on second reading, of an ordinance regarding health insurance benefits for current employees and retired employees.

Summary: The attached ordinance codifies treatment of health insurance benefits for current employees and retired employees. Council approved this on first reading at the June 22, 2010 meeting with one change in the wording in Item A. (changed Council to Manager)

Attachments: [Ordinance](#)

Recommended Action: Adopt on second reading.

City of Martinsville, Virginia

ORDINANCE 2010-_____

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on June 22, 2010 that Section 2.4 of the City Code, currently reserved, is hereby enacted as follows:

2.4 Health Insurance Benefits for City Employees.

- A. The City Council Manager shall appoint a committee to advise the City upon health insurance benefits offered to active and retired city employees. At least one member of this committee shall be a current employee and one shall be a retired employee.
- B. The City may continue to employ a blended rate combining currently active and retired employees for the purposes of establishing health insurance premium payments.
- C. The City shall not treat retirees as a separate class for the purposes of health insurance premium ratings.
- D. The provisions of this subsection (D) shall affect and apply only to employees whose initial hiring date as an employee of the City precedes July 1, 2002:
 - 1. Regardless of the extent, quality or cost of health insurance benefits offered to employees by the City, which shall be subject to change and the annual budget appropriation, the City shall at all times offer to retired employees the same benefits, or their cash equivalent, as that offered to currently active employees.
 - 2. Affected employees shall enjoy a vested property interest in such benefits or cash equivalent, as established annually.
- E. The effective date of this ordinance shall be July 1, 2010.

Attest:

**Clarence C. Monday,
Clerk of Council**

Date Adopted

Date Effective

Date: July 13, 2010

Item No: 4.

Department: City Attorney

Issue: Consider approval of dog control ordinances

Summary: Council voted on June 22, 2010 to repeal the noisy dog Section 5-39 and to replace that by an ordinance, on first reading, regulating tethering dogs, modeled after Danville's. The suggested language was reached after consulting with a veterinarian, law enforcement and the SPCA.

The Noise Ordinance, section 13-11, has suggested amendments to address citizen concerns about noisy dogs. There is also language reducing the criminal penalty. Lastly, there is language permitting a civil penalty in lieu of criminal prosecution, and certain exceptions, both directed by state law taking effect July 1, 2010.

These ordinances still require affected citizens to report violations to the City, which is the only way that a response and solution can realistically be handled.

Attachments: [Suggested ordinances.](#)

Recommended Action: Approve tethering ordinance on second reading.
Amend noise ordinance on second reading.

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on June 22, 2010 that Section 5-39 of the City Code, , is hereby repealed and reenacted as follows:

Sec. 5-39. Adequate space for animals; time restriction on tethering companion animals.

(a) It shall be unlawful to fail to provide any animal with adequate space. "Adequate space" means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure.

(b) When a companion animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the companion animal. The tether must be attached to the companion animal by a properly applied collar, halter, or harness configured so as to protect the companion animal from injury and prevent the companion animal or the tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the companion animal. Furthermore, the tether must be at least three (3) times the length of the companion animal, as measured from the tip of its nose to the base of its tail, except when the companion animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the companion animal, temporarily and appropriately restricting movement of the companion animal according to professionally accepted standards is considered to be provision of adequate space.

(c) It shall be unlawful for any person to tether a companion animal:

1. When the outside temperature is equal to or less than 32 degrees Fahrenheit or greater than 85 degrees Fahrenheit unless shelter is provided; or
2. In a manner as to cause injury, strangulation or entanglement of the dog on fences, trees, or other man-made or natural obstacles; or
3. To a fixed-point; or
4. That is under 4 months of age; or
5. That is sick or injured; or
6. For more than 4 hours, in any 24 hour period.

(d) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

* * * * *

BE IT FURTHER ORDAINED that Section 13-11 of the City Code, is hereby amended as follows:

Sec. 13-11. Excessive, unnecessary, etc., noise.

- (a) It shall be unlawful and a class 4 **misdemeanor for any first offense, and a class 3 misdemeanor for any subsequent offense** for any person:
- (1) To operate, install, have, maintain or permit, on the outside of any store, shop, business establishment, warehouse or other commercial building in the city, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tones or the human voice in such manner that the same can be heard on any public sidewalk or public street, except for outside intercoms, paging speakers, bells or buzzers signaling the ringing of a telephone, fire, smoke or burglar alarms, or a whistle, bell or buzzer signaling the time to begin or stop work or school, which are only used intermittently for the transmission of the human voice for announcing, summoning or paging an individual person or for the signaling of the ringing of a telephone, the danger of a fire or a burglary or the beginning or stopping of work or school.
 - (2) To use, operate or play, in the city, any radio, television, record or tape player, phonograph, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound, which can be heard inside the confines of an individual dwelling unit, house or apartment of another person. Upon complaint being made to any police officer that the provisions of this section are being violated, such police officer may, after investigation, give notice of such complaint to the owner or person in charge of such residence and order the discontinuance of the disturbance. Any person failing to comply with such order shall be guilty of a class 1 misdemeanor.
 - (3) To operate or use, or permit the operation or use of, power lawn mowers, chain saws, power hedge clippers, garden tractors or tillers, leaf mulchers or blowers, snowblowers or like outdoor power equipment in any residential district in the city between the hours of 10:00 p.m. and 7:00 a.m. following.
 - (4) To yell, shout, holler, hoot, whistle or scream between the hours of 10:00 p.m. and 7:00 a.m. following, on any public street, alley, sidewalk or parking lot or on any privately-owned street, alley, sidewalk or parking lot open to the public, except to summon aid in an emergency.
 - (5) To permit or allow any dog or other animal or any fowl to bark, screech, scream or create noise in any residential district in the city between the hours of 10:00 p.m. and 7:00 a.m. following, **or continuously for more than 15 consecutive minutes at any time.**
 - (6) To emit, from any loudspeaker or sound amplification equipment located in or on any open or closed vehicle, trailer, airplane, balloon, or boat any advertisement, commercial message, music, speech, or noise which can be heard by the unaided human ear at a distance greater than thirty (30) feet away from such vehicle, trailer, airplane, balloon or boat.

(b) Nothing in this section shall apply to noise generated in connection with the business being performed on industrial property; to railroads; to sounds emanating from any area permitted by the Virginia Division of Mines, Minerals and Energy or any division thereof; to the use of horns, sirens or whistles by police, fire, ambulance or rescue squad personnel; to bells, chimes, or music sounded or played by churches or synagogues; to sounds made by fairs, carnivals, circuses, expositions, festivals, sporting events, concerts, or parades, provided such fairs, carnivals, circuses, expositions, festivals, sporting events, concerts, or parades are held outdoors between 7:00 a.m. and 11:00 p.m. in a public park or playground, on school grounds, or in a district zoned for such activity, and have all necessary permits and licenses from the city; to the use of two-way radio communication equipment or cellular or portable telephone equipment; or to the use of outside loudspeakers during the daylight hours by licensed auctioneers actually engaged in the sale of property.

(c) In lieu of criminal prosecution, a civil penalty of \$250 for any first offense and \$500 for any subsequent offense may be assessed against any offender under this section.

Attest:

Clarence C. Monday,
Clerk of Council

Date Adopted

Date Effective

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on June 22, 2010 that Section 5-39 of the City Code, , is hereby repealed and reenacted as follows:

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(b) When a companion animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the companion animal. The tether must be attached to the companion animal by a properly applied collar, halter, or harness configured so as to protect the companion animal from injury and prevent the companion animal or the tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the companion animal. Furthermore, the tether must be at least three (3) times the length of the companion animal, as measured from the tip of its nose to the base of its tail, except when the companion animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the companion animal, temporarily and appropriately restricting movement of the companion animal according to professionally accepted standards is considered to be provision of adequate space.

(c) It shall be unlawful for any person to tether a companion animal:

- 1. When the outside temperature is equal to or less than 32 degrees Fahrenheit or greater than 85 degrees Fahrenheit unless shelter is provided; or*
- 2. In a manner as to cause injury, strangulation or entanglement of the dog on fences, trees, or other man-made or natural obstacles; or*
- 3. To a fixed-point; or*
- 4. That is under 4 months of age; or*
- 5. That is sick or injured; or*
- 6. For more than 4 hours, in any 24 hour period.*

(d) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

BE IT FURTHER ORDAINED that Section 13-11 of the City Code, is hereby amended as follows:

Sec. 13-11. Excessive, unnecessary, etc., noise.

- (a) It shall be unlawful and a class 4 ***misdemeanor for any first offense, and a class 3 misdemeanor for any subsequent offense*** for any person:
- (1) To operate, install, have, maintain or permit, on the outside of any store, shop, business establishment, warehouse or other commercial building in the city, any loudspeaker or other sound-producing or reproducing device capable of emitting music, noise, sounds, tones or the human voice in such manner that the same can be heard on any public sidewalk or public street, except for outside intercoms, paging speakers, bells or buzzers signaling the ringing of a telephone, fire, smoke or burglar alarms, or a whistle, bell or buzzer signaling the time to begin or stop work or school, which are only used intermittently for the transmission of the human voice for announcing, summoning or paging an individual person or for the signaling of the ringing of a telephone, the danger of a fire or a burglary or the beginning or stopping of work or school.
 - (2) To use, operate or play, in the city, any radio, television, record or tape player, phonograph, musical instrument, loudspeaker, sound amplifier or other machine or device capable of producing or reproducing sound, which can be heard inside the confines of an individual dwelling unit, house or apartment of another person. Upon complaint being made to any police officer that the provisions of this section are being violated, such police officer may, after investigation, give notice of such complaint to the owner or person in charge of such residence and order the discontinuance of the disturbance. Any person failing to comply with such order shall be guilty of a class 1 misdemeanor.
 - (3) To operate or use, or permit the operation or use of, power lawn mowers, chain saws, power hedge clippers, garden tractors or tillers, leaf mulchers or blowers, snowblowers or like outdoor power equipment in any residential district in the city between the hours of 10:00 p.m. and 7:00 a.m. following.
 - (4) To yell, shout, holler, hoot, whistle or scream between the hours of 10:00 p.m. and 7:00 a.m. following, on any public street, alley, sidewalk or parking lot or on any privately-owned street, alley, sidewalk or parking lot open to the public, except to summon aid in an emergency.
 - (5) To permit or allow any dog or other animal or any fowl to bark, screech, scream or create noise in any residential district in the city between the hours of 10:00 p.m. and 7:00 a.m. following, ***or continuously for more than 15 consecutive minutes at any time.***
 - (6) To emit, from any loudspeaker or sound amplification equipment located in or on any open or closed vehicle, trailer, airplane, balloon, or boat any advertisement, commercial message, music, speech, or noise which can be heard by the unaided human ear at a distance greater than thirty (30) feet away from such vehicle, trailer, airplane, balloon or boat.
- (b) Nothing in this section shall apply to ***noise generated in connection with the business being performed on industrial property; to railroads; to sounds emanating from any area permitted by the Virginia Division of Mines, Minerals and Energy or any division thereof;*** to the use of horns, sirens or whistles by

police, fire, ambulance or rescue squad personnel; to bells, chimes, or music sounded or played by churches or synagogues; to sounds made by fairs, carnivals, circuses, expositions, festivals, sporting events, concerts, or parades, provided such fairs, carnivals, circuses, expositions, festivals, sporting events, concerts, or parades are held outdoors between 7:00 a.m. and 11:00 p.m. in a public park or playground, on school grounds, or in a district zoned for such activity, and have all necessary permits and licenses from the city; to the use of two-way radio communication equipment or cellular or portable telephone equipment; or to the use of outside loudspeakers during the daylight hours by licensed auctioneers actually engaged in the sale of property.

(c) In lieu of criminal prosecution, a civil penalty of \$250 for any first offense and \$500 for any subsequent offense may be assessed against any offender under this section.

Attest:

**Clarence C. Monday,
Clerk of Council**

Date Adopted

Date Effective

Date: July 13, 2010

Item No: 5.

Department: City Attorney

Issue: Consider discussion and approval of ordinance, on first reading, regarding City probate tax and fees.

Summary: The attached ordinances enact a new city probate tax and fees, which were allowed by the General Assembly in the 2010 session, effective July 1. The state laws are also attached.

Attachments: [Authorizing state law](#), [draft ordinances](#).

Recommended Action: Adopt on first reading.

NEW STATE LAW:

§ 58.1-1718. City or county probate tax.

In addition to the state tax and fee imposed by §§ [58.1-1712](#) and [58.1-1717.1](#), the governing body of any county and the council of any city may, as provided in § [58.1-3805](#), (i) impose a county or city tax in an amount equal to one-third of the amount of the state tax on the probate of a will or grant of administration on the probate of every such will or grant of administration and (ii) charge a \$25 fee for the recordation of a list of heirs pursuant to § [64.1-134](#) or an affidavit pursuant to § [64.1-135](#), as provided in § [58.1-1717.1](#).

§ 58.1-3805. Levy.

In addition to the state tax and fee imposed by §§ [58.1-1712](#) and [58.1-1717.1](#), the governing body of any county and the council of any city may (i) impose a city or county tax in an amount equal to one-third of the amount of the state tax on the probate of a will or grant of administration on the probate of every such will or grant of administration and (ii) charge a \$25 fee for the recordation of a list of heirs pursuant to § [64.1-134](#) or an affidavit pursuant to § [64.1-135](#), as provided in § [58.1-1717.1](#).

City of Martinsville, Virginia

ORDINANCE 2010-_____

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 sections 21-130 and 131, to read as follows:

Article XI: City Probate Tax and Fees

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.

Section 21-131. City Probate Fee.

The Clerk of the Circuit Court shall charge a fee of \$25 for the recordation of a list of heirs pursuant to Code of Virginia § 64.1-134 or an affidavit pursuant to Code of Virginia § 64.1-135 as provided in Code of Virginia § 58.1-1717.1 and § 58.1-1718 which fee shall be remitted to the City Treasurer.

Attest:

**Clarence C. Monday,
Clerk of Council**

Date Adopted

Date Effective

City of Martinsville, Virginia

ORDINANCE 2010-_____

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 sections 21-130 and 131, to read as follows:

Article XI: City Probate Tax and Fees

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.

Section 21-131. City Probate Fee.

The Clerk of the Circuit Court shall charge a fee of \$25 for the recordation of a list of heirs pursuant to Code of Virginia § 64.1-134 or an affidavit pursuant to Code of Virginia § 64.1-135 as provided in Code of Virginia § 58.1-1717.1 and § 58.1-1718 which fee shall be remitted to the City Treasurer.

Attest:

Clarence C. Monday,
Clerk of Council

Date Adopted

Date Effective

NEW STATE LAW:

§ 58.1-1718. City or county probate tax.

In addition to the state tax and fee imposed by §§ [58.1-1712](#) and [58.1-1717.1](#), the governing body of any county and the council of any city may, as provided in § [58.1-3805](#), (i) impose a county or city tax in an amount equal to one-third of the amount of the state tax on the probate of a will or grant of administration on the probate of every such will or grant of administration and (ii) charge a \$25 fee for the recordation of a list of heirs pursuant to § [64.1-134](#) or an affidavit pursuant to § [64.1-135](#), as provided in § [58.1-1717.1](#).

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In addition to the state tax and fee imposed by §§ [58.1-1712](#) and [58.1-1717.1](#), the governing body of any county and the council of any city may (i) impose a city or county tax in an amount equal to one-third of the amount of the state tax on the probate of a will or grant of administration on the probate of every such will or grant of administration and (ii) charge a \$25 fee for the recordation of a list of heirs pursuant to § [64.1-134](#) or an affidavit pursuant to § [64.1-135](#), as provided in § [58.1-1717.1](#).

Date: July 13, 2010

Item No: 6.

Department: City Attorney

Issue: Consider discussion and approval of ordinances, on first reading, regarding littering.

Summary: The attached amended ordinances address a loophole in our littering ordinances which appeared to allow littering on public property. Dumping yard waste in streets is clarified, and the penalties are reduced. These amendments result from citizen inquiries and suggestions.

Attachments: [Draft ordinances](#)

Recommended Action: Adopt on first reading.

City of Martinsville, Virginia

ORDINANCE 2010-_____

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.

Sec. 19-13. Deposit of leaves *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 bagged leaves such material at the curb for pickup by the city as a part of its leaf ~~leaf~~ refuse collection service.

Attest:

Clarence C. Monday,
Clerk of Council

Date Adopted

Date Effective

City of Martinsville, Virginia

ORDINANCE 2010-_____

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 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.

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Attest:

Clarence C. Monday,
Clerk of Council

Date Adopted

Date Effective

Meeting Date: July 13, 2010
Item No: 7.
Department: City Manager
Issue: Discussion of schedule and location FY11 City Council
Neighborhood Meetings

Summary:

Neighborhood Focus Meetings have been held quarterly for several years giving citizens the opportunity to voice concerns to Council about issues in their neighborhoods. During the past fiscal year, following a 6:00 p.m. neighborhood tour on the second Monday, the Neighborhood Council meeting was held at 7:30 p.m. on the second Tuesday.

During the past fiscal year, neighborhood meeting were as follows:

Druid Hills/Uptown –September at Wilson Park
Southside area-December at Fuller Memorial Church
Northside/Chatham Heights-March at McCabe Church
Westside-June at High Street Church

If Council desires, staff will make contacts to firm up locations in these areas for the first Council meeting in each quarter, except for December where we normally only hold one Council meeting, and for June due to year end budget requirements. For December 2011, staff suggests the neighborhood tour be held at 5:00 pm on Monday, December 6, and neighborhood Council meeting be held on the Monday, December 6, at 7:30 pm, with the regular scheduled Council meeting to be held on Tuesday, December 7, at 7:30 pm. For June, 2011, staff suggests the neighborhood meeting be held at the last June meeting instead of the first meeting in June due to timing of vote on the budget.

Attachments: None

Recommendations:

Meeting Date: July 13, 2010
Item No: 8.
Department: Finance
Issue: Consider approval of consent agenda.

Summary:

The attachment amends the FY10 Budget with appropriations in the following funds:

General Fund: \$42,736 – various recovered costs and donations
Electric Fund: \$12,257 – refund of prior year expense for Disaster Recovery
Capital Fund: \$29,329 – recovered costs
School Fund: \$4,000 – Gear-Up Program
Housing Choice Fund: \$65,246 – various funds related to Henry Hotel

Attachments: [Spreadsheet](#)

Recommendations: Approve

BUDGET ADDITIONS FOR 07/13/10

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY10				
GENERAL FUND				
01100908	440402	Miscellaneous - Donations/Hooker Field		2,770
01725422	505508	Mustangs - Meals	966	
01720420	506104	Hooker Field - Non-Capital Equipment	1,700	
01720420	506010	Hooker Field - Equipment	104	
01100909	490104	Recovered Costs		9,000
01321102	501300	Fire Department - Part-Time Wages	3,000	
01122028	501300	Communications - Part-Time Wages	3,000	
01725422	501300	Mustangs - Part-Time Wages appropriate funds for interns	3,000	
01100908	480411	Miscellaneous - Donations/Skate Park		30,179
01713211	508220	Park Maintenance - Physical Plant Expansion appropriate donated funds for Skate Park	30,179	
01100908	480401	Miscellaneous - Donation/Police Dept		100
01311085	505505	Police Department - Travel appropriate donated funds	100	
01100909	490801	Recovered Costs - Senior Citizens		688
01714212	506016	Senior Citizens - Program Supplies appropriate recovered costs	688	
Total General Fund:			42,736	42,736
HOUSING CHOICE FUND				
49100905	450201	Rent - Henry Hotel		25,501
49100908	403210	Miscellaneous Revenues - Henry Hotel		316
49103938	462101	Contribution from Fund Balance		39,609
49809279	503150	Henry Hotel - Professional Legal Services	15,812	
49809279	503189	Henry Hotel - Relocation	1,250	
49809279	503310	Henry Hotel - Prof. Services - Repair & Maint	2,638	
49809279	503705	Henry Hotel - Prof. Services - Custodial	7,080	
49809279	505110	Henry Hotel - Electric Service	7,253	
49809279	505120	Henry Hotel - Fuel	18,664	
49809279	505130	Henry Hotel - Water	5,475	
49809279	505140	Henry Hotel - Sewer	4,911	
49809279	505150	Henry Hotel - Garbage	237	
49809279	505230	Henry Hotel - Telecommunications	752	
49809279	505336	Henry Hotel - Insurance	552	
49809279	506007	Henry Hotel - Repair & Maintenance Supplies	394	
49809279	506100	Henry Hotel - Miscellaneous Expense appropriate funds related to Henry Hotel	409	
Total Housing Choice Fund:			65,426	65,426
CAPITAL RESERVE FUND				
16100909	490104	Recovered Costs		29,329
16577367	508013	Physical Plant Expansion - Minet Expenses appropriate funds	29,329	
Total Capital Reserve Fund:			29,329	29,329
ELECTRIC FUND				
14100908	482901	Miscellaneous Revenue		12,257
14565340	506900	General Expense - Disaster Recovery appropriate refund	12,257	
Total Electric Fund:			12,257	12,257
SCHOOL FUND				
18101918	418309	State Grants - Gear-Up		4,000
75001033	561121	Gear-Up HS - Teacher S & W	2,252	
75001033	562100	Gear-Up HS - Social Security	140	
75001033	562150	Gear-Up HS - Medicare	33	
7500103	566013	Gear-Up HS - Instructional Materials & Supplies Appropriate Grant Funds	1,575	
Total Electric Fund:			4,000	4,000