

AGENDA--CITY COUNCIL MEETING  
CITY OF MARTINSVILLE, VIRGINIA  
Council Chambers – Municipal Building  
**7:30 p.m.** – Tuesday, March 13, 2012

**7:00 pm –CLOSED SESSION**

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-Closed Meetings, the following:

- A. A prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community as authorized by Subsection 5.
- B. The condition, acquisition, use or disposition of real property as authorized by Subsection 3.

Invocation & Pledge to the American flag– Council Member Mark Stroud

1. [Consider approval of minutes of City Council meeting of Feb. 14, 2012 meeting.](#) (2 mins.)
2. [Presentation of proclamation recognizing National Red Cross Month.](#) (2 mins.)
3. [Hear update from Gary Collins on Patrick Henry Community College Foundation.](#) (10 mins.)
4. [Hear update from Jon Morris of STEP, Inc.](#) (10 mins.)
5. [Consider approval of resolution designating Fair Housing Month April 2012.](#) (5 mins.)
6. [Consider setting a public hearing for April 10, 2012 regarding a request for abandonment of an alley between 802 Smith Street and 802-Lot Smith Street, being 15 feet in width and approximately 78 feet in length, as shown on City Tax Map 20, Section 1.](#) (5 mins.)
7. [Consider setting a public hearing for April 10, 2012 regarding amendments to the Zoning Ordinance related to pawnshops.](#) (2 mins.)
8. [Consider setting a public hearing for April 10, 2012 as required under the exemption ordinance enacted in January 2007 for consideration of the organization's local tax exemption request.](#) (5 mins.)
9. [Consider approval of consent agenda.](#)
  - A. Accept and appropriate budget adjustments. (2 mins.)
10. Business from the Floor  
**This section of the Council meeting provides citizens the opportunity to discuss matters, which are not listed on the printed agenda. In that the Council meetings are broadcast on Martinsville Government Television, the City Council is responsible for the content of the programming. Thus, any person wishing to bring a matter to Council's attention under this Section of the agenda should: (1) come to the podium and state their name and address; (2) state the matter that they wish to discuss and what action they would like for Council to take; (3) limit their remarks to five minutes; and (4) refrain from making any personal references or accusations of a factually false and/or malicious nature. Persons who violate these guidelines will be ruled out of order by the presiding officer and will be asked to leave the podium. Persons who refuse to comply with the direction of the presiding officer may be removed from the chambers.**
11. Comments by City Council members. (5 mins.)
12. Comments by City Manager. (5 mins.)



## City Council Agenda Summary

**Meeting Date:** March 13, 2012

**Item No:** 1.

**Department:** Clerk of Council

**Issue:** Consider approval of City Council meeting minutes of February 14, 2012.

**Summary:**

**Attachments:** [February 14, 2012](#)

**Recommendations:** Motion for approval

February 14, 2012

The regular meeting of the Council of the City of Martinsville, Virginia, was held on February 14, 2012, 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 Kimble Reynolds, Gene Teague, Mark Stroud and Danny Turner. Staff present included: Leon Towarnicki, Interim City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Wayne Knox, Donna Odell 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 Danny Turner, seconded by Gene Teague, with the following 5-0 recorded vote: Adkins, aye; Teague, aye; Reynolds, aye; Stroud, aye; and Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matters: (A) A prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community as authorized by subsection 5. (B) A personnel matter as authorized by Subsection 1. (C) 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. (D) Appointments to Boards and Commissions as authorized by Subsection 1.

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 Mark Stroud, with the following recorded 5-0 vote: Adkins, aye; Reynolds, aye; Teague, aye; Stroud, aye; and Turner, aye, Council returned to Open Session. Action taken: Mayor Adkins reported that Council will move forward with hiring of city manager by selection of a firm and will be setting up interviews.

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

Minutes: On a motion by Mark Stroud, seconded by Gene Teague, Council approved the minutes of the January 10, 2012 meeting.

Recognitions: Mayor Adkins read and presented a proclamation recognizing Dick Hensley.

Modification of Section 125 Cafeteria Plan: Donna Odell briefed Council on the modification to the Section 125 Cafeteria Plan document. On January 1, 1988, and last amended May 26, 2009, the City implemented a Section 125 Cafeteria Plan which allowed City and School employees to pay their portion of health care premiums with pre-tax dollars, thereby reducing their taxable income. Subsequent amendments permitted employees to pay for additional voluntary benefits of dental, vision, flexible spending accounts, cancer and intensive care premiums accordingly. Effective February 14, 2012, the employee benefits package will be expanded to include accident and critical illness voluntary benefits. In order for employees to elect to pay these premiums on the same pre-tax basis, the City's

February 14, 2012

Section 125 Cafeteria Plan Document must be modified to include these provisions. Pam Heath pointed out that the school system is working to streamline the school employee benefits to be consistent with the city's benefits. On a motion by Kimble Reynolds, seconded, by Gene Teague, with a 5-0 vote, Council approved the City of Martinsville and Martinsville City Schools Cafeteria Plan Amended and Restated February 14, 2012.

Northside Neighborhood meeting overview: Mayor Adkins gave an overview of the February 13, 2012 Council Neighborhood tour and the Neighborhood meeting held at Clearview Wesleyan Church.

Update from Ray Gibbs on the CDC and Henry Hotel: The Phoenix Community Development Corp. needs to secure about \$4.2 million before the redevelopment of the former Henry Hotel; multiple funding sources will be needed; Phoenix has engaged the Reznick Group CPA firm who are experts at tax credit work; hopes to get funding for Henry Hotel by end of calendar year, but in the meantime, Phoenix will move proceed in getting design plans developed so when funds are found, the project can move forward quickly; Council urged Mr. Gibbs to interact more with Uptown merchants.

Update from Mark Heath: Mark Heath updated Council on activities and programs of each division of the Economic Development Corporation.

Auditor's report: J. Wesley Clark, CPA, AFE, with Robinson, Farmer, Cox Associates presented information on the FY11 Audit noting it was a clean audit with a clean opinion. A copy of the audit is to be posted on the city website.

Monthly finance report: Finance Director, Linda Conover, presented the following information:

**FY11 – Combined Balance Sheet, Fund Balance**

The annual audit has been completed. Anticipate review with Council in early February. The combined fund balance increased by \$1,125,000 over year-end FY10.

- \$523,000 less depreciation than budgeted
- Incomplete projects (funds re-appropriated in FY12)
- FY11 Real Estate taxes – received 97.92% of budget
- FY11 Pers Prop, M&T, Bus Equip taxes – received 105% of budget
- Infusion of grant funding, i.e. Harvest Foundation
- Conservative efforts throughout all City Departments

**FY12 – Revenues & Expenditures, Combined Balance Sheet**

With the first half of FY12 now complete, the current combined fund balance as of December 31, 2011 is \$13,926,269, a decrease of \$728,374 from year-end FY11. Exclusive of School and Special Revenue funds, actual revenues were \$1,414,156 greater than anticipated through this period.

- 1<sup>st</sup> Half Real Estate Taxes – received 98.45% of budget
- Meals Taxes – received 50% of budget
- Cigarette Taxes – received 68.5% of budget
- Unanticipated revenues and infusion of grant funding

Actual expenditures were \$615,226 greater than anticipated, due to \$849,135 in open purchase orders.

Pawnshops set public hearing: Wayne Knox briefed Council on a recommendation from the Planning Commission which would remove pawnshops as a use permitted by right in the C-1A, C-2, C-3, M-1, and M-2 Districts and would add pawnshops as a use permitted by special use permit in the C-1, C-1A, C-2, C-3, M-1, and M-2 Districts. It should be noted that the C-1 Commercial District currently does not allow pawnshops as a use permitted by right. However, to establish uniformity in the commercial districts; it is included in the recommendation to add pawnshops as a use permitted by special use permit. On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Council agreed to set the public hearing for the March 13, 2012 meeting.

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

February 14, 2012

BUDGET ADDITIONS FOR 2/14/12				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<b>FY12</b>				
<b>GENERAL FUND</b>				
01102926	443157	Categorical Federal - Safe Routes to School		9,538
01413146	503140	Street Marking - Prof. Services - Engineering Reimbursement	9,538	
01100909	490801	Recovered Costs - Senior Citizens		3,638
01714212	501300	Senior Citizens - Part-time Wages	2,260	
01714212	502100	Senior Citizens - Social Security	140	
01714212	502110	Senior citizens - Medicare	33	
01714212	506049	Senior Citizens - Vehicle Fuel Transportation Grant & Class Fees	1,205	
01100908	480420	Miscellaneous - Donations/Sr. Citizens		1,894
01714212	506016	Senior Citizens - Program Supplies Donations for Holiday Tea & Disease Prevention Program	1,894	
<b>Total General Fund:</b>			15,070	15,070
<b>Electric Fund</b>				
14102926	436440	Federal Grant - ARRA - Energy Efficiency Grant		157,349
14565340	503140	Electric - General Exp. - Prof. Serv.-Eng & Arch Hydro Plant Efficiency Grant Reimbursement	157,349	
<b>Total Electric Fund:</b>			157,349	157,349

Business from floor: Alicia Solomon, 1014 Oakwood Ct.-expressed concerns with ability for children to play in the street.

Council comments: Stroud-encouraged blood donations; Turner-invited citizens to ribbon cutting at Fido's on Saturday.

Interim City Manager comments: advised that plans are to start running the generator that Council saw on their tour on test basis the end of this week; gave update on the building efficiency update grant; gave update on the VDEM grant advising the city was approved on the pre-application and can now apply for grant to fund two projects (1) neighborhood warning/alert system and (2) back-up generator and staff will be coming to Council with a formal presentation in near future.

There being no further business, the meeting adjourned at 8:50pm.

\_\_\_\_\_  
Brenda Prillaman  
Clerk of Council

\_\_\_\_\_  
Kim Adkins  
Mayor



## City Council Agenda Summary

**Meeting Date:** March 13, 2012

**Item No:** 2.

**Department:** City Council

**Issue:** Presentation of proclamation recognizing National Red Cross Month.

**Summary:** Red Cross representative, Linette Nuckols, will be present to accept the proclamation.

**Attachments:** [Proclamation](#)

**Recommendations:** no action required--for presentation only.



## **Proclamation AMERICAN RED CROSS MONTH 2012**

**Whereas:** The American Red Cross has touched many lives in Martinsville, Virginia as well as across the country and around the world.

**Whereas:** During American Red Cross Month, we thank those who contribute to the mission of the Red Cross, whether through time, money or blood, and we invite others to support the Red Cross in helping people in need down the street, across the country and around the world.

**Whereas:** The American Red Cross is synonymous with helping people, and has been doing so for more than 130 years. Throughout the past year, the American Red Cross launched hundreds of disaster relief operations in the United States to help people affected by fires, floods, hurricanes and tornadoes. The American Red Cross also supported major international disasters, including the Japan earthquake and tsunami response, while continuing its work on the 2010 Haiti earthquake response and recovery.

**Whereas:** In Martinsville, the Red Cross works tirelessly through its one employee and 117 volunteers to support us when disaster strikes, when someone needs life-saving blood, or the comfort of a helping hand. It provides 24-hour support to members of the military, veterans and their families, and provides training in CPR, aquatics safety, and first aid.

**Whereas:** For nearly 100 years, United States presidents have called on the American people to support the Red Cross and its humanitarian mission. Our community depends on the American Red Cross and because it is not a government agency, the Red Cross depends on support from the public to continue its humanitarian work. This is especially important in these challenging economic times – which impact the Red Cross and many people in our community and across the nation.

**NOW, THEREFORE,** I, Kim Adkins, Mayor of the City of Martinsville, do hereby proclaim March 2012 as American Red Cross Month and encourage all citizens to support this organization and its noble humanitarian mission.

Kim Adkins  
Mayor



## City Council Agenda Summary

**Meeting Date:** March 13, 2012

**Item No:** 3.

**Department:** City Council

**Issue:** Hear an update from Gary Collins regarding Patrick Henry Community College Foundation.

**Summary:** Gary Collins will update Council on the Patrick Henry Community College Foundation. Also, in attendance will be Chris Bishop and Chris Parker.

**Attachments:** none

**Recommendations:** no action required--for information only.



## City Council Agenda Summary

**Meeting Date:** March 13, 2012

**Item No:** 4.

**Department:** City Council

**Issue:** Hear an update from STEP, Inc. Executive Director, Jon Morris.

**Summary:** Mr. Jon Morris, Executive Director, of STEP, Inc. will brief Council on the economic impact of the agency on our area.

**Attachments:** none

**Recommendations:** no action required--for information only.

**Date:** March 13, 2012

**Item No:** 5.

**Department:** Community Development

**Issue:** Consider adoption of a resolution recognizing April as Fair Housing Month and expressing the City's pledge to provide equal housing opportunities for all citizens.

**Summary:** Each year, the month of April is designated as Fair Housing Month. As a recipient of Community Development Block Grant funds for the Uptown Business revitalization Project, City Council is requested pass a resolution each year as required acknowledging the City's responsibility for providing equal housing opportunities for all persons.

**Attachments:** [Resolution](#)

**Recommendations:** Motion to adopt Resolution



**FAIR HOUSING RESOLUTION**

**OF THE**

**MARTINSVILLE CITY COUNCIL**

**WHEREAS**, the City of Martinsville strives to promote principles of Equal Housing Opportunity by prohibiting discrimination practices in the sale, rental and financing of housing and in implementing its housing and community development programs in a manner to affirmatively further the purposes of the fair housing laws; and

**WHEREAS**, the basis for discrimination outlawed by the federal and state fair housing acts are race, color, sex, religion, national origin, handicap, age and familial status; and

**WHEREAS**, the City of Martinsville believes persons of similar income levels should have available to them a like range of housing opportunities and will work to promote equality and freedom of choice; now, therefore,

**BE IT RESOLVED** by the Martinsville City Council that, on this 13<sup>th</sup> day of March, 2012 in recognition of April as Fair Housing Month, it does hereby pledge to work with its citizens in pursuit of the shared goal and responsibility for providing equal housing opportunities for all persons.

\*\*\*\*\*

Attest:

\_\_\_\_\_  
Brenda Prillaman, Clerk of Council

\_\_\_\_\_  
Date Adopted

**Meeting Date:** March 13, 2012  
**Item No:** 6.  
**Department:** Community Development

**Issue:** Consider setting a public hearing on a recommendation from the Martinsville Planning Commission for Tuesday, April 10, 2012 regarding a request for abandonment of an alley between 802 Smith Street and 802-Lot Smith Street, being fifteen (15) feet in width and approximately seventy-eight (78) feet in length, as shown on city Tax Map 20, Section 1.

**Summary:** The Planning Commission conducted their public hearing on February 23, 2012 on a request from Barbara A. Divens to abandon the subject unopened street space. The Planning Commission voted to recommend to City Council that the proposed abandonment be granted.

**Attachments:** [Letter of Recommendation from the Planning Commission Map](#)

**Recommendations:** Set a public hearing April 10, 2012.



March 2, 2012

The Honorable Mayor and City Council  
City of Martinsville  
Martinsville, Virginia

Dear Council Members:

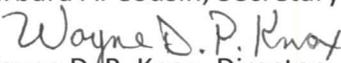
The Planning Commission, at its regular meeting on February 23, 2012, conducted a duly advertised Public Hearing on a request by Barbara A. Divens, to abandon an unopened street space located between 802 and 802-Lot Smith Street, being fifteen (15) feet in width and approximately seventy-eight (78) feet in length.

At the Public hearing it was noted that this space adjoins two properties, both owned by the petitioner. The petitioner wishes to sell the property known as 802 & 802-Lot Smith Street and has a buyer for the property. When a title search was prepared, the issue of the street space came up and will need to be cleared up before the sale of the property can occur. There were two inquiries from adjacent property owners, but neither expressed any opposition to the request. The abandonment would be conditioned upon payment of the assessed value and filing of a map combining the alley with the adjoining lots.

In order to assure compliance with Virginia Code 15.2 – 2200, it is stated that the public purpose for which these Resolutions are initiated is to fulfill the requirements of public necessity, convenience, and general welfare.

Following discussion of the matter, the Planning Commission voted unanimously (6 – 0) to recommend to City Council the proposed abandonment be granted, and respectfully submits this recommendation for Council's further consideration.

Sincerely,

Barbara A. Cousin, Secretary  
  
Wayne D.P. Knox, Director  
Community Development

/tr

Cc: Timothy D. Martin, Chairperson  
Barbara A. Cousin, Secretary

# 802 Smith Street Abandonment



**Meeting Date:** March 13, 2012  
**Item No:** 7.  
**Department:** Community Development

**Issue:** Consider setting a public hearing for April 10, 2012 regarding amendments to the Zoning Ordinance related to pawnshops.

**Summary:** At present, the City of Martinsville allows pawnshops as a use permitted by right in the C-1A, C-2, C-3, M-1 and M-2 Districts. Planning Commission submitted a recommendation in July to remove pawnshops as a use permitted by right, which would have banned them from operating in the City. City Council reviewed the amendment and sent it back to the Planning Commission with a suggestion to look at regulating pawnshops through a special use permit. Planning Commission took that suggestion and began to work on conditions for a special use permit. After several work sessions, the Planning Commission has finalized their recommendation on this issue. The new recommendation would remove pawnshops as a use permitted by right in the C-1A, C-2, C-3, M-1, and M-2 Districts and would add pawnshops as a use permitted by special use permit in the C-1, C-1A, C-2, C-3, M-1, and M-2 Districts. It should be noted that the C-1 Commercial District currently does not allow pawnshops as a use permitted by right. However, to establish uniformity in the commercial districts; it is included in the recommendation to add pawnshops as a use permitted by special use permit.

Planning Commission held a duly advertised public hearing on October 4, 2011. No one spoke for or against the issue during the public hearing. Planning Commission voted unanimously (4-0) to send this amendment to City Council for their consideration.

City staff recommends amending the Zoning Ordinance to remove pawnshops as a use permitted by right and to include it as a use permitted by special use permit.

**Attachments:** [Planning Commission Letter](#)  
[Proposed Amendment to the Zoning Ordinance](#)

**Recommendations:** Set the public hearing for April 10, 2012 to allow time for required advertisements.



October 27, 2011

Mayor Kim Adkins  
Members of City Council  
City of Martinsville  
P. O. Box 1112  
Martinsville, VA 24114

RE: Amendment to the Zoning Ordinance (Pawnshops)

Dear Mayor and City Council Members:

The Planning Commission, at its meeting on October 4, 2011, conducted a duly advertised Public Hearing on a request by the City of Martinsville, for a proposed amendment to the Martinsville Zoning Ordinance related to pawnshops.

At the public hearing, it was noted that this request would remove pawnshops as a use permitted by right in the C-1A, C-2, C-3, M-1, and M-2 Districts and would add pawnshops as a use permitted by special use permit in the C-1, C-1A, C-2, C-3, M-1, and M-2 Districts. There were no public comments voiced at the public hearing.

Following evidence heard at the public hearing, the Planning Commission voted unanimously (4-0) to recommend the proposed amendment to City Council. The Planning Commission respectfully submits the recommendation for reconsideration.

Yours Truly,

Barbara Cousin, Secretary

Wayne D. P. Knox

Director of Community Development

WDPK

Cc: Timothy D. Martin, Chairperson  
Barbara Cousin, Secretary

# PROPOSED AMENDMENTS – ZONING ORDINANCE

(Strikethrough indicates deletion; *italicized bold* indicates addition)

## SECTION XII: COMMERCIAL DISTRICTS

### A. C-1 Neighborhood Commercial District

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

**7. Pawnshops, subject to the following conditions:**

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

### E. C-1A Intermediate Commercial District.

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

61. ~~Pawnshops~~ or second hand stores

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

**7. Pawnshops, subject to the following conditions:**

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

I. C-2 Central Business District.

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

61. ~~Pawnshops~~ or second hand stores

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

**7. Pawnshops, subject to the following conditions:**

*a. Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;*

*b. All of the items collected must be contained within the confines of the actual pawnshop;*

*c. An approved anti-crime security system must be installed to safeguard the premises;*

*d. Establishment shall not be located within 1000 feet of a similar establishment;*

*e. Establishment must be located at least 1000 feet from churches, schools, playgrounds;*

*f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.*

M. C-3 General Commercial District.

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

58. ~~Pawnshops~~ or second hand stores

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

**7. Pawnshops, subject to the following conditions:**

*a. Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;*

*b. All of the items collected must be contained within the confines of the actual pawnshop;*

*c. An approved anti-crime security system must be installed to safeguard the premises;*

*d. Establishment shall not be located within 1000 feet of a similar establishment;*

*e. Establishment must be located at least 1000 feet from churches, schools, playgrounds;*

*f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.*

SECTION XIII: BUSINESS AND MANUFACTURING DISTRICTS

E. M-1 Light Manufacturing District.

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

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

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

**7. Pawnshops, subject to the following conditions:**

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

I. M-2 Heavy Manufacturing District.

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

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

**25. Pawnshops**

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

**4. Pawnshops, subject to the following conditions:**

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

**Meeting Date:** March 13, 2012

**Item No:** 8.

**Department:** Interim City Manager, City Attorney, Commissioner of the Revenue

**Issue:** Consider setting a public hearing for April 10, 2012 as required under the exemption ordinance enacted in January 2007 for consideration of the organization's local tax exemption request.

**Summary:** Under the provisions of the Exemption Ordinance enacted by Council in January 2007, any entity that does not clearly fall into any exemption category granted by the Code of Virginia must request an exemption approval from the City Council in the form of an exemption ordinance. In order for the exemption request to be considered by Council as part of the annual budget deliberations, the requesting entity must have submitted an exemption application to the Commissioner of the Revenue by November 1, 2011. The Commissioner of the Revenue referred the applications received to the Interim City Manager along with a report of the revenue impact that any possible exemption may have. The Interim City Manager appointed a review committee consisting of himself, Mayor Adkins, the City Commissioner of the Revenue, the City Treasurer, and an accountant from the Finance Department to review the applications received. Three organizations have submitted an application for a local exemption designation.

**Attachments:** [List of 2012 Exemption Applicants](#)  
[Exemption Criteria to Consider](#)  
[Exemption Category Definitions](#)

**Recommendations:** Set Public Hearing for April 10, 2012

### 2012 Local Exemption Applicants

Organization	Organization Mission Statement	Exemption Requested	Exemption Category Requested
Piedmont Youth Soccer League Ltd.	To provide their players with the opportunity to participate in a spirited soccer environment, and to instill the ideals of good sportsmanship, honesty, loyalty, determination, respect for authority, and self-esteem in the youth of our community.	Personal Property	Charitable
Pregnancy Care Center of MHC Inc.	To share the Gospel of Jesus Christ by offering practical, emotional, and spiritual support to women, men, and children you are facing pregnancy and abortion related concerns, including the provision of free pregnancy services, peer counseling, information about abortion procedures and risks, information about abortion alternative, abstinence education, post-abortion support, and other related programs and services.	Real Property Personal Property	Charitable
The Archaeological Conservancy	To preserve historical archaeological sites within the United States of America.	Real Property	Historical & Cultural/Educational

## Exemption Definitions

### As Defined by Va. Courts

**Benevolent** – Philanthropic; humane; having a desire or purpose to do good to men; intended for conferring benefits, rather than for gain or profit. (Manassas Lodge No. 1380, Loyal Order of Moose, Inc. v. County of Prince William, 218 Va. 220, 237 S.E. 2d 102 (1977))

**Charitable** – Liberal in benefactions to the poor; beneficent. (City of Richmond v. United Givers Fund of Richmond, Henrico & Chesterfield, Inc., 205 Va. 432, 137 S.E. 2d 876 (1964))

NOTE: A charitable organization should be organized and conducted to perform some service of public good or welfare based on the above mentioned court cases.

### As Defined by Va. Constitution Article X §6

**Educational Exemption** – Limited to institution of learning operated not for profit, provided the property is used for literary, scientific, or educational purposes or purposes incidental thereto.

### As Defined by Webster's New Collegiate Dictionary

**Cultural** – Of or relating to enlightenment and excellence of taste acquired by intellectual and aesthetic training; acquaintance with and taste in fine arts, humanities, and broad aspects of science as distinguished from vocational and technical skills.

**Educational** – The field of study that deals mainly with methods of teaching and learning in schools.

**Historical** – Of or relating to a branch of knowledge that records and explains past events.

**Museum** – An institution devoted to the procurement, care, study, and display of objects of lasting interest or value; a place where objects are exhibited.

**Patriotic** – Befitting or characteristic of a patriot (one who loves his country and zealously supports its authority and interests.)

## **EXEMPTION CRITERIA TO CONSIDER**

Pursuant to Code of Virginia §58.1-3651, the local governing body shall consider the following questions before granting an exemption from local taxation to any nonprofit organizations:

1. Whether the organization is exempt from taxation pursuant to § 501 (c) of the Internal Revenue Code of 1954;
2. Whether a current annual alcoholic beverage license for serving alcoholic beverages has been issued by the Virginia Alcoholic Beverage Control Board to such organization, for use on such property;
3. Whether any director, officer, or employee of the organization is paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer, or employee actually renders;
4. Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by such organization is generated by funds received from donations, contributions, or local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services;
5. Whether the organization provides services for the common good of the public;
6. Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office;
7. The revenue impact to the locality and its taxpayers of exempting the property; and
8. Any other criteria, facts and circumstances that the governing body deems pertinent to the adoption of such ordinance.

## **Other Exemption Criteria Not Specifically Identified in Code of Virginia §58.1-3651**

The City Council should consider the following criteria, facts and circumstances as may be pertinent:

- (a) Whether the organization is current on all its obligations to the City;
- (b) Whether the organization is in compliance with all City ordinances and regulations, including (but not limited to) building, subdivision and zoning ordinances;
- (c) Whether the property for which the exemption is sought relates to the purposes for which the organization was created and tends to directly promote those purposes;
- (d) Whether the service(s) provided by the organization are services the City would provide if the requesting organization did not do so;
- (e) Whether the organization meets a general public need for which the benefits derived by the community at-large are equivalent to or exceed the City's loss in revenue from taxes on the entity's real and personal property;
- (f) Whether the service(s) provided by the organization meet an established priority of the City Council; and
- (g) Any other criteria, facts and circumstances that the Council may deem appropriate and pertinent.



## City Council Agenda Summary

**Meeting Date:** March 13, 2012  
**Item No:** 9.  
**Department:** Finance  
**Issue:** Consider approval of consent agenda.

**Summary:**

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

**FY12:**

Refuse Fund: \$504,763 – Federal Grant ARRA Biomass Energy Grant

Water Fund: \$19,812 – State Grant VDH Project Grant

**Attachments:** [Spreadsheet](#)

**Recommendations:** Motion to approve

**BUDGET ADDITIONS FOR 3/13/12**

<b>ORG</b>	<b>OBJECT</b>	<b>DESCRIPTION</b>	<b>DEBIT</b>	<b>CREDIT</b>
<b><u>FY12</u></b>				
<b><u>Refuse Fund:</u></b>				
09102926	436442	Federal Grant - ARRA - Biomass Energy Grant		504,763
09425302	508220	Landfill - Physical Plant Expansion	504,763	
		Landfill Methane Energy Project Reimbursement		
<b>Total Refuse Fund:</b>			<b>504,763</b>	<b>504,763</b>
<b><u>Water Fund:</u></b>				
12101918	443305	State Grant - VDH Project Grant		19,812
12541311	508220	Physical Plant Expansion - Lanier Rd. Project	19,812	
		State Grant Lanier Rd. Project Reimbursement		
<b>Total Refuse Fund:</b>			<b>19,812</b>	<b>19,812</b>