

AGENDA--CITY COUNCIL -- CITY OF MARTINSVILLE, VIRGINIA  
Council Chambers – Municipal Building  
**6:30 pm Closed Session                      7:30 pm Regular Session**  
**Tuesday, August 9, 2016**

**6:30 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(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- Council Member Gene Teague

1. Consider approval of minutes of the July 26, 2016 Meeting. (2 mins)
2. Conduct a public hearing for consideration of citizens interested in the appointment to one unexpired term ending June 30, 2017 to the Martinsville City School Board (10 mins)
3. Hear quarterly staff update on Utilities – Electric, Water & Sewer (30 mins)
4. Consider support of possible legislation regarding lottery proceeds (10 mins)
5. Consider adoption of a resolution committing funding to the VDOT Revenue Sharing Program (10 mins)
6. Consider adoption on second reading of an amendment to the Firearms Ordinance, Section 24-2 of the Martinsville City Code (5 mins)
7. Schedule Neighborhood Meetings (10 mins)
8. Comments by members of City Council. (5 minutes)
9. Comments by City Manager. (5 minutes)
10. Business from the Floor (*not televised*)

**This section of the Council meeting provides citizens the opportunity to discuss matters, which are not listed on the printed agenda. 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.**



## City Council Agenda Summary

**Meeting Date:** August 9, 2016

**Item No:** 1.

**Department:** Clerk of Council

**Issue:** Consider approval of minutes from July 26, 2016 Council Meeting.

**Summary:** None

**Attachments:** July 26, 2016 Council Meeting minutes

**Recommendations:** Motion to approve minutes as presented.

July 26, 2016

The regular meeting of the Council of the City of Martinsville, Virginia was held on July 26, 2016, in Council Chambers, Municipal Building, at 7:30 PM with Mayor Danny Turner presiding. Council Members present included Danny Turner, Jennifer Bowles, Gene Teague, Mark Stroud and Sharon Brooks Hodge. Staff present included City Manager Leon Towarnicki, Assistant City Manager Wayne Knox, Finance Director Linda Conover, Clerk of Council Karen Roberts, Officer Coretha Gravely, Police Chief Sean Dunn, Animal Control Officer E.C. Stone and Community Planner Susan McCulloch.

Mayor Turner called the meeting to order and advised Council would go into Closed Session beginning at 7:00 PM. In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon a motion by Council Member Hodge, seconded by Vice Mayor Bowles, with the following 4-0 recorded vote: Vice Mayor Bowles, aye; Council Member Hodge, aye; Council Member Teague, aye; and Mayor Turner, aye. Council Member Stroud was not present during the vote. Council convened in Closed Session to discuss the following matters: (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. 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 the Session. A motion was made by Vice Mayor Bowles, seconded by Council Member Hodge, with the following 5-0 recorded vote in favor to return to Open Session: Council Member Stroud, aye; Mayor Turner, aye; Council Member Teague, aye; Vice Mayor Bowles, aye; and Council Member Hodge, aye.

Following the invocation by Council Member Stroud and Pledge to the American Flag, Mayor Turner welcomed everyone to the meeting.

Consider approval of minutes from the July 12, 2016 Council Meeting – Mayor Turner made a correction referring to the comments by City Manager. Vice Mayor Bowles made a motion to approve the minutes, motion was seconded by Council Member Hodge with a 5-0 Council vote in favor to approve the minutes as corrected.

Present a proclamation to Jim Tobin on his retirement as Executive Director of Piedmont Community Services – Council Member Stroud read the proclamation then along with other Council Members, presented it to Mr. Tobin. Stroud thanked him for his dedication and service. Mr. Tobin said it had been an opportunity to represent Piedmont Community Services over the years and thanked the Council Members. Vice Mayor Bowles said Tobin was a valuable asset to the community. Council Member Teague also thanked him for his service.

July 26, 2016



**PROCLAMATION**

**RECOGNIZING JIM TOBIN UPON HIS RETIREMENT AS  
EXECUTIVE DIRECTOR OF PIEDMONT COMMUNITY SERVICES**

**WHEREAS**, Jim Tobin has served as Executive Director of Piedmont Community Services since 1990, and also served as Executive Director of the Patrick-Henry Drug and Alcohol Council from 1974 to 1990; and

**WHEREAS**, Jim Tobin has retired as Executive Director effective July 1, 2016 after serving the needs of our community for more than 40 years in the areas of planning, coordinating, and operating a comprehensive community system of mental health and substance abuse services; and

**WHEREAS**, During his tenure, Jim Tobin served our community in an exemplary manner providing the highest level of care and services; and

**WHEREAS**, Through his leadership, Piedmont Community Services is well-positioned to continue serving the needs of our community for years to come;

**NOW THEREFORE**, on this 26th day of July, 2016, the Martinsville City Council hereby proclaims their thanks and appreciation to Jim Tobin for his dedication and service to our community, and offer our best wishes for a long and happy retirement

\_\_\_\_\_  
Danny Turner, Mayor

Presentation of Proclamation regarding Tuesday, August 2, 2016 National Night Out – Council Member Hodge read the proclamation. Police Chief Sean Dunn thanked the Council Members for the opportunity to be recognized and thanked the neighborhood captains for being present. He stated that Officer Coretha Gravely and the neighborhood captains are the Night Out Dream Team. Activities are being offered August 2, 2016 from 6:00-8:00pm and invited everyone to attend. Dunn said he hopes to see Council Members and citizens at all of the locations. Vice Mayor Bowles stated that the City Police Department has a great relationship with the community. Council Member Stroud said the City could not have the success it does without the participation by the neighborhood captains.



**PROCLAMATION**

**NATIONAL NIGHT OUT  
August 2, 2016**

**WHEREAS**, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 2, 2016 entitled "National Night Out"; and

**WHEREAS**, the Annual National Night Out provides a unique opportunity for the City of Martinsville to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

**WHEREAS**, Martinsville City Council plays a vital role in assisting the Martinsville Police Department and Sheriff's Office through joint crime, drug and violence prevention efforts in the City of Martinsville and is supporting "National Night Out 2016" locally; and

**WHEREAS**, it is essential that all citizens of Martinsville be aware of the importance of crime prevention programs and impact that their participation in Neighborhood Watch groups and their community can have on reducing crime, drugs and violence in Martinsville; and

**WHEREAS**, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" and Neighborhood Watch programs; now, therefore

I, Danny Turner, Mayor of the City of Martinsville, Virginia, do hereby call upon all citizens of Martinsville to join City Council and the National Association of Town Watch in supporting the "Annual National Night Out" and do hereby proclaim Tuesday, August 2, 2016 as **NATIONAL NIGHT OUT AGAINST CRIME** in the City of Martinsville.

\_\_\_\_\_  
Danny Turner  
Mayor

Conduct a public hearing regarding rezoning property located at 925 Boden Street from R-9 Residential to C-3 Commercial – Susan McCulloch summarized previous meetings and a duly advertised public hearing held previously as well as requirements needed for rezoning approval. Staff recommends Council approve the request to rezone the property. Bowles asked about the guardrail on Boden Street. McCulloch said Chris Morris, City Engineer was following up on the guardrail concern. Hodge asked if McCulloch had received any correspondence from any other residents regarding the fencing. McCulloch said no one had contacted her with any real concerns for or against rezoning. Bowles asked for confirmation that signatures were not required, McCulloch confirmed that Mr. Wright obtained the signatures only as a show of support. Mr. Wright, property owner thanked Council for their time. Mayor Turner opened the public hearing. No one approached the podium so the public hearing was closed. Teague thanked Mr. Wright for reaching out to the area residents and said it showed that he was trying to be a good neighbor. Hodge echoed Teague's comments and thanked Mr. Wright for his cooperation. Bowles made a motion to approve rezoning the property as requested, Hodge seconded the motion with all members voting in favor.

May 17, 2016

To: City of Martinsville Zoning Department  
 City of Martinsville Planning Commission  
 City of Martinsville City Council  
 or to Whom It May Concern

I/we the undersigned understand that Sammy Wright, operator of Church Street Auto, has applied for rezoning of Lot 25 Boden Street adjacent to Church Street Auto from R-9 Residential to C-3 Commercial to be used for overflow parking of road ready vehicles for sale and for employee daily parking. Inoperable vehicles will not be stored on this lot and that screening fence will be erected as recently fence has been erected, once zoning is approved. Therefore, with this being said and agreed upon I/we do not object to this property being rezoned as applied for.

NAME	ADDRESS	DATE
Joseph P. Martin	921 Boden St	5/17/2016
Margaret Davis	1003 Cherry St	5/17/2016
Rekny Jays	1020 Jordan St	5/17/2016
Lucas Summers	103 Church St	5/17/16
Jeff Martin	1034 Cherry St	5/17/16
Therese J. Cook	1100 Cherry St	5/17/16
Demetrius Davis	1102 Cherry St	5/17/16



 **Martinsville**  
A CITY WITHOUT LIMITS

June 13, 2016

Mayor Darryl Turner  
 City of Martinsville  
 55 W Church Street  
 Martinsville, VA 24112

Dear Mayor Turner,

On Thursday, May 19, 2016 at 2 PM in Council Chambers, the Planning Commission held a duly advertised Public Hearing to consider a request from Sammy Wright to rezone Lot 925 Boden Street from R-9 Residential to C-3 Commercial.

Currently, the property owner is operating Church Street Automotive, a use allowed by-right. The property owner is requesting a rezoning of lot 925 Boden Street to use it for egress, to access adjoining property, and for overflow parking for his business.

Due to requests from neighbors and later the City, the applicant has erected a fence on a portion of the rear property line to buffer the inoperable vehicles from view on Boden Street. As requested by the City, the applicant has moved vehicles off of the residential lot and City right-of-way. Should the rezoning be approved, the applicant will install a fence around the lot to shield it from the residential neighbor.

Approximately 12 people were in attendance at the meeting. A person who has interest in the neighborhood spoke, stating that Mr. Wright should be a good neighbor and that he needs to maintain the lot and that the neighbors he spoke to prefer the shielding offered by the fence. Another person (non adjacent), asked about the parking on the street, indicated concern about Jordan Street Parking and asked about a guard rail. An adjacent property owner spoke, but didn't speak for or against the rezoning.

In order to assure compliance with Virginia Code 15.2-2200, it is stated that the purpose for which this resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

The Planning Commission voted unanimously (6-0) to approve the rezoning with three conditions. They are as follows:

- 1) That the fence be built on the lot according to zoning requirements within 60 days after final approval should it be given
- 2) That the property owner continue to keep vehicles off of city right-of-way, which should be understood, but needs to be added for the record.
- 3) That 925 Boden Street remain free of vehicles until a fence is built

If approved, the official Zoning Map needs to reflect this change.

The Commission requests Council to schedule a public hearing to consider the rezoning of 925 Boden Street.

Regards,  
*Timothy Martin*  
 Tim Martin  
 Chair, City of Martinsville Planning Commission

TDM/sm



Hear a presentation from Virginia First Cities – City Manager Leon Towarnicki introduced members of VFC. He said there was information provided at a previous meeting so he had asked those representatives to attend a Council meeting to share those details with Council Members. Kelly Harris-Braxton, Executive Director of Virginia First Cities presented a PowerPoint and printed information to Council regarding Virginia First Cities. She summarized what VFC represents and how it began. She pointed out that Council Member Stroud and City Manager Towarnicki are VFC board members. She detailed VFC membership and policy priorities. Vice Mayor Bowles and Council Member Hodge questioned VFC relationship with schools related to education. Teague asked if Towarnicki would be on the Brownsfield call Wednesday. VFC Legislative Director Laura Bateman explained VFC advocacy along with the General Assembly 2016 initiatives and outcomes regarding education and public safety. Mayor Turner asked if the City had Brownsfield money set aside, Assistant City Manager Wayne Knox explained that the money set aside is assessment money. Also present was Jim Regimbal of Fiscal Analytics, LTD who described state revenues under-performance in FY2016 and where budget cuts would take place. He explained theories for slowing Virginia Revenue Growth. Teague suggested that strategies should probably be put into place now for shortfalls expected next year. Turner asked about a measure for economic development success. Braxton said they are always willing to discuss changes to policies.

Hear a presentation from Police Animal Control regarding a summer intern project related to pets, pet safety, and microchipping – City Manager Towarnicki introduced the Police Department’s summer intern Hunter Jennings, a rising senior at Virginia Tech and E.C. Stone, City Animal Control Officer. Jennings shared her education history and details on her major. She detailed her project including research involved in her internship. Her focus was on microchip usage including laws, regulations, usage, pros and cons. She says if an animal is lost to contact the SPCA or animal control and not the veterinarian office. She detailed some animal control laws including noise violations, registration, vaccination, and maximum

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number of animals allowed at a City residence. She detailed leash and chain laws. She summarized issues and concerns of abandonment, animals left in hot cars, dogs running at large, bites, and City ordinances regarding livestock and fowl. Bowles asked about electronic fencing, Stone explained underground fencing and wireless monitor systems. Jennings explained charges of impoundment and animal cruelty charges. Hodges asked about the number of animals within the City that are microchipped. Teague said the City contributes to the SPCA to ensure the City's location is a no-kill shelter. Jennings thanked Chief Dunn, Police Captain Fincher and Stone for allowing her to participate in the internship this summer.

Consider setting a public hearing for Council's August 9, 2016 meeting for the purpose of receiving names of citizens interested in an appointment for one unexpired 3-year term on the Martinsville City School Board ending June 30, 2017 – City Manager Towarnicki said the hearing would be set for August 9 and any resident interested would need to present themselves at that meeting or have their name mentioned. Council Member Teague made a motion to set hearing for August 9, Vice Mayor Bowles seconded the motion with all Council Members voting in favor.

**SCHOOL BOARD**

**SCHOOL BOARD** – The School Board is declared a body corporate. In its corporate capacity, it is vested with all the powers and charged with all the duties, obligations, and responsibilities upon school boards by law. It may sue, be sued, contract, be contracted with, and in accordance with the provisions of this title, purchase, take, hold, lease, and convey school property both real and personal. The School Board has the following powers and duties: 1) to make rules for the governance of the schools within its jurisdiction; 2) to determine the curriculum, methods of teaching, methods of administration and governance, and the length of the school term; 3) to employ and dismiss teachers upon the recommendation of the superintendent; 4) to suspend or expel pupils when necessary; 5) to establish such schools as are necessary in the judgement of the Board to so constitute a complete and efficient system; 6) to control and manage funds made available to the Board for the purpose of conducting free public schools; 7) examine all claims for payment and authorize payment; and 8) to submit annually to City Council a budget request.

**TERMS:** The Board consists of five members serving **three-year** terms appointed by City Council. **School Board members can serve a maximum of three 3-year consecutive terms.**

Meetings are held on the second Monday of each month.

**CONTACT:** Ms. Pam Heath, Superintendent, 403-5700, P.O. Box 5548, Martinsville, VA 24115

Name & Address	Initial Appointment	Term Expires	Full Term
Eric Hruza, 707 Mulberry Rd	6/30/16	6/30/19	1
<del>Craig B. Dietrich, 1227 Lanier Rd. (zipped 6/10/14) (unzipped 2/11/16)</del>	6/14/11	6/30/17	2
Victor Correa, 1242 Sam Lions Tr.	6/10/14	6/30/17	1
Lawrence Mitchell, 700 Second St.	6/16/15	6/30/18	1
Joan Montgomery, 807 Corn Tassel Tr.	6/16/15	6/30/18	1

NOTE: If a Board or Commission does not specify number of terms a person can serve, then the number of terms defaults to three terms per a policy adopted by City Council December 11, 1990. (per city attorney 4/26/11) Two exceptions (1) if no one is interested (2) no one qualified has applied, then the person holding the position can serve another term if Council chooses.

Consider adoption of draft Firearms Ordinance on first reading – City Attorney Monday says the Commonwealth is specific about how localities can regulate firearms. A state code was changed that affected land that was over 5 acres or zoned agricultural and since the City does not have either then that change was never made. Vice Mayor Bowles made a motion to approve the adoption on first reading, Council Member Hodge seconded the motion. Roll call vote: Hodge, aye; Bowles, aye; Stroud, aye; Teague, aye; Turner, aye.

CITY OF MARTINSVILLE, VIRGINIA  
ORDINANCE NO. 2016-1  
FIRE ARMS ORDINANCE

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session assembled on August 9, 2016 that subsection (3) of section 24-2 of the Code of the City of Martinsville be amended to add a new subsection (c), as follows:

**Sec. 24-2. - Discharging firearms—Generally.**

(a) No person shall fire or discharge any gun, cannon, pistol or other **firearm** at any place within the city. A violation of this section shall constitute a Class 1 misdemeanor.

(b) *This section shall not apply to any law-enforcement officer in the performance of his official duties, nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property or is otherwise specifically authorized by section 24-3 or by state law.*

(c) *Pursuant to Code of Virginia § 15.2-1113, this section shall not apply to any person discharging a firearm while killing a deer pursuant to Code of Virginia § 29.1-529, on land of at least five acres that is zoned for agricultural use.*  
(Code 1971, § 11-42)

**Charter reference—** Authority of city to prohibit discharge of **firearms**, Ch. 1, § 2(22).  
**Cross reference—** Penalty for Class 1 misdemeanor, § 1-1.1.  
**State Law reference—** Authority of city to regulate or prohibit discharge of **firearms**, Code of Virginia, § 15.1-865; discharging **firearm** in streets or other public places, §§ 18.2-280, 18.2-286.

\*\*\*\*\*

Attest:

\_\_\_\_\_  
Karen Roberts, Clerk of Council

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

Consider support of a grant application to provide funding for implementation of community based pre-trial and/or local probation services: City Manager Towarnicki asked for approval of the grant application letter provided to Council. He explained the map related to community-based probation and pretrial services and the grant information provided. One option for office space to manage the program would be the Housing office. The program is a popular and widespread program in the state and very unlikely that the grant money will diminish over time. Towarnicki said this could be the last opportunity to take advantage of the program. Martinsville City would partner with Henry County and Patrick County. Council Member Hodge made a motion to approve the letter, Vice Mayor Bowles seconded the motion with all Council Members voting in favor.



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thanked Martinsville, Henry and Patrick County Association of Realtors for participating. One main issue is the lack of quality affordable rental units due to age of properties and HUD standards. Virginia Housing provides a tool/calculator on the website with data that should be adjusted. Hodge also said a representative for Senator Tim Kaine contacted her to get input on the legislative agenda and the West Piedmont Planning legislative agenda including I73, brownsfield opportunities, affordable housing and potential impact of a reversion. Vice Mayor Bowles added that lowering the minimum income adjustment would be a good idea. She thanked former School Superintendent Pam Heath and Craig Deitrich on their service on the school board and congratulated Interim Superintendent Talley on his appointment. Mayor Turner announced that the last Mustangs fireworks show would be Friday, August 5 and there would be a movie premier titled The Dressmaker on August 4.

Business from the Floor (not televised) – Hardin Edwards, local veteran is requesting the City to erect a sign on City bridges to honor local veteran Paul Shorter, the most decorated soldier during WWII, Korea and Vietnam and in memory of Pearl Harbor survivor Herbert Gibbs who passed away September 2015. Edwards asked that the City pay tribute to each of these veterans. Mayor Turner said this request would be referred to the Veterans Service Organization so action can be taken to recognize these two soldiers. Turner turned the information over to the City Manager to follow up.

Ural Harris of 217 Stewart Street referred to a letter regarding a lottery refund suggesting the refund be split between the City and Henry County.

There being no further business, a motion was made by Council Member Teague to adjourn the meeting, seconded by Council Member Hodge with all Council Members voting in favor. The meeting adjourned at 9:51pm.

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Karen Roberts  
Clerk of Council

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Danny Turner  
Mayor

**Date:** August 9, 2016

**Item No:** 2.

**Department:** City Attorney

**Issue:** Conduct a public hearing for consideration of citizens interested in the appointment to one unexpired term ending June 30, 2017 to the Martinsville City School Board.

**Summary:** Pursuant to Code of Virginia section 22.1-29.1, a public hearing is necessary to introduce and consider names of persons interested in appointment to a vacancy on the Martinsville School Board and to receive the views of citizens within the school division. This state code section also states that no nominee or applicant whose name has not been considered at the public hearing shall be appointed as a school board member. Further, the actual appointment must be made at least seven days after the hearing; appointment will therefore be made at the August 23, 2016 Council meeting.

Due to a recent Board member resignation, one (1) unexpired term ending June 30, 2017 exists.

**Attachments:** Current Martinsville School Board members

**Recommended Action:** Conduct public hearing.

## SCHOOL BOARD

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**CONTACT:** Mr. Zeb Talley, Interim Superintendent, 403-5820, 746 Indian Trail, Martinsville, VA 24112

Name & Address	Initial Appointment	Term Expires	Full Term
Eric Hruza, 707 Mulberry Rd	6/30/16	6/30/19	1
<del>Craig B. Dietrich, 1227 Lanier Rd. (reapptd 6/10/14) (resigned 7/11/16)</del>	6/14/11	6/30/17	2
Victor Correa, 1242 Sam Lions Tr.	6/10/14	6/30/17	1
Lawrence Mitchell, 700 Second St.	6/16/15	6/30/18	1
Joan Montgomery, 807 Corn Tassel Tr.	6/16/15	6/30/18	1

NOTE: If a Board or Commission does not specify number of terms a person can serve, then the number of terms defaults to three terms per a policy adopted by City Council December 11, 1990. (per city attorney 4/26/11) Two exceptions (1) if no one is interested (2) no one qualified has applied, then the person holding the position can serve another term if Council chooses.



## City Council Agenda Summary

**Meeting Date:** August 9, 2016

**Item No:** 3.

**Department:** Utilities

**Issue:** Hear quarterly staff update on Utilities - Electric, Water & Sewer.

**Summary:** City Staff will provide an update on Electric, Water and Sewer operations for the term January ~July 2016.

**Attachments:** None

**Recommendations:** Information only, no action necessary

**Date:** August 9, 2016

**Item No:** 4.

**Department:** City Manager

**Issue:** Consider support of possible legislation regarding lottery proceeds

**Summary:** Information was recently received regarding an effort from the Nottoway County Board of Supervisors to pursue General Assembly legislation creating a “Lottery for Localities” in the Commonwealth. The proposed effort requests that 5% of total lottery sales in the Commonwealth be returned to localities, proportionally with how much lottery revenue is generated in that locality. The attached background sheet indicates that total lottery revenue in the Commonwealth in FY15 was \$1.844 billion, which would create a cumulative redistribution of revenue of \$92,200,000 based on a 5% return. The document indicates that Nottoway County could potentially receive a return of \$310,978.74 based on its FY15 sales. Staff is researching and hopes to have similar numbers for the City of Martinsville by the time of the Council meeting.

The background information indicates that the proposed legislation would be drafted to ensure that no money would be taken from educational funding to support this new initiative. Most recent numbers posted on the Virginia Lottery website indicates that the Martinsville City school system received \$2,431,174 in lottery revenue in FY15.

**Attachments:** Background information from Nottoway County

**Recommended Action:** Counties, towns and cities in Virginia have very limited opportunities to enhance revenue and this effort by Nottoway County is a creative way to provide a new revenue stream for localities. Although chances of success appear to be limited, support of this initiative is recommended nonetheless.

Should Council wish to support this effort, staff recommends it do so only with the understanding that no reduction in school system funding be made in order to fund this effort. The recommended action is to authorize staff to send a letter of support of this initiative to our area’s legislators, and to include the matter on the upcoming Legislative Agenda for the 2017 Session of the General Assembly.

*A Joint Petition  
from the representatives of the citizens of Nottoway County, Virginia*



344 West Courthouse Road  
P.O. Box 92  
Nottoway, Va 23933  
434-645-8696  
[nottoway@nottoway.org](mailto:nottoway@nottoway.org)

Senator Frank Ruff  
P.O. Box 332  
Clarksville, VA 23927

14 July 2016

Delegate Thomas C. Wright, Jr.  
P.O. Box 1323  
Victoria, Va 23974

**Subject:** Lottery for Localities



100 West Elm Street  
Blackstone, Va 23824  
434-292-7251  
[Info@townofblackstoneva.com](mailto:Info@townofblackstoneva.com)

Gentlemen;

We are requesting a 'Lottery for Localities'. Specifically we are requesting legislation that will allocate 5% of total lottery sales back to the general revenue funds of localities where those sales originated. It is envisioned the allocation will be culled from total sales and subtracted from that portion of the lottery pool designated as the 'prize pool' (approximately 60.6% of sales). In this way, the public school funding allocation (approximately 29% of sales) is untouched. No monies are diverted from public education by our formula.



224 Second Street  
Burkeville, Va 23922  
434-767-4095  
[Burkeville1@embarqmail.com](mailto:Burkeville1@embarqmail.com)

The attached background paper and plan provides facts in regards to the Virginia State Lottery in Nottoway County (as a case study of a Virginia community). It outlines what we envision as a course for action that will benefit all Virginia's localities and Virginia's citizens. This plan has been presented to the governing bodies of the three towns and the county. These governing bodies have voted for support of this plan and seek legislation that will implement this concept to the benefit of all Virginians.



125 East Carolina Ave.  
Crewe, Va 23930  
434-645-9453  
[creweva@embarqmail.com](mailto:creweva@embarqmail.com)

The revenue infusion a 'Lottery for Localities' can provide to local governments will have a positive impact for cash strapped rural communities facing an ever shrinking business and community tax base while demands for public services rise. We feel this is a discussion that needs to be initiated across the Commonwealth with local governments and state officials. We are open to constructive dialogue and suggestions on how make this concept a reality.

By copy of this letter, we are formally requesting the Virginia Municipal League and the Virginia Association of Counties to make this legislation a priority on their respective legislative agenda for the 2017 session.

Respectfully,



Hon. Greg Eanes  
Mayor  
Town of Crewe



Hon. William C. Coleburn  
Mayor  
Town of Blackstone



Hon. Joe Morrissette  
Mayor  
Town of Burkeville



Hon. Gary Simmons  
Chairman  
Nottoway County Board of Supervisors

**Cc:**

Virginia Municipal League  
P.O. Box 12164  
Richmond, Va 23241

Virginia Association of Counties  
1207 East Main Street, Suite 300  
Richmond, Va 23219-3627

Hon. Riley E. Ingram  
Chair, Cities, Counties and Towns  
3302 Oaklawn Boulevard  
Hopewell, Va 23860

Sen. Thomas K. Norment  
Co-Chair, Senate Finance  
P.O. Box 6205  
Williamsburg, Va 23188

Hon. Chris S. Jones  
Chair, Appropriations Committee  
P.O. Box 5059  
Suffolk, Va 23435-0059

Sen. Bill Stanley  
Chair, Local Government  
13508 Booker T. Washington  
Highway  
Moneta, Va 24121

Sen. Emmett Hanger  
Co-Chair, Senate Finance  
P.O. Box 2  
Mount Solon, Va 22843-0002

# Lottery for Localities

## A Course for Action

**1. Background:** The Virginia State Lottery is a \$1.8 billion<sup>1</sup> state run enterprise. The sales of lottery tickets are untaxed by localities. The lottery been referred to as a ‘backdoor tax’ or ‘regressive tax’ in which the poor give money to the state government.<sup>2</sup> Lottery spending drains rural communities of dollars that might otherwise be spent energizing our local economies by generating local retail sales as well as meals, gas and lodging taxes for our local general revenue. Virginia Lottery disbursements for calendar year 2015 resulted in an estimated \$1.166 billion (60.6%) devoted to prizes; \$103 million (5.6%) was paid out to retailers and \$90.8 million (4.9%) was devoted to operating costs. That left \$533.8 million (28.9%) to be distributed to Virginia’s public school systems in accordance to a state formula.<sup>3</sup>

**2. Local Sales:** In response to a request for information, the Virginia Lottery submitted the data below reflecting the Nottoway County calendar year 2015 sales of Virginia Lottery tickets.<sup>4</sup>

 we're game virginia lottery	OFFICIAL LOTTERY RECORD TOTAL SALES: CERTAIN ZIP CODES CALENDAR YEAR 2015	
	<u>ZIP Code</u>	<u>Total Sales</u>
	23824	\$3,676,892.25
	23922	\$495,168.25
	23930	<u>\$2,035,514.50</u>
	Sum:	\$6,207,575.00

**3. Local Education Return:** The \$6.2 million in local sales results in just over \$2 million a year returning to Nottoway County Schools. Lottery proceeds are paid to the county school system twice a month. The formula used by the lottery to return monies to school systems is not based on locality sales but on a student per capita formula. For example, Fairfax County, the fastest growing county in Virginia and among the ten richest in the nation, received over \$36 million in lottery proceeds in FY2015.<sup>5</sup>

<sup>1</sup> 2015 figures from the Virginia State Lottery website. \$1.844 billion in sales.

<sup>2</sup> It is not our intent to suggest the lottery should be abolished, only to make an observation.

<sup>3</sup> See Virginia Lottery website for the overall breakdown.

<sup>4</sup> Phone inquiry and E-mail dated 19 May 2016, Greg Eanes to Amy Roper, Policy, Process and Legal Document Administrator, Va State Lottery; E-mail response dated 23 May from Roper to Eanes, with attachment.

<sup>5</sup> See Virginia Lottery for payouts, [https://www.valottery.com/playing\\_matters.aspx](https://www.valottery.com/playing_matters.aspx).

**4. Prior Efforts at Taxation:** In the 2012 Legislative Session Senator Frank Ruff proposed a bill for a sales tax on the purchase of lottery tickets. The Virginia Municipal League supported the measure. The Virginia Lottery opposed the bill and was successful in defeating the bill during the Senate Finance Committee hearing. VML Director of Fiscal Policy Neal Menkes says, "To the best of my knowledge no attempt has been made since 2012."<sup>6</sup>

**5. Virginia Constitution:** VML advises the Virginia Constitution, specifically Article X, Section 7-A "*explicitly identifies public education as the sole purpose of Lottery proceeds.*" The Virginia General Assembly can redirect a portion of the Lottery Proceeds Fund for other purposes but it requires a 4/5 majority vote in both Houses (32 Senators and 80 House members).<sup>7</sup> The power to change the formula to benefit all Virginia communities rests with the Virginia General Assembly.

**6. Observations:** Using 2015 lottery sales figures, if the Nottoway County lottery sales were taxed at 5% or had a 5% kick-back to locality general revenue funds, the county and towns would take in \$310,378.74.<sup>8</sup> It is envisioned the 5% formula be split between the County and the Towns with the County receiving 40% of the total revenues generated in the incorporated towns and 100% of total revenues generated by retail outlets outside of the towns. Using 2015 sales figures this would result in the following (estimated):

Blackstone	\$110,306.77 (-)
Burkeville	\$15,455.05
Crewe	\$61,065.43
Nottoway County	\$124,151.49 (+)
<b>Grand Total</b>	<b>\$310, 978.74</b>

**Note:** Three of the 23824 outlets are outside of Blackstone and in the County therefore the actual total for Blackstone would be less and the total for the county would be more. The data used was requested from the Lottery based on the zip codes of the Lottery retail outlets.

While larger communities might view these amounts as 'chump change', they do represent significant sums to rural communities. If Crewe received an additional \$61,000 it could pay down the debt from government mandates, improve infrastructure, etc. These are monies that could help town governments take care of big ticket items and desired community development projects which it seldom has funds to address.

Using 2015 figures, state lottery total sales were \$1.844 billion. Pulling off 5% off the total sales would result in \$92,200,000 that could be returned to localities.

Taking \$92.2 million from the 2015 prize payout portion *only* would reduce the payout fund from \$1.166 billion to 1.073 billion and does not take away from the amount returned to local

<sup>6</sup> E-mail dated 19 May 2016 from Neal Menkes to Eanes.

<sup>7</sup> Ibid.

<sup>8</sup> Of course this would fluctuate depending on annual sales. The estimated 5% levy on 2015 sales for the 23824 zip code would equate to \$183,844.61; on 23922 sales equates to \$24,758.41 and 23930 sales at \$101,775.73.

school systems.<sup>9</sup> Lottery jackpots are announced ahead of sales. The diversion of the 5% of sales is invisible to individual players and will not impact those announcements nor deter people from playing the lottery.

Lottery returns to localities should be based on local sales and not a per capita basis. In this way, we in the locality only get a percentage of what is generated in our localities.

Further, the lottery funds that come to the localities should be unrestricted and for our general revenue to address local needs.

This should be viewed as a bi-partisan effort which benefits all Virginia's taxpayers and local governments regardless of the size of their populations.

## **7. Proposed Course of Action:**

- a. Enact legislation to allocate 5% of total lottery sales to the localities in which the sales are made.
  - i. Only the prize payout portion of the funds will be impacted (trimmed from 60.6% to 55.6% of total lottery allocations);
  - ii. These funds are to be culled by the Virginia Lottery from sales and placed in a separate 'Lottery for Localities' fund until payout;
  - iii. Payouts to localities to be made on a quarterly basis;
  - iv. Payouts to localities will go to incorporated town, county or city general revenue funds, based on total lottery sales in those localities;
  - v. Payouts to localities will be unrestricted in how they are spent.
  - vi. County governments would receive up to 40% of incorporated town lottery proceeds unless the county government opts for a lower percentage at the local level.
- b. Phased Implementation:
  - i. Legislation passed in the 2017 session will take effect on 1 July 2017.
  - ii. It is envisioned the 5% would be culled from the last six months of 2017 sales and these could be paid by 15 January 2018 with follow-on payments after every quarter.

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<sup>9</sup> It is envisioned the new formula could be locked in as follows: Prize Pool, 55.6%, Lottery for Localities Fund, 5%, Retailers, 5.6%, Operating Costs, 4.9% and Public School Fund, 28.9%.

- iii. This phased implementation gives the Virginia State Lottery more than six months to orchestrate the administrative procedures to accommodate the new legislative mandate while building the 'Lottery for Localities' pool.

-end-

**Meeting Date:** August 9, 2016

**Item No:** 5.

**Department:** Public Works

**Issue:** Consider adoption of a resolution committing funding to the VDOT Revenue Sharing Program.

**Summary:** In April, Council adopted a resolution to comply with VDOT requirements to continue with the current funding agreement for the City's revenue sharing project, with the only such project currently scheduled being Uptown paving. The Uptown paving project is currently planned for next summer.

Upon review of the wording on the original resolution, VDOT requested it be revised to reflect funding for current and future revenue sharing projects, not just the Uptown paving project. Currently, revenue sharing projects require a 1:1 match of VDOT/local funds and such projects are considered by staff and brought to Council on a case by case basis.

The revised resolution reflects those changes.

**Attachments:** Resolution assuring a commitment of funds to the VDOT Revenue Sharing Program.

**Recommendations:** Approve Resolution as per VDOT revisions

*Council Members*  
Danny Turner, Mayor  
Jennifer Bowles, Vice-Mayor  
Sharon Brooks-Hodge  
Mark Stroud  
Gene Teague



*City Manager*  
Leon E. Towarnicki  
*City Attorney*  
Eric H. Monday  
*Clerk of Council*  
Karen Roberts

**RESOLUTION**

**A RESOLUTION OF ASSURANCE TO COMMIT FUNDING TO  
VDOT REVENUE SHARING PROGRAM**

**WHEREAS**, the City of Martinsville has entered into a Programmatic Project Administration Agreement for funds approved through the Virginia Department of Transportation Revenue Sharing Program; and,

**WHEREAS**, the city of Martinsville is committed to meeting its financial obligations under the Virginia Department of Transportation Revenue Sharing Program; and,

**THEREFORE, BE IT RESOLVED**, that the Council of the City of Martinsville hereby commits to fund its local share of preliminary engineering, right-of-way, and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial documents; and,

**BE IT FURTHER RESOLVED**, that the City Manager is hereby authorized to execute, on the behalf of the City of Martinsville, all necessary agreements required in conjunction with said project.

Adopted this 9th day of August, 2016

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ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

At a regularly scheduled meeting of the City of Martinsville Council held on August 9, 2016, on a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the above resolution was adopted by a vote of \_\_\_ to \_\_\_.

**Date:** August 9, 2016

**Item No:** 6.

**Department:** City Attorney

**Issue:** Consider adoption on second reading of an amendment to the Firearms Ordinance, Section 24-2 of the Martinsville City Code.

**Summary:** This amendment addresses a need for more specificity in accordance with state code, arising from a recent ruling from General District Court.

Specifically, paragraph (c) is being added to the existing ordinance indicating the Firearms Ordinance does not apply to any person discharging a firearm while killing a deer pursuant to Code of Virginia § 29.1-529, on land at least five acres zoned for agricultural use. At present, there is no such zoning classification in the City.

**Attachments:** Draft ordinance

**Recommended Action:** Adoption on second reading with roll call vote

**CITY OF MARTINSVILLE, VIRGINIA**

**ORDINANCE NO. 2016-1**

**FIREARMS ORDINANCE**

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session assembled on August 9, 2016 that section 24-2 of the Code of the City of Martinsville be amended to add a new subsection (c), as follows:

**Sec. 24-2. – Discharging firearms—Generally.**

- (a) No person shall fire or discharge any gun, cannon, pistol or other firearm at any place within the city. A violation of this section shall constitute a Class 1 misdemeanor.
- (b) This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property or is otherwise specifically authorized by section 24-3 or by state law.
- (c) Pursuant to Code of Virginia § 15.2-1113, this section shall not apply to any person discharging a firearm while killing a deer pursuant to Code of Virginia § 29.1-529, on land of at least five acres that is zoned for agricultural use.

(Code 1971, § 11-42)

**Charter reference**— Authority of city to prohibit discharge of firearms, Ch. 1, § 2(22).

**Cross reference**— Penalty for Class 1 misdemeanor, § 1-11.

**State Law reference**— Authority of city to regulate or prohibit discharge of firearms, Code of Virginia, § 15.1-865; discharging firearms in streets or other public places, §§ 18.2-280, 18.2-286.

\* \* \* \* \*

Attest:

\_\_\_\_\_  
Karen Roberts, Clerk of Council

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

\_\_\_\_\_  
Date Effective

**Date:** August 9, 2016

**Item No:** 7.

**Department:** City Manager

**Issue:** Consider setting a schedule and location for FY17 Council neighborhood meetings.

**Summary:** Council meetings in various neighborhoods throughout the City have been held for a number of years, giving citizens an opportunity to meet with Council in an informal setting and to discuss issues/concerns in their areas. Typically four meetings are held throughout the year at 7:30 pm (preceded by a neighborhood tour) on the Monday prior to Council's second monthly meeting

The following is last year's schedule with options for other locations for FY17 neighborhood meetings:

September 21, 2015-Druid Hills/Uptown TOUR 5:30 pm  
**LAST YEAR** at Forest Hill Presbyterian  
THIS YEAR – September 26, 2016; NCI, Library, PH School

October 26, 2015-Westside Area TOUR 5:00 pm  
**LAST YEAR** at Housing Office  
THIS YEAR – October 24, 2016; Albert Harris School

March 21, 2016-Northside/Chatham Hts. TOUR 5:30 pm  
**LAST YEAR** at Clearview Wesleyan Church  
THIS YEAR – March 27, 2017; Chatham Heights Baptist, McCabe

APRIL 25, 2016-Southside TOUR 5:30 pm  
**LAST YEAR** at Fuller Memorial  
THIS YEAR – April 24, 2017; Wesley Memorial Methodist

**Attachments:** None

**Recommended Action:** Direct staff to coordinate meetings and locations