

August 12, 2008

The regular meeting of the Council of the City of Martinsville, Virginia, was held on August 12, 2008, 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, Jr., Gene Teague, Mark Stroud, Sr., and Danny Turner. Staff present included: Clarence Monday, City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Tim Porter, Iris Read, Leon Towarnicki, Chris Morris, Betsy Pace, John Dyches, and Wayne Knox.

Following the invocation by Vice Mayor Kimble Reynolds, Jr. and Pledge to the American Flag, Mayor Lawson welcomed everyone to the meeting.

On a motion by Gene Teague, seconded by Kimble Reynolds, Jr., Council approved with a 5-0 vote, the minutes of the July 22, 2008 meeting.

Mayor Lawson and City Council presented a key to the city to retiring department director, Anthony S. (Tony) Rinaldi, Leisure Services Facilities & Administrator, who served in that capacity since November, 1997. City Manager, Clarence Monday, as well as members of Council expressed their appreciation to Mr. Rinaldi for his enthusiasm and energy in his leadership of the Leisure Services Department.

Mayor Lawson read a proclamation proclaiming the week of August 10-16, 2008 as State Health Center Week in the City of Martinsville and presented it to Kay Crane.

On a motion by Gene Teague, seconded by Kimble Reynolds, Jr., Council approved with a 5-0 vote, the FY08-09 Performance Contract between Piedmont Community Services and the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services. Jim Tobin explained new responsibilities added due to the VA Tech tragedy including taking prudent action when a person poses danger to himself or others due to mental illness. He pointed out that Piedmont Community Services staff members are on call 24 hours a day to do the mental evaluations in the Emergency Room as called for. Mr. Tobin stated he knows of no new, more intensive drug and alcohol programs coming from the Commonwealth and it does not appear to be a priority of the State.

After discussion points that the City does not have an option to choose due to this being an irrevocable agreement made years ago and this must be done to conform with an IRS ruling, on a motion by Gene Teague, seconded by Mark Stroud, Council approved

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with a 5-0 vote, the following resolution regarding affirmation of authorization to pick-up the Employee's 5% contribution to Virginia Retirement System:

RESOLUTION

AFFIRMATION OF AUTHORIZATION TO PICK-UP THE Employee's Contribution to VRS for CITY OF MARTINSVILLE, 55223 Under Section 414(h) of the Internal Revenue Code

WHEREAS, the City of Martinsville, Virginia, provides its employees with tax deferral pursuant to Section 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS: and

WHEREAS, the VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the CITY OF MARTINSVILLE desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after August 12, 2008, the CITY OF MARTINSVILLE shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the CITY OF MARTINSVILLE in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the CITY OF MARTINSVILLE under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the CITY OF MARTINSVILLE directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the CITY OF MARTINSVILLE shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the CITY OF MARTINSVILLE on behalf of such employee pursuant to the foregoing resolutions.

Council agreed to set a public hearing for August 26, 2008 to consider abandoning the eastern portion of an alley off Geter Street, being approximately 10 feet in width and 148 feet in length, located south of E. Church Street as shown on Tax Map 36 of the City of Martinsville, on a recommendation from the Planning Commission. Wayne Knox briefed Council advising this abandonment will allow an existing residence to be reconstructed on the same building lot and be closer to conforming to today's zoning standards.

Council discussed staff's recommendations regarding disposal of city owned surplus property. Chris Morris, Project Engineer, pointed out the tracts have been broken down into three groups: 1. Five parcels ranging in size from 2.6 acres to 6.6 acres to be sold outright through advertisement for bids, or solely for timber rights, and have a combined assessed value of approximately \$29,800. 2. 40 parcels of various sizes that can be combined as shown, to be sold outright through advertisement for bids, and have a combined assessed value of approximately \$104,000. 3. 20 smaller residual tracts not suited to stand alone as buildable parcels, to be disposed of through

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negotiation with adjoining property owners, and have a combined assessed value of approximately \$26,500. City staff recommends that larger, stand-alone tracts be sold outright through advertisement for bids or solely for timber rights, while smaller, non-conforming lots and remnants be disposed of through negotiation with adjoining property owners. Discussion points included: how these surplus property uses fit in the land use plan; disposal of each parcel will require a public hearing; information on the surplus properties to be provided on website; questions on what can be cut for timber and maybe have a renewable lot to plant timber again particularly surrounding Southside Park; need to be absolutely sure parcels around Southside Park can't be used for recreation purposes, such as walking, bike trails. Mary Rives Brown, 1227 Mulberry, and Liz Wolchko, Rives Road, spoke to Council about the possibility of using parcels for urban gardens for people to grow their own vegetables. Ms. Brown pointed out her real estate business would be willing to do a pilot program on one of their privately owned properties. Vice Mayor Reynolds said this issue was discussed at a VML meeting he attended where plots of land were identified in each neighborhood of a community and he felt that may be able to work here. The question was raised if grants had been looked into and Ms. Wolchko said she has spoken with MURA. Council directed the City Attorney to go ahead with taking action on the deed for the land designated as park area between Cole St. and Carol St. The issue of disposal of the surplus parcels will be tabled until after Council's planning session.

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

BUDGET ADDITIONS FOR 08/12/2008

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<u>FY08</u>				
GENERAL FUND:				
01102926	442304	Categorical Federal - Terrorism Prevention Program		8,674
01311085	506044	Police Dept - Terrorism Prevention Program (Law Enforcement Terrorism Prevention Program)	8,674	
01102926	436415	Categorical Federal - DMV Grant - Police Dept		8,322
01311085	501206	Police Dept - Overtime - DMV	6,929	
01311085	505540	Police Dept - Training (appropriation of DMV grant funds)	1,393	
01100909	490104	Recovered Costs		1,000
01311085	503127	Police Dept - General Professional Services (donation/Piedmont Comm Service/Chill Program)	1,000	
Total General Fund:			17,996	17,996

FY09

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GENERAL FUND

01100908	480410	Miscellaneous - Donation to Fire Department		50
01100909	490104	Recovered/Advanced Costs		1,120
01321102	506110	Fire Department - Fire Programs	50	
01322105	506004	EMS - Medical Supplies	1,120	
		(donations/recovered costs for Fire Dept. expenses)		
Total General Fund:			1,170	1,170

The Mayor asked for business from the floor. John Dyches, Water Resources Director, spoke briefly explaining the required notification to be mailed to all city water customers regarding the total organic carbon removal treatment technique. He stressed this is not an emergency and not a situation that has any direct significant health implications. Information on the surplus properties will be provided on the city's website. Rev. J. C. Richardson raised the issue of the moratorium on city annexing property and stated that any property owned by the city should be considered for all uses and as a revenue source if possible.

Comments from City Council: Council Member Stroud suggested looking into a bike trail on the Smith Lake Road properties. Council Member Turner reminded everyone of the skateboard demonstration scheduled at the Liberty Fair Mail and encouraged the public to attend. He also encouraged citizens to continue contacting him for assistance. Mayor Lawson pointed out the firewood from the trees cut by the inmates will be used by the needy. She asked the City Manager to get in touch with Lois Christensen of Gateway to flag the damaged trees behind homes on East Church St. Ext. and get in touch with Sheriff Steve Draper about cutting down the damaged trees. Mayor Lawson distributed a Roanoke Times news article regarding a greener society and asked the City Manager to give copies to staff for their consideration. Mayor Lawson asked that the blue flags on the utility poles on Church St. be redistributed so some are on the poles throughout the Uptown area. She also stated she would like to hear an update on the M-HC Rescue Squad.

Comments from the City Manager: Clarence Monday reported the City employee group is a Pacesetter for the United Way campaign and we are now at 75% of goal and this emphasizes that city employees value the work of the United Way organization.

In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon a motion by Gene Teague, seconded by Kimble Reynolds, Jr., with the following recorded vote: Mrs. Lawson, aye; Mr. Reynolds, aye; Mr. Teague, aye; Mr.

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Stroud, aye; and Mr. Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matters: (A) appointments to Boards and Commissions as authorized by Subsection 1 and (B) 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.

At the conclusion of Closed Session, each returning member of Council certified that (1) only public business matters exempt from open meeting requirements were discussed in said Closed Session; and (2) only those business matters identified in the motion convening the Closed Session were heard, discussed, or considered during said Session. On a motion by Gene Teague, seconded by Kimble Reynolds, Jr., with the following recorded vote: Mrs. Lawson, aye; Mr. Reynolds, aye; Mr. Teague, aye; Mr. Stroud, aye; and Mr. Turner, aye, Council returned to Open Session.

Council took the following action regarding Boards and Commissions:

On a motion by Gene Teague, seconded by Kimble Reynolds, Jr., with a 5-0 vote, Council re-appointed Daniel Critz, 301 Surrey Court, to the Board of Zoning appeals for a three-year term beginning 9/26/08 and ending 9/26/11. On a motion by Danny Turner, seconded by Mark Stroud, Sr., with a 5-0 vote, Council re-appointed Barbara Cousin, P. O. Box 3741, to the West Piedmont Planning District Technical Advisory Committee for an expired three year term beginning 12/07/07 ending 12/31/10. No action taken on the other item.

There being no further business, Mayor Lawson adjourned the meeting at 9:19 PM.

Clarence C. Monday
Clerk of Council

Kathy C. Lawson
Mayor