

November 8, 2011

The regular meeting of the Council of the City of Martinsville, Virginia, was held on November 8, 2011, in Council Chambers, Municipal Building, at 7:00 PM, with Mayor Kim Adkins presiding. Council Members present included: Mayor Kim Adkins, Vice Mayor Kimble Reynolds, Gene Teague, and Danny Turner. Mark Stroud, Sr. was absent. Staff present included: Clarence Monday, City Manager, Brenda Prillaman, Eric Monday, Leon Towarnicki, Linda Conover and Wayne Knox.

Following the invocation by Council Member Gene Teague and Pledge to the American Flag, the Mayor welcomed everyone to the meeting and announced Council will hold a closed session before the regular meeting at 7:30pm.

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 4-0 recorded vote: (Stroud-absent) Adkins, aye, Teague, aye. Reynolds, aye, and Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matter: (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.

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 Kimble Reynolds, seconded by Gene Teague, with the following recorded 4-0 vote (Stroud-absent): Adkins, aye; Teague, aye; Reynolds, aye; and Turner, aye, Council returned to Open Session.

Mayor Adkins presented a proclamation to the Martinsville Alumnae Chapter of the Delta Sigma Theta Society in honor of their 60<sup>th</sup> Anniversary Year.

On a motion by Gene Teague, seconded by Kimble Reynolds, with a 4-0 vote (Stroud-absent), Council approved the minutes of the September 27, 2011 meeting.

Mayor Adkins opened the public comment period regarding the Virginia Highway Safety Selective Enforcement Grant # K8-2012-52232-4610-20.601 (\$27,490) and having no comments, the public comment period was closed. On a motion by Kimble Reynolds, seconded by Gene Teague, with a 4-0 vote, Council approved the Virginia Highway Safety Selective Enforcement Grant # K8-2012-52232-4610-20.601 (\$27,490).

Mayor Adkins opened the public comment period regarding the Virginia Highway Safety Piedmont Regional Occupant Protection Grant # K2-2012-51432-4695-20.602 (\$28,000) and having no comments, the public comment period was closed. On a motion by Gene Teague, seconded by Kimble Reynolds, with a 4-0 vote, Council approved the Virginia Highway Safety Piedmont Regional Occupant Protection Grant # K2-2012-51432-4695-20.602 (\$28,000).

Mayor Adkins opened the public comment period regarding the Virginia Highway Safety Piedmont Regional Occupant Protection Grant # K2-2011-51432-4694-20.602 (\$10,000) and having no comments, the public comment period was closed. On a motion by Kimble Reynolds, seconded by

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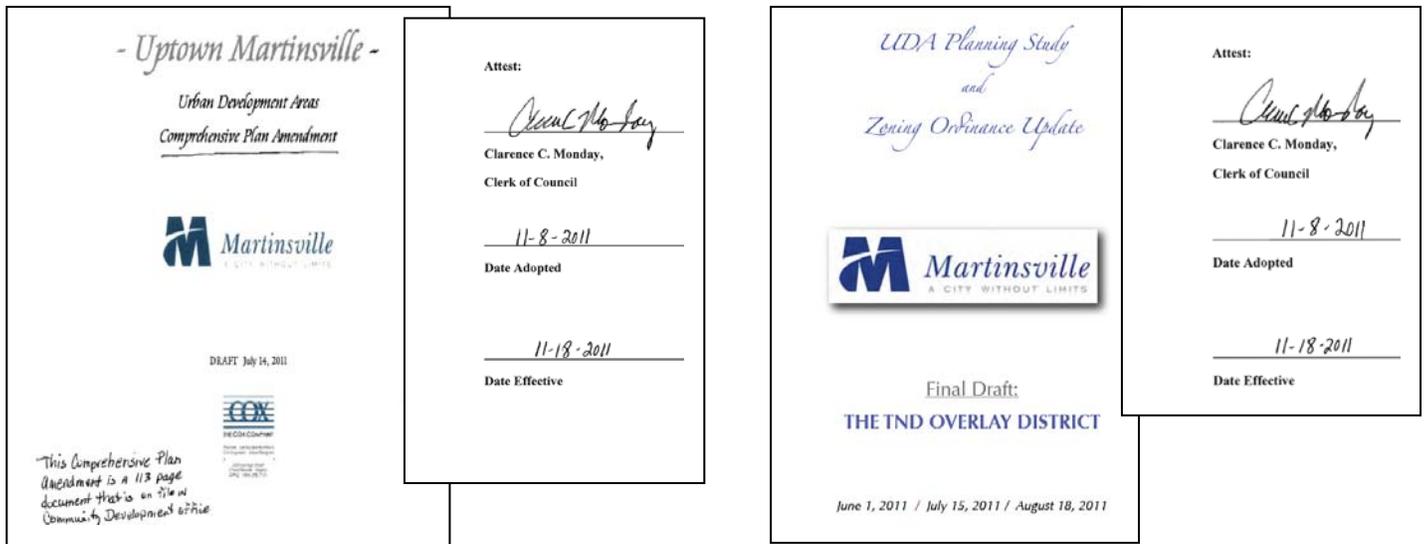
Danny Turner, with a 4-0 vote, Council approved the Virginia Highway Safety Piedmont Regional Occupant Protection Grant # K2-2011-51432-4694-20.602 (\$10,000).

Leon Towarnicki briefed Council on the 2011 update of the City of Martinsville's Solid Waste Management Plan. Section 9-VAC 20-130-175.F of the Solid Waste Planning and Recycling Regulations, Amendment 2 requires that solid waste management planning units submit a plan update on a 5-year cycle. The City's last SWMP update was approved by Virginia DEQ on December 12, 2006, with the 5 year update due by December 12, 2011. The City and Henry County (including the Town of Ridgeway) have submitted joint plans previously and will do so again with the current update with the City's solid waste engineering consultant, Joyce Engineering, Inc., handling the project. The Public Hearing on November 22<sup>nd</sup> is required to fulfill the public participation element of the plan and Henry County will likewise hold their hearing on the same date. A detailed review of the plan will be presented at the November 22<sup>nd</sup> Council meeting. In the meantime, copies of the plan are being placed for public review at the Library on East Church Street, in the Martinsville Public Works office of the Municipal Building, and at the Henry County Administration Building. Additionally, a link to the plan will be posted on the City's website. On a motion by Gene Teague, seconded by Kimble Reynolds, with a 4-0 vote, Council agreed to set the public hearing for the November 22, 2011 meeting regarding the Solid Waste Management Plan.

Wayne Knox briefed Council on the urban development areas designation. As a way to address some of the negative effects of suburban sprawl and strip development, particularly on traffic and transportation, new legislation was adopted in 2007 as VA Sec.15.2-2223.1 of the Code of Virginia, requiring certain high-growth localities to amend their comprehensive plans to incorporate one or more Urban Development Areas (UDAs). The City of Martinsville received a grant to 1) Amend the Comprehensive Plan to reflect the addition of Urban Development Areas and 2) Amend the Zoning Ordinance to add the UDA overlay district(s). The UDA(s) must be sized to meet projected residential and commercial growth in the locality for the ensuing period of at least 10 years, but not more than 20 years. In addition, federal, state and local transportation, utility, economic development, and other public funding should, to the extent possible, be directed to the UDA(s). UDAs should be established in areas that are appropriate for higher density development due to (a) their proximity to transportation facilities, (b) the availability of public water and sewer infrastructure, and (c) their proximity to existing developed areas. The Cox Company was retained by VDOT to be the City's Consultant for the UDA study and work. Working with the City, stakeholders, and property owners, the Cox Company identified the Baldwin Block area and the Sara Lee Property as two Urban Development Areas in the City of Martinsville. This designation will encourage mixed-use development and denser residential that is allowed in this district. A duly advertised Public Hearing was held Tuesday, August 30, 2011 during the Planning Commission meeting. One person was present and she spoke about her concerns that whatever was built on the Baldwin Block would reflect the heritage of the community and to keep in mind the national marker already installed that comments on the history. After the hearing, the Planning Commission voted unanimously (5-0) to send the recommendation to City Council to designate

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the former Sara Lee property and the Baldwin Block as urban development areas and to amend the Land Use Map, Comprehensive Plan and Zoning Ordinance to reflect urban development area guidelines. A duly advertised public hearing was held by City Council on October 25, 2011, and no one spoke for or against the Urban Development Areas. Community Development staff has received one request to add a parcel near the Sara Lee property to the UDA from a developer, and the developer was told that this could go through the process at a later date. Both the Sara Lee property and the Baldwin Block are still excellent candidates for this overlay and stakeholders still agree with this. On a motion by Gene Teague, seconded by Kimble Reynolds, with the following 4-0 recorded vote: (Stroud-not present) Adkins, aye, Teague, aye. Reynolds, aye, and Turner, aye, Council approved designating the former Sara Lee property and the Baldwin Block as urban development areas and to amend the Land Use Map, Comprehensive Plan and Zoning Ordinance to reflect urban development area guidelines. Due to the length of these documents, only the signature page is included in the minutes.



Wayne Knox briefed Council on the proposed amendments to the Zoning Ordinance related to pawnshops. 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 and no one spoke for or against the issue

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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. On a motion by Gene Teague, seconded by Danny Turner, with a 4-0 vote, Council agreed to set a public hearing for the December 13, 2011 Council meeting to allow time for required advertising.

Clarence Monday briefed Council on the Preliminary Ordinance for the Building Energy Efficiency Project. At the October 25 Council meeting, Council approved a Resolution authorizing a Public Hearing and directing necessary actions related to potential bond issuance. The next step in this process is to consider an Ordinance on first reading that serves the following purposes:

1. Reciting the expediency of the issuance of up to \$1,250,000 of General Obligation Bonds (expediency does not mean that the Council declares this as a matter of emergency). Instead, expediency means that the most efficient, effective, and expedient way to provide for such acquisition is by the issuance of General Obligation Bonds.
2. The intended use of the Bonds is for municipal purposes, specifically for energy saving improvements to City buildings and facilities.
3. Issuance of the Bonds is within the power of the City.
4. The issuance of the bonds is in the best interest of the City and its citizens.

Second reading of the same Ordinance will occur on November 22, if adopted on first reading.

On a motion by Kimble Reynolds, seconded by Danny Turner, with the following 4-0 recorded vote: (Stroud-not present) Adkins, aye, Teague, aye. Reynolds, aye, and Turner, aye, Council approved the preliminary ordinance, on first reading, regarding the Building Energy Efficiency project.

#### **CITY OF MARTINSVILLE, VIRGINIA**

#### **AN ORDINANCE RECITING THE EXPEDIENCY OF THE ISSUANCE OF UP TO \$1,250,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF MARTINSVILLE, VIRGINIA, AND SETTING FORTH THE PURPOSE, IN GENERAL TERMS, FOR WHICH THE BONDS ARE TO BE ISSUED, THE MAXIMUM AMOUNT OF THE BONDS TO BE ISSUED AND THE MAXIMUM LENGTH OF TIME SUCH BONDS WILL BE OUTSTANDING**

**Adopted on November 8, 2011**

Be it Ordained by the Council of the City of Martinsville, Virginia:

#### **Section 1 - Findings and Determinations**

The City Council ("City Council") of the City of Martinsville, Virginia (the "City") proposes to issue bonds for the purpose of assisting in the acquisition, construction, expansion, renovation and equipping of energy saving improvements to City buildings and facilities, all for municipal purposes (together, the "Project") and hereby finds and determines that: (i) the City is in need of funds to be used by the City for such construction and equipment needs brought to the attention of the City Council by the Martinsville City Manager, specifically for the Project, for costs of issuance of the Bonds (defined below) and for payment of interest on the Bonds; (ii) the obtaining of such funds will be for municipal purposes of the City, for the welfare of citizens of the City for purposes which will serve the City and its citizens pursuant to the authority of the City to provide funds for the City's buildings and facilities used for municipal purposes; (iii) the most effective, efficient and expedient manner in which to provide such funds to the City is through the issuance of general obligation bonds in an original principal amount not to exceed \$1,250,000 to be issued by the City as further described herein (the "Bonds") to be used for the acquisition, construction and equipping of the Project and for certain costs of issuance of the Bonds; (iv) the issuance of the Bonds is within the power of the City to contract debts, borrow money and make and issue evidence of indebtedness; and, (v) the issuance of the Bonds is in the best interests of the City and its citizens.

#### **Section 2 - Description of the Bonds**

The City Council finds that it is expedient for the City to borrow money and issue the Bonds for the Project in a maximum amount not to exceed ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$1,250,000). The maximum length of time that the Bonds will be outstanding is twenty years from the date of issuance of the Bonds. The form and details of the Bonds which are proposed to be issued will be more specifically set forth in a City Ordinance to be entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,250,000 MAXIMUM PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS OF THE CITY OF MARTINSVILLE, VIRGINIA AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF, which will be introduced before the Council and considered for final passage following a public hearing on the issuance of the Bonds, as required by law.

#### **Section 3 - Further Actions Authorized**

The City Manager, Clerk of the Council, City Treasurer, City Attorney, Sands Anderson PC as bond counsel, Davenport & Company LLC as financial advisor to the City and all other officers, employees and agents of the City are hereby authorized and directed to take any and all such further action as shall be deemed necessary or desirable to facilitate consideration of the issuance of the Bonds. All actions of the City Manager, Clerk of the Council, City Treasurer, City Attorney, bond counsel, the City's financial advisor and all other officers, employees and agents of the City in furtherance of the issuance of the Bonds and the financing of the Project are hereby approved and ratified.

#### **Section 4 - Invalidity of Sections**

If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining portions of this Ordinance.

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**Section 5 -Headings of Sections**

The headings of the sections of this Ordinance shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of such sections of this Ordinance.

**Section 6 -Effective Date and Filing of Ordinance**

Council hereby declares in the public interest that this Ordinance shall become effective immediately upon its passage. A copy of this Ordinance, certified by the Clerk of the Council, shall be filed with the Clerk of the Circuit Court of the City of Martinsville, Virginia.

Mayor Adkins gave an overview of citizen issues discussed at the November 7, 2011 Southside Neighborhood Meeting.

On a motion by Gene Teague, seconded by Kimble Reynolds, with a 4-0 vote, Council approved the following consent agenda:

BUDGET ADDITIONS FOR 11/08/11				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<b>FY12</b>				
<b>GENERAL FUND</b>				
01100908	480410	Miscellaneous - Donations/Fire Department		300
01321102	505500	Fire Dept - Travel & Training designated donation through United Way	300	
01100909	490801	Recovered Costs - Senior Citizens		1,050
01714212	501300	Senior Services - Part-Time & Temporary Wages	571	
01714212	502100	Senior Services - Social Security	35	
01714212	502110	Senior Services - Medicare	9	
01714212	506049	Senior Services - Vehicle Fuel in support of Senior services	435	
01101917	442810	Categorical Other State -Highway Projects		2,320
01413151	508234	Thoroughfare Construction - Utility Relocation DOT Reimbursement/Liberty St-Phase II	2,320	
<b>Total General Fund:</b>			3,670	3,670
<b>ELECTRIC FUND</b>				
14101917	442810	Categorical Other State - Liberty St Elec Utility Costs		115,096
14564339	503191	Electric Construction - Prof. Services-Contract Labor DOT Reimbursement/Liberty St-Phase II	115,096	
<b>Total Electric Fund:</b>			115,096	115,096

Mayor Adkins explained the payroll deduction employee computer purchase program. The Martinsville City and School Administrations are taking preliminary steps in offering a payroll deduction employee computer purchase program. Under this program, the City and School will front-fund the cost and employees will have the opportunity to purchase an Apple iPad 2 or an HP ProBook with the cost, including applicable sales tax, recovered through six monthly payroll deductions from January through June 2012. The benefit to employees will be the cost savings realized through a bulk purchase program with six-month no-interest financing through payroll deduction payments. The City will not provide a warranty for any units purchased; any warranty, software, or other issues will be strictly between the purchaser and Apple or HP. Linda Conover reported 41 units are being purchased at this point. On a motion by Danny Turner, seconded by Kimble Reynolds, with a 4-0 vote, Council approved the employee computer purchase program as outlined.

Business from the floor: Glenda Stone with Friends of the Library commented on perceived misconduct at the Blue Ridge Regional Library. Due to allegations being made, Mayor Adkins asked Ms. Stone to discontinue her remarks. Ural Harris, 217 Stuart St., comments regarding budget issues, capital funding, and recent hiring of city employees and compensation. City Attorney Eric Monday clarified that he has not requested any extra compensation.

Council comments: Turner-reminder about Veterans Day, November 19 Uptown Christmas Parade and Bulldogs game. Adkins-requested Council to endorse a letter regarding homelessness. On a motion by Gene Teague, seconded by Danny Turner, with a 4-0 vote, Council agreed to endorse the following letter:

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Mr. Bob Sledd  
Senior Economic Advisor  
Office of the Governor  
Patrick Henry Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, VA 23219

Dear Mr. Sledd:

The City of Martinsville supports for the creation of a Virginia Housing Trust Fund (VHTF), which will support Governor McDonnell's initiative to reduce homelessness by 15 percent by 2013. To meet this goal, we must house over 1,400 households permanently. Communities across the Commonwealth are jumping at the chance to meet this goal but we must have the resources to create affordable housing.

The Campaign for a Virginia Housing Trust Fund supports a 20 percent set-aside dedicated to serving individuals and families experiencing homelessness. This set-aside would fund a flexible array of new construction, rehab, rental assistance and supportive services designed to assist families and individuals in achieving housing stability. This set-aside is critical to ensuring that homeless households are served and afforded the opportunity for affordable housing.

The City of Martinsville has long supported the West Piedmont Better Housing Coalition and its efforts to reduce homelessness in our area. Our Department of Community Development has been very active with various groups in our community to increase housing for homeless and disadvantaged populations.

It is imperative that all efforts be made to identify dedicated and reliable funding sources to address housing and homelessness, such as the VHTF. Localities throughout the state need Virginia's help to increase successful housing initiatives that provide much needed services to individuals and families experiencing homelessness. Organizations like STEP, Inc., and the Community Dream Center are ready to access these funds to build or develop SRO and Permanent Supportive Housing options in our city and would go a long way to help their efforts and allow them to leverage other funds as well.

On behalf of the Martinsville City Council, I offer the City of Martinsville's support for the creation of the Virginia Housing Trust Fund.

Sincerely,



Kim Adkins  
Mayor

There being no further business, the meeting adjourned at 8:20 PM.

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Clarence Monday  
Clerk of Council

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Kim Adkins  
Mayor