

January 22, 2013

The regular meeting of the Council of the City of Martinsville, Virginia, was held on January 22, 2013, 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 Gene Teague, Mark Stroud, Danny Turner and Sharon Brooks Hodge. Staff present included: Leon Towarnicki, Interim City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Wayne Knox, Cindy Dickerson, Ruth Easley, and Mike Rogers.

Closed Session: 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 Gene Teague, seconded by Mark Stroud, with the following 5-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; Hodge, 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) 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. (C) A personnel matter as authorized by Subsection 1. Council then returned to open session and Mayor Adkins advised Closed Session is recessed until end of meeting.

Following the invocation by Vice Mayor Teague and Pledge to the American Flag, the Mayor welcomed everyone to the meeting and noted changes in the agenda.

Minutes: On a motion by Mark Stroud, seconded by Gene Teague, with a 5-0 vote, Council approved the minutes of the November 27, 2012 meeting.

Update from Team Cole: Jesse Cole of Team Cole & Associates gave an update on planned activities for the Martinsville Mustangs and introduced the new General Manager, Tyler Parsons.

Update Mark Heath: Mark Heath updated Council on January activities for the EDC. He presented information on a request for Council to consider participation in building another shell building in the Patriot Center. He reported that Henry County approved this project at their meeting today. After lengthy discussion, a motion was made by Gene Teague, seconded by Mark Stroud, with a 4-1 vote, (Turner voting nay) to approve the recommendation from the M-HC Economic Development Corporation to move forward with construction of the proposed shell building on Lot 8 in the Patriot Center with the City agreeing to begin sharing in interest expense with county at a 1/3 and 2/13 revenue sharing ratio in FY2015 if the building is not sold by that time (estimated city's share to be \$25,000 annually).

January 2013 Shell Building Recommendation:

Martinsville-Henry County EDC; Henry County Board of Supervisors; Martinsville City County; The Harvest Foundation

HISTORY:

Martinsville-Henry County's shell building track record is positive.

1. Owens Corning
2. Mehler
3. Masterbrand
4. RTI International Metals
5. Commonwealth Laminating

Shell buildings do not guarantee success but they do guarantee much improved prospect traffic when combined with a strong marketing strategy. Martinsville-Henry County's two most recent shell successes, RTI and Commonwealth Laminating represent a combined tax base investment of \$140M and approximately 90 new higher skill/higher paying jobs to date.

RECOMMENDATION:

Based on documented prospect interest and traffic that a new shell building initiative be undertaken on Lot 8 in the Patriot Centre, it is recommended that we follow the same successful format used for the RTI and Commonwealth shell buildings.

FINANCING:

1. Henry County IDA will be owner/borrower.
2. EDC will cover Architectural/Engineering costs and Interest and related maintenance costs through one year from completion.
3. County/City share carry costs after year 1 based on revenue sharing agreement (1/3, 2/3); most likely FY '15.
4. If shell has not sold in five years, Harvest will be approached, but is not a formal partner.

COST ESTIMATES:

1. 75,000 sq. ft. expandable to 150,000 sq. ft.
2. Construction cost of \$35 Per sq. ft. (\$2,625,000.)
3. Interest rate of 2.5%
4. A/E services and interest during construction and for 1 year from completion paid by EDC (\$150,000.)

TIMELINE:

1. EDC, County, City approve recommendation (January)

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2. EDC selects A/E firm (January)
3. Develop plans/bid documents (February/March)
4. Meet with local Banks (February)
5. Bid project (April)
6. Select contractor (April)
7. Construction completion (end of 2013)

ACTION:

1. EDC Board January 17; APPROVED
2. Henry County Supervisors January 22, support of project, authorizing interest carry after first year based on revenue sharing agreement
3. City of Martinsville Council January 22, support of project, authorizing interest carry after first year based on revenue sharing agreement

Proclamation Teen Violence: Mayor Adkins presented a proclamation regarding Teen Dating Violence Awareness Month to Mitzi Marsh, Prevention Coordinator, Citizens Against Family Violence.

Public hearing and resolution establishing City's long-term highway construction priorities: Mr. Towarnicki briefed Council on the need to conduct a public hearing and approve the resolution establishing the City's long-term highway construction priorities with the inclusion of the Commonwealth Boulevard bridge project. After lengthy Council discussion, it was decided to modify the priorities by endorsing the I-73 project to be built in Henry County first beginning at the Patriot Center. Mayor Adkins opened the public hearing. No public comments were made and the Mayor closed the public hearing. On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Council approved the following resolution which will be forwarded to WPPDC along with comments regarding I-73:

RESOLUTION

**RESOLUTION ESTABLISHING CHANGES IN THE CITY OF MARTINSVILLE'S
TRANSPORTATION PRIORITIES FOR INCLUSION IN THE VDOT 2014 -2019 SIX-
YEAR IMPROVEMENT PROGRAM**

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council Resolution be made in order that the Department add or make changes in programmed urban highway projects in the City of Martinsville; and

WHEREAS, to address the needs of the City of Martinsville in regard to highway projects Council desires to revise the City's previously established list of highway construction priorities, adding repairs/improvements to the Commonwealth Boulevard Bridge, Structure #1803, as the City's top priority; now, therefore;

BE IT RESOLVED, that the Council of the City of Martinsville, Virginia, requests the Virginia Department of Transportation to establish an urban system highway project for the improvement of the Commonwealth Boulevard Bridge, Structure #1803; and

BE IT FURTHER RESOLVED, that the Council of the City of Martinsville hereby agrees to pay its share of the total cost for preliminary engineering, right of way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City of Martinsville subsequently elects to cancel this project, the City of Martinsville hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 22nd day of January 2013

Skateboard ordinance and public input: City Attorney Eric Monday briefed Council on the skateboarding issue noting that, at present, the only city ordinance on skating/skateboarding makes it a Class 4 misdemeanor for anyone over 14 to skate on city sidewalks. The issue of skateboarding and in particular, destruction of private property has arisen, primarily in the Uptown area. The proposed

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amendment bans this conduct Uptown and imposes an alternative civil penalty of \$50. Police Chief Mike Rogers spoke in support of banning skateboarding as a public safety issue as well as destruction of property and the noise element. Mr. Towarnicki reported efforts are underway to address the water issues at the skatepark. Public comment: Ethan Harr, Ridgeway-feels ban will not solve problem and the best way to deter Uptown skating is to expand current skatepark. Dr. Mervyn King, Jones St.-agreed with Chief Rogers' comments and feels the situation is an accident waiting to happen and feels the aggressive behavior he has seen is disturbing. Jim Wood, 116B Emmett St., branch manager at Blue Ridge Library on Church St.-skateboarding is a public safety issue and feels putting teeth in the ordinance with fines and signage will help. Mayor Adkins closed the public comment period. Council comments: Stroud-\$50 fine is good approach; Turner-whatever is passed will be enforced; Hodge- commented on difficulty in enforcing ordinance already in place and unsure that another ordinance will help; Teague-a skateboard park has been provided and the issues now are costs of damages being done and officers being able to give a ticket is a deterrent and is a reasonable approach; Adkins-will support the ordinance as it is a step in the right direction and asked that squeegees be placed at the skatepark for assistance with the water issues. On a motion by Gene Teague, seconded by Mark Stroud, with the following recorded 5-0 vote: Adkins, aye; Hodge aye; Teague, aye; Stroud, aye; and Turner, aye,

Sec. 19-22. – Skating and Skateboarding on sidewalks in the City.

- (A) It shall be unlawful and a Class 4 misdemeanor for any person over the age of fourteen (14) years to skate on any paved public sidewalk of the city.
- (B) It shall be unlawful and a Class 4 misdemeanor for any person shall ride or use rollerskates, rollerblades, skateboards, scooters, or similar devices on wheels or runners in any area whatsoever located within the Uptown Enterprise Zone, Uptown Historic District and Uptown Arts and Cultural District; provided however, that this prohibition shall not apply to on-duty police or other law enforcement officers and other uniformed emergency services personnel.
- (C) In lieu of criminal prosecution, a violation of this section may be subject to a civil penalty of \$50.00.
 - (1) Any city officer, or employee of the city who is (a) responsible for the enforcement of any provision of this code, (b) wearing a uniform and (c) carrying identification, may approach and question any person concerning a civil violation of this code and may cause a notice of the violation to be served on any or all persons committing or permitting such violation.
 - (2) The notice shall state that the person served has been charged with violating this section and shall provide that the person may elect to make an appearance in person before or in writing by mail to the treasurer of the city, and admit liability for or plead no contest to the violation and pay the civil penalty, all within the time period fixed in the notice.
 - (3) If a person charged with a violation does not elect to admit liability or plead no contest the violation shall be tried in the Martinsville general district court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law. In the event the violation exceeds the jurisdictional limits of the general district court, the violation shall be tried in the circuit court.
 - (4) A finding or admission of liability for, or a plea of no contest to, a civil violation shall not be deemed a criminal conviction for any purpose. An admission of liability shall have the same force and effect as a judgment in court.

(Code 1971, § 15-11) Cross reference— Penalty for Class 4 misdemeanor: Code of Virginia §18.2-11.

State law reference— Riding bicycles on sidewalks, Code of Virginia, §46.2-904.

Authorization BPOL refund: Commissioner of Revenue Ruth Easley briefed Council on the \$2,662.75 refund that requires Council authorization due to a verification update of the estimated BPOL Tax for Local Business for Tax Year 2009. The Commissioner of the Revenue office annually verifies and updates BPOL license fees based on federal tax return gross receipts information that is provided to the office by individual business taxpayers and until the gross receipts can be verified by the federal tax return gross receipts, the reported receipts are considered an estimate. A local business overestimated their gross receipts for the 2009 license year for their second year in business. The city's business license is based on the actual gross receipts that a business had for the prior tax year or the current year for first year businesses. Corrections to the 2009 license year assessment have been made by the Commissioner of the Revenue office and forwarded to the City Treasurer. Because the refund amount is over \$2,500, City Council must authorize the City Treasurer to issue the refunds so that the timing of the refund does not negatively impact the city's cash flow. On a motion by Gene Teague, seconded by Danny Turner, with a 5-0 vote, Council authorized the City

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Treasurer to issue refund of \$2,662.75 to a city business for their 2009 business license effective January 23, 2013.

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

| BUDGET ADDITIONS FOR 1/22/13 | | | | |
|---|--------|---|------------------|------------------|
| ORG | OBJECT | DESCRIPTION | DEBIT | CREDIT |
| FY13 | | | | |
| General Fund: | | | | |
| 01100905 | 450209 | Revenue from Use of Money/Prop - Surplus | | 5,190 |
| 01321102 | 506007 | Fire Dept - Repair & Maint Supplies | 2,000 | |
| 01322105 | 503300 | EMS - ADP Software Maintenance | 3,190 | |
| | | Sales of Hurst Tools through GovDeals for Ambulance Equipment | | |
| Total General Fund: | | | 5,190 | 5,190 |
| FY13 | | | | |
| School Federal Programs Fund: | | | | |
| 20102926 | 401038 | Title I | | 1,058,763 |
| 86011100 | 561120 | Instructional S&W | 516,957 | |
| 86011100 | 561151 | Instructional S&W Aides | 47,049 | |
| 86011100 | 562100 | Social Security | 43,512 | |
| 86011100 | 562210 | Retirement | 67,437 | |
| 86011100 | 562300 | Insurance | 72,240 | |
| 86011100 | 562400 | Life Insurance | 1,579 | |
| 86011100 | 562520 | Disability | 487 | |
| 86011100 | 563000 | Purchased Services | 91,817 | |
| 86011100 | 565503 | Travel | 19,984 | |
| 86011100 | 566013 | Materials & Supplies | 165,103 | |
| 86011310 | 561120 | Admin S &W | 25,200 | |
| 86011310 | 562100 | Social Security | 1,562 | |
| 86011310 | 562210 | Retirement | 2,855 | |
| 86011310 | 562300 | Insurance | 2,890 | |
| 86011310 | 562400 | Life Insurance | 71 | |
| 86011310 | 562520 | Disability | 21 | |
| 20102926 | 436738 | Title IIA | | 128,829 |
| 86111100 | 561120 | Instructional S & W | 75,741 | |
| 86111100 | 562100 | Social Security | 5,794 | |
| 86111100 | 562210 | Retirement | 9,036 | |
| 86111100 | 562400 | Life Insurance | 212 | |
| 86111100 | 563000 | Purchased Services | 38,046 | |
| 86111100 | 565503 | Travel | 0 | |
| 20102926 | 436583 | Title III | | 11,154 |
| 86311100 | 563000 | Purchased Services | 210 | |
| 86311100 | 565503 | Travel | 1,194 | |
| 86311100 | 566013 | Materials & Supplies | 9,750 | |
| 20102926 | 435838 | Title VI Rural Ed | | 44,049 |
| 86411310 | 561120 | Instructional S & W | 20,000 | |
| 86411310 | 562150 | Social Security | 1,586 | |
| 86411310 | 563000 | Purchased Services | 22,463 | |
| 20102926 | 417338 | Title VIB IDEA Pre School | | 6,472 |
| 86611100 | 561120 | Instructional S&W | 5,000 | |
| 86611100 | 562100 | Social Security | 310 | |
| 86611100 | 562150 | Medicare | 73 | |
| 86611100 | 566013 | Materials & Supplies | 1,089 | |
| 20102926 | 402738 | Title VIB Flow Through | | 534,849 |
| 86511100 | 561120 | Instructional S&W | 134,883 | |
| 86511100 | 561151 | Instructional S&W Aides | 195,015 | |
| 86511100 | 562100 | Social Security | 20,454 | |
| 86511100 | 562150 | Medicare | 4,784 | |
| 86511100 | 562210 | Retirement | 51,662 | |
| 86511100 | 562300 | Insurance | 51,336 | |
| 86511100 | 562400 | Life Insurance | 3,926 | |
| 86511100 | 562520 | Disability | 452 | |
| 86511100 | 562750 | retirement Credit | 3,661 | |
| 86511100 | 563140 | Purchased Services | 35,000 | |
| 86511100 | 565503 | Travel | 5,000 | |
| 86511100 | 566013 | Materials & Supplies | 28,676 | |
| 20102926 | 428728 | 21st Century Community Learning | | 366,305 |
| 86901100 | 563000 | Purchased Services | 301,455 | |
| 86901100 | 565503 | Travel | 13,560 | |
| 86901100 | 565240 | Communications | 3,600 | |
| 86901100 | 566000 | Supplies | 47,690 | |
| Total School Federal Program Fund: | | | 2,150,421 | 2,150,421 |

Business from floor: Melody Cartwright, Jefferson St.-commented on issues she has had recently with animal cruelty and her concerns with the legality of using pneumatic guns in the city limits. Chad Martin-

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comments on child poverty rates and high suicide rates in the area. Dr. Mervyn King, Jones St.-commented that air guns are as dangerous as a firearm and agreed Council should look at legislation to make it illegal.

Council comments: Stroud-reminded citizens to check on neighbors during cold weather. Adkins-thanked churches and local agencies for their efforts to celebrate Martin Luther King Day.

Interim City Manager comments: Mr. Towarnicki reminded Council that the Fiber Optic Worksession is to be held January 30. He reported that the following letter was received from the Phoenix CDC advising they will not pursue the Fayette St. project at this time and withdrawing their request for transfer of the parking lot.

January 17, 2013
Leon Towarnicki, PE, City Manager
City of Martinsville
55 West Church Street (PO Box 1112)
Martinsville, VA 24114
RE: Fayette Street Parking Lot

Dear Mr. Towarnicki: After extensive Due Diligence, the Board of Directors of Phoenix Community Development Corporation (CDC) has decided that will no longer, at this time, be pursuing the mixed use development we had proposed for the Fayette Street Public Parking Lot. As such we wish to withdraw our request of the transfer of this public parcel to Phoenix CDC. We appreciate the consideration of the City of Martinsville for this potential development. While we believe that this proposal would have had long term benefits to the area, the current neighborhood concern and short term disruption was not something that we wanted to subject the area to. We believe the future is bright for this area of Uptown and hope that we may be a part of it resurgence in the future.

If you have any questions, please feel free to give me a call.

Sincerely,



Raymond J. Gibbs, ASLA

CLOSED SESSION RE-CONVENED:

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; Hodge aye; Teague, aye; Stroud, aye; and Turner, aye, Council returned to Open Session. No action was taken.

There being no further business, the meeting adjourned at 10:45 pm.

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor