

July 8, 2014

The regular meeting of the Council of the City of Martinsville, Virginia, was held on July 8, 2014, 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, Sharon Brooks Hodge and Danny Turner. Mark Stroud was absent. Staff present included: Wayne Knox, Assistant City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Sean Dunn, Dennis Bowles and Andy Lash.

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 Sharon Brooks Hodge, seconded by Danny Turner, with the following 4-0 recorded vote: Adkins, aye; Teague, aye; Hodge, aye; and Turner, aye, (Stroud-absent), Council convened in Closed Session, for the purpose of discussing the following matters: (A) A personnel matter as authorized by Subsection 1. (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. 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 Sharon Brooks Hodge, seconded by Danny Turner, with the following recorded 4-0 vote: Adkins, aye; Teague, aye; Hodge, aye; and Turner, aye, Council returned to Open Session.

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

Minutes: On a motion by Gene Teague, seconded by Sharon Brooks Hodge, with a 4-0 vote, Council approved the minutes of April 22, 2014, April 23, 2014 and April 24, 2014 meetings.

Public hearing on ICSM property conveyance: At the April 22, 2014 Council meeting, Dr. Boaz presented an update on progress related to the continuing development of the ICSM medical school project. ICSM is currently moving ahead with plans to renovate the building at 62-66 Fayette Street, located at the corner of Fayette and Moss Streets and at the April 22, 2014 Council meeting, a request was made of the City to convey portions of the City-owned parking lot to ICSM to be used for the project. The specific requests are for approximately 21 feet of property along the east side of the building, property at the rear (north) of the building currently serving as a driveway into the property, and the small masonry building also at the rear of the ICSM building. Mayor Adkins opened the public hearing. Sam Gamble expressed concerns with parking lot being torn up and not having enough parking while construction ongoing. Mayor Adkins closed the public hearing. On a motion by Gene Teague, seconded by Danny Turner, with a 4-0 vote, Council agreed to convey the property requested with conditions outlined in attached memo:

DATE: July 1, 2014

TO: Honorable Mayor and Council Members

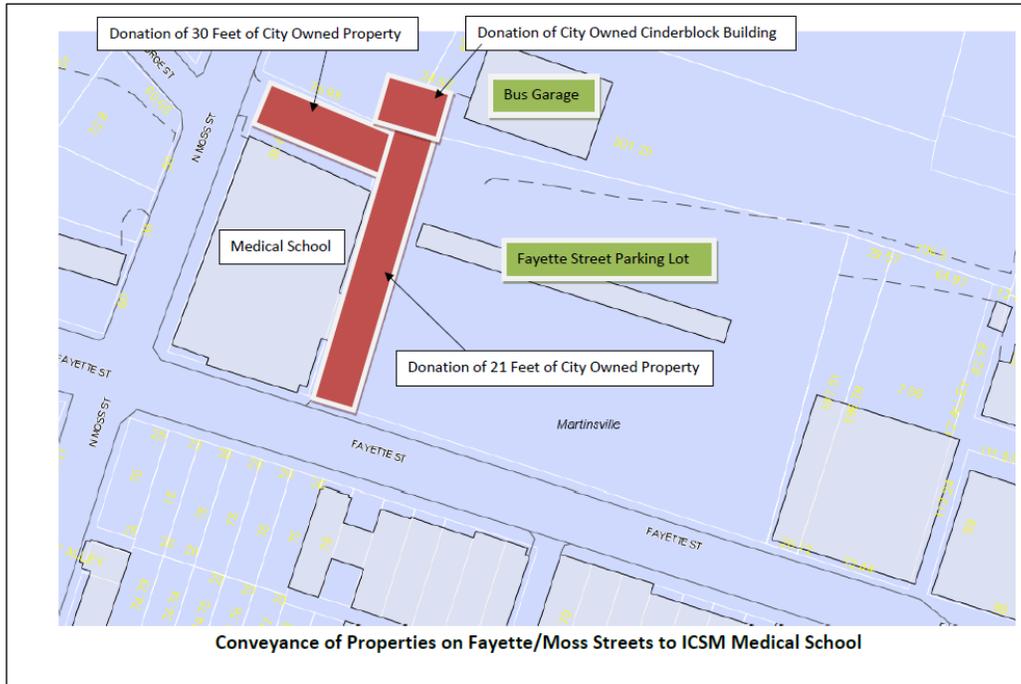
FROM: Leon Towarnicki, City Manager

**SUBJECT: Request from Dr. Boaz/ICSM for donation of property in City-owned Fayette Street Parking Lot
Donation of the property as requested is recommended, subject to the following conditions:**

- A. The City currently has a power line that extends from Moss Street east along the rear of the ICSM building, across the Fayette Street parking lot to Jones Street and an appropriate utility easement will need to be reserved.**
- B. An appropriate plat (suitable for recording) showing property to be donated will be provided to the City by ICSM. The City will prepare a quit-claim deed for the property from the plat.**

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C. Donation of the property is contingent upon the specific use of the property by ICSM as presented to Martinsville City Council - development of a medical school at the site in question. Should the medical school not be developed, ICSM agrees to convey the property back to the City of Martinsville at no cost.



Update on incubator: Amanda Witt of MHC Chamber of Commerce updated Council on occupancy, prospects, and incentive options being developed for West Piedmont Business Development Center incubator since the Chamber has taken over management of the facility.

Update from Planning Commission regarding urban chicken ordinance: Tim Martin of the Planning Commission briefed Council. In response to citizen requests to allow keeping chickens in the City (currently, poultry and livestock are banned: Code § 5-18), the Planning Commission vetted the issue. By a vote of 5-1, the Commission forwarded the draft ordinance to Council for adoption in the event Council decides to allow chickens. The Commission, however, by the same vote did not endorse the concept of allowing chickens. The draft ordinance is modelled on the City of Salem. Unlike Salem, it imposes the requirement of obtaining a special use permit. Planning Commission discussion noted the permit's cost (\$200), the requirement to notify neighbors, and the review process would deter those with only a casual interest, would offer surrounding property owners the opportunity to voice any objection, and would give the City the opportunity to assess the ability of any person interested in keeping chickens to abide by the requirements imposed. After discussion, and on a motion by Gene Teague, seconded by Sharon Brooks Hodge, with a 4-0 vote, Council agreed to place this issue on the July 22 City Council agenda for public comment and consideration.

First reading Water & Sewer Terms & Conditions: Andy Lash briefed Council on revisions. Staff recently received a request from the Virginia Department of Environmental Quality to revise the City's "Appendix B - Regulations Governing Industrial Discharges in the Sanitary Sewer" and the "Enforcement Response Plan" to comply with new laws. The recommended changes have been made and DEQ has reviewed and approved the document. The proposed revision will bring the City into compliance with current State and EPA regulations. Appendix B is a complete rewrite for the Regulations Governing Industrial Discharges to the Sanitary Sewer. The purpose of the regulations is to prevent or curtail discharges that can harm or damage any aspect of the City's Wastewater Treatment Plant, the City's sewer infrastructure or the Treatment

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Plants Operation. Appendix C is new and covers the Enforcement Response Plan. Changes recommended to the Water and Sewer Terms and Conditions include the Table of Contents and connection fees. The connection fees for ¾ inch water changes from \$675.00 to \$900.00, and 1 inch changes from \$775.00 to \$950.00. Sewer connections change from \$650.00 to \$850.00 for 4 inch and from \$700.00 to \$900.00 for 6 inch. The current connection fees have been in effect since March, 2006 and the recommended increases allow the City to more accurately recover the actual cost for the connections. While not technically an ordinance, this is adoption of regulations which have the force of law and therefore require approval on two readings. On a motion by Gene Teague, seconded by Sharon Brooks Hodge, with the following 4-0 recorded vote, Adkins, aye; Teague, aye; Hodge, aye; and Turner, aye, Council approved the revised Water & Sewer Terms and Conditions on first reading.

Electronic Summons System ordinance second reading: Eric Monday briefed Council on the ordinance. The 2014 General Assembly passed legislation allowing localities to assess \$5.00 on every criminal and traffic case, to fund software, hardware, and associated equipment costs for the implementation and maintenance of an electronic summons system. This assessment has been requested by the Circuit Court Clerk and the Police Department. Council approved this ordinance on first reading with a 4-1 vote at the June 24, 2014 meeting. The maximum assessment allowed is \$5.00 and Council has the discretion to establish a lower assessment as they deem appropriate before approval on second reading.

On a motion by Gene Teague, seconded by Kim Adkins, with a 2-2 recorded vote: Adkins, aye; Teague, aye; Hodge, nay; and Turner, nay, the motion failed regarding the electronic summons system court assessment ordinance on second reading.

Noise ordinance amendment first reading: Eric briefed Council regarding the ordinance. A potential business considering Uptown and the Phoenix CDC requested this change. The draft ordinance is taken from several Virginia localities with “vibrant” downtown business districts with active nightlife; it is primarily modeled after Staunton and Charlottesville. The Planning Commission extended application citywide, and unanimously endorses this ordinance for Council’s approval. The draft ordinance’s imposition of a permit in “the same form and manner as that prescribed for public dances, pursuant to section 4-30 et seq.” requires the application to be approved by the Chief of Police. The annual fee is \$50.00.

On a motion by Danny Turner, seconded by Sharon Brooks Hodge, with the following 4-0 recorded vote: Adkins, aye; Teague, aye; Hodge, aye; and Turner, aye, Council approved the business entertainment noise ordinance exception on first reading. The ordinance will be considered for final adoption on second reading at the July 22, 2014 meeting.

Approval of consent agenda: On a motion by Gene Teague, seconded by Danny Turner, with a 4-0 vote, Council approved the following consent agenda:

BUDGET ADDITIONS FOR 7/08/2014				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY14				
General Fund:				
01100908	480406	Misc. Revenue - Donations to Recreation		1,205
01713211	503190	Park Maintenance - Prof. Service - Bldg/Grounds Maint.	1,205	
01102926	436401	Donation from M'ville Rec Assoc for A/C @ Southside		50,869
01311085	506079	Categorical Federal - Confiscated Assets - Police Dept.		
		Police Dept. - Federal Asset Forfeitures	50,869	
		Federal Forfeiture Funds received in April 2014		
01100909	490104	Advanced/Recovered Costs		380
01321102	506007	Fire Dept - Repair & Maint Supplies	280	
01321102	506130	Fire Dept - Repair/Maint - Burn Building	100	
		Reimbursements for training/use of facility		

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Total General Fund:

52,454

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Business from floor: William Eggleston of Roundabout Road expressed concerns about neighborhood fireworks during recent holiday; Ural Harris of Stuart St. commented on Prairie State, congestion costs, and wants legislators to investigate the costs; Will Pearson of 1034 Mulberry Rd. thanked Council for their efforts on the noise ordinance and noted he wants to bring a rooftop dining facility Uptown and the noise could be heard on the public sidewalk.

Council comments: Adkins-requested Council consideration of an article in the VA Town & City Magazine regarding redistricting and the possibility of inviting the director of One VA 2021 to brief Council—after discussion, no action was taken on this matter.

City Manager comments: Assistant City Manager, Wayne Knox, reported Planning Commission to schedule public comment on Chatham Road name and announced Ribbon Cutting events will be July 17 & 18 for the pocket park on Fayette Street. Eric Monday complimented Philpott Marina as an excellent facility in Henry County.

There being no further business, the meeting adjourned at 9:00pm.

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor