

August 12, 2014

The regular meeting of the Council of the City of Martinsville, Virginia, was held on August 12, 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, Mark Stroud and Danny Turner. Staff present included: Leon Towarnicki, City Manager, Brenda Prillaman, Eric Monday, Linda Conover, Wayne Knox, Bobby Phillips, Sean Dunn and Jeff Joyce.

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 Danny Turner, seconded by Sharon Brooks Hodge, with the following 5-0 recorded vote: Adkins, aye; Teague, aye; Hodge, aye; Stroud, aye; and Turner, aye, Council convened in Closed Session, for the purpose of discussing 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. (B) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body as authorized by Subsection 29. 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. On a motion by Mark Stroud, seconded by Danny Turner, with the following recorded 5-0 vote: Adkins, aye; Teague, aye; Hodge, aye; Stroud, aye; and Turner, aye, Council returned to Open Session.

Following the invocation by Council Member Stroud and Pledge to the American Flag, the Mayor welcomed everyone to the meeting and announced there will be an agenda item added regarding Hull Storey Gibson.

Minutes: On a motion by Danny Turner, seconded by Gene Teague, with a 5-0 vote, Council approved the minutes of the May 27, 2014 meeting and the amended minutes of June 10, 2014. Council Member Hodge asked that the June 10 minutes be amended to reflect that Teresa Harris, co-pastor of Integrity Life Ministries, spoke about the summer math camp for 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> grade students which was also a component of the Be a Part of It Campaign.

Hull Storey Gibson & Recovery Solutions Group update: Mr. Towarnicki briefed Council on the proposal. The City has been approached by representatives of Recovery Solutions Group and Hull Storey Gibson (HSG is the owner of Liberty Fair Mall) requesting consideration of business development incentives to enhance their ability to continue to redevelop the Mall and retain existing or attract new tenants. Citing similar development incentives used in other projects, the basis of the proposal centers around a financial return to the developer over a period of time, the amount of which is determined by the increase in local sales tax revenue comparing pre-redevelopment with post-redevelopment data. Additionally, the incentive package is contingent on a certain level of capital investment and job retention and/or creation. Staff reviewed the proposal concept and identified a number of concerns; (1) how to reasonably, legally, and accurately certify annual sales tax data which would then be used as the basis for determining the monetary value of any earned incentives; (2) legal issues that might prevent the City from entering into such an arrangement; (3) is it reasonable to extend such benefit to one select property, or should such benefit be extended to a broader area under a particular zoning classification, and (4) have other communities entered into such agreements and

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what has been results/experience/effects. The matter was referred to the Martinsville Planning Commission for their overall review, and specifically for review related to the merits of extending a business development incentive plan to a wider range of properties. After deliberation at their August 5, 2014 meeting, the Planning Commission voted to not recommend the development of such plan at this time. John Mulherin, Matt Mattson, and Rodney Haynes gave a presentation asking for the city's help for the mall development to move quicker. Lengthy Council discussion occurred regarding the mall officials approaching the MHC Economic Development Corporation and whether other localities have entered into incentive agreement with Hull Storey Gibson. Mayor Adkins then asked for staff's recommendation and Mr. Towarnicki responded that staff concurs with the recommendation of the Planning Commission. Should Council desire to move forward, however, it is recommended that consideration be given to development of a comprehensive incentive program with applicability to a broader range of properties. After comments from Council members as to their position on the proposal, a motion was made by Danny Turner to authorize the City Manager to enter into a MOU with the IDA as a public/private partnership agreement with Hull Storey Gibson. The motion died for lack of a second. Council expressed appreciation to Hull Storey Gibson for their investment in the city and noted there could be the possibility of assistance in development of outparcels at the mall in the future stages of the property's redevelopment.

911 Communications Center: J. R. Powell presented the following information: The 911 Communications Center has an opportunity to apply for a \$150,000 grant through VITA to help with costs related to the replacement of existing 911 call processing equipment. The project budget is estimated at \$319,398.40 and if the grant is awarded, the remaining amount of \$169,398.40 would be requested in the 911 Center's FY16 and FY17 budgets. Local funding of the 911 Center is currently 70% Henry County and 30% City, and the City's share will be \$50,819.52. The existing call processing equipment was installed in 2010 with a normal life expectancy of 5 years. If the grant is awarded, funds will be available July 1, 2015 with a two-year window to complete the project. The Henry County Board of Supervisors considered the request at their July meeting and approved the grant application. On a motion by Mark Stroud, seconded by Sharon Brooks Hodge, with a 5-0 vote, Council approved the 911 Center proceeding with the grant application as requested.

MARC Workshop property: Mr. Towarnicki briefed Council. Citing financial constraints, MARC Workshop Board representatives approached the City about the possibility of donating the property at 110 Wingfield Street to the City in order to discharge their obligation related to condemnation and demolition. After a review of the site and potential costs related to demolition, it was determined the offer was a reasonable approach to resolve the matter. Demolition was recently completed by the Public Works Department at a cost of approximately \$5700 for tipping fees, straw, grass seed, etc., not counting Public Works labor/equipment. The City has received approximately \$4200 in scrap metal from the site. Staff recommends a motion to accept the property donation and authorization to proceed with advertisement for sale. The City Attorney will prepare the deed and once bids are received, the issue will be placed on Council's agenda for setting/conducting a public hearing related to disposition of property. On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Council agreed to accept the property donation and authorized City Attorney to proceed with advertisement for sale. The City Attorney also was asked to look into status on additional city surplus property for sale.

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Siren Project update: Bobby Phillips presented an update on the neighborhood early warning siren project, locations for sirens, and tentative project schedule. Cost for the siren project is covered by a \$192,000 grant from the Federal Emergency Management Agency. Once the sirens are operating, they will be tested at noon on first Wednesday of the month to insure they work properly and city residents are familiar with their sound. Factors such as where people often congregate for outdoor activities and terrain were considered in locations of sirens and sirens should be able to be heard by people outdoors about a mile away.

SIREN LOCATIONS: Near 1107 Roundabout Rd. Near 801 Ainsley St. High School Southside Fire Station Near 1148 Rives Rd. 800 Madison St. Near 1109 Brookdale Near 1403 Mulberry Rd.
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Update on Uptown area projects: Public Works Director Jeff Joyce gave a brief update on projects Uptown regarding two hour on-street parking enforcement , curb and guttering, signal lights, stop signs, paving, and handicap parking in city parking lots.

Ordinance first reading, repeal of City Code Chapter 20, Pools: City Attorney Eric Monday presented the following information: Chapter 20 of the City Code regulates pool safety. In 2012 the City adopted the Uniform Statewide Building Code (as amended) in its entirety, which as of July 2014 includes the International Swimming and Spa Code (“ISPSC”). According to our Building Inspections Department, Chapter 20 of the City Code is therefore now obsolete and may be repealed. Inspections staff notes the following benefits of the ISPSC:

1. The only comprehensive and consensus model swimming pool and spa code available.
2. Provides Virginia Graeme Baker Act compliance by reference to APSP-7.
3. Utilizes time-proven APSP ANSI standards by reference and integration.
4. Contains barrier, decking and lighting provisions coordinating with the International Building Code (IBC).
5. Covers all types of aquatic vessels including residential and public pools, portable and in-ground spas, water parks, exercise spas, and hot tubs.
6. Updated fencing and barrier requirements integrate with IBC and International Residential Code (IRC) provisions.
7. Incorporates provisions based on the latest research for diving, barriers, general design, and water quality safety.
8. Requires portable spas be certified to latest industry standards eliminating the need to inspect inaccessible interior components.
9. The first swimming pool and spa code to address aquatic recreation facilities.
10. The first swimming pool and spa code to include an energy standard for residential portable electric spas and for residential in-ground swimming pools and spas.
11. Seamless integration with the most widely used model codes in North America, the International Building Code® (IBC®) and International Residential Code® (IRC®).
12. Meets or exceeds the requirements of the federal Virginia Graeme Baker Act for suction entrapment safety.
13. Covers fencing, decks, lighting, heaters, circulation systems, pumps, accessibility, diving, sanitizing equipment, filters, and suction fittings.
14. Includes provisions for pools and facilities geared specifically for water parks, along with provisions based on the latest research for diving, barriers, general design, and water quality safety.
15. All necessary provisions in one book. The ISPSC combines the provisions of the relevant sections of the IRC, IBC, IPC®, and IMC®, and the APSP standards, serving as a fully-integrated document for pool and spa safety.

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On a motion by Gene Teague, seconded by Mark Stroud, with the following 5-0 recorded vote: Adkins-aye; Teague-aye; Stroud-aye; Hodge-aye; Turner-aye, Council approved the ordinance on first reading to repeal City Code Chapter 20, Pools. This item will be on the August 26, 2014 agenda for approval on second reading.

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

BUDGET ADDITIONS FOR 8/12/2014				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
<b>FY14</b>				
<b>General Fund:</b>				
01100909	490104	Advance/Recovered Costs		1,741
01331108	501300	Sheriff/Corrections - Part-time & Temporary Wages	1,270	
01331108	502100	Sheriff/Corrections - Social Security	79	
01331108	502110	Sheriff/Corrections - Medicare	18	
01331108	506008	Sheriff/Corrections - Vehicle Equipment & Maint.	254	
01331110	506200	Sheriff/Annex - Prisoner Allowance	120	
		Reimbursement from Henry County for litter pickup for April		
01101917	442701	Categorical Other - State - Fire Programs Fund		6,563
01321102	506110	Fire Dept. - State Grant - Fire Programs	6,563	
		Funds received over original budget		
<b>Total General Fund:</b>			<b>8,304</b>	<b>8,304</b>
<b>CDBG Fund:</b>				
47103919	443139	Private Grant - Garden Club		10,000
47823521	506322	Uptown - Construction/Gateway	10,000	
		Donation towards work @ Courthouse		
<b>Total CDBG Fund:</b>			<b>10,000</b>	<b>10,000</b>

Business from floor: Eric Monday made comments regarding the positive exposure Martinsville is receiving in the Virginia Living magazine.

Council comments: Hodge-thanked law enforcement for their efforts to encourage community relationships through the National Night Out events where she attended three gatherings; Teague-expressed regret for being unable to attend National Night Out; Stroud-thanked 911 Center for leading the way in technology and expressed regrets for not being able to attend National Night Out events. Council Member Stroud also asked that Council reconsider the technology fee ordinance and asked that it be placed on the August 26, 2014 agenda. Council Member Hodge noted she did not feel she had enough information at last meeting on the ordinance. Council agreed to place this item on the August 26, 2014 agenda; Turner-enjoyed National Night Out and asked for prayers for Sharon's mother; Adkins-attended National Night Out events and appreciative for efforts of law enforcement.

City Manager comments: Towarnicki-shared update on Henry Hotel noting that construction is to start end of August and asked for volunteers for several city boards and commissions and noted a special need for a parent representative on the Comprehensive Services Act Policy Board.

There being no further business, the meeting adjourned at 9:40pm.

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Brenda Prillaman  
Clerk of Council

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Kim Adkins  
Mayor