

April 24, 2012

The regular meeting of the Council of the City of Martinsville, Virginia, was held on April 24, 2012, in Council Chambers, Municipal Building, at 7:30 PM, with Mayor Kim Adkins presiding. Council Members present included: Mayor Kim Adkins, Vice Mayor Kimble Reynolds, Gene Teague, Mark Stroud and Danny Turner. Staff present included: Leon Towarnicki, Interim City Manager, Brenda Prillaman, Eric Monday, Wayne Knox, Mike Rogers, and Linda Conover. Prior to the regular Council meeting, NCI held an information session from 6:30pm to 7:30pm for public viewing of the proposed NCI building.

Following the invocation by Mayor Kim Adkins and Pledge to the American Flag, the Mayor welcomed everyone to the meeting. Mayor Adkins noted an adjustment in the agenda: Ray Gibbs of Phoenix CDC is unable to be here to present an update and that item will be rescheduled.

Recognitions: Mayor Adkins presented a proclamation recognizing National Correctional Officers and Employees Week 2012 which was accepted by Lt. Barker.

Public Hearing regarding conveying Baldwin Block to NCI: NCI Executive Director William Wampler updated Council on the recent public information session held at Albert Harris School and the information session held just prior to tonight's Council meeting at City Hall. He noted that other funding partners are awaiting Council's action on the Baldwin Block property and that the NCI Board voted to accept the draft agreement. Mayor Adkins reported that pursuant to Code of Virginia § 15.2-1800 a public hearing is required to convey the block bordered by West Church, Market, Fayette and Moss Streets. Barton Street was abandoned June 24, 2008 and is now part of the Block; that same day Council voted to transfer the Block to the Southern Virginia Recreational Authority; this vote should be rescinded if there is to be a transfer to another entity. Mayor Adkins opened the public hearing regarding the city conveying Baldwin Block to NCI. Tony Jones, 612 Third St., reported he has talked with 162 residents on the Westside of Martinsville and all have endorsed the project. Mayor Adkins closed the public hearing. City Attorney Eric Monday explained technical issues that Council needs to address as the Martinsville Redevelopment Housing Authority.

Martinsville Redevelopment Housing Authority actions regarding Baldwin Block: Eric Monday briefed Council on needed action: Baldwin Block was acquired over a number of years. Some lots are owned by MHRA and some by the City. To convey to a third party, it is more convenient that one entity own all the lots. The MHRA owns lots 32 (01) C 08, 08A and 09 and 32 (01) D 03-07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20 and 21. Further, on June 24, 2008, Barton Street was abandoned, with portions adjoining MHRA lots automatically reverting to the MHRA. This action is a technical one which will allow the entire Block to be conveyed by a single deed. On a motion by Gene Teague, seconded by Danny Turner, City Council recessed and then convened as Martinsville Redevelopment Housing Authority. On a motion by Gene Teague, seconded by Mark Stroud, with the following 5-0 recorded: Adkins, aye; Teague, aye; Reynolds, aye; Stroud, aye; and Turner, aye, the Authority approved the transfer of the above listed lots and any interest in abandoned Barton Street to the City of Martinsville. On a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, the MRHA adjourned and Martinsville City Council re-convened.

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City Council action on Baldwin Block: On a motion by Danny Turner, seconded by Kimble Reynolds, with the following 5-0 recorded vote, Adkins, aye; Teague, aye; Reynolds, aye; Stroud, aye; and Turner, aye, Council approved rescinding council vote of June 24, 2008 to transfer Baldwin Block to the Southern Virginia Recreation Authority. Vice Mayor Kimble Reynolds expressed appreciation to Senator Wampler and all involved to engage the community in the NCI endeavor. Mr. Reynolds noted that since he serves as a member of the NCI Foundation Board, he will abstain from voting on the agreement. On a motion by Danny Turner, second by Mark Stroud, with the following 4-0 recorded vote, Adkins, aye; Teague, aye; Stroud, aye; and Turner, aye, (Reynolds-abstained), Council approved the following Agreement for the Transfer of Title of the Baldwin Block property to NCI:

<p style="text-align: center;">AGREEMENT FOR THE TRANSFER OF TITLE TO REAL PROPERTY</p> <p style="text-align: center;">THIS AGREEMENT dated this ____ day of _____, 2012 by and between the CITY OF MARTINSVILLE, VIRGINIA, a Virginia municipal corporation, ("City") and the NEW COLLEGE FOUNDATION, a Virginia non-stock corporation, ("Foundation");</p> <p><i>Whereas</i>, the new College Foundation wishes to acquire that parcel of realty in Uptown Martinsville bounded by West Church, Market, Fayette and Moss Streets, designated by the City Council of Martinsville as the Dana O. Baldwin Block, ("premises"); and</p> <p><i>Whereas</i>, the City wishes to accommodate the Foundation and to further the goals of the New College Institute as set forth in Code of Virginia § 23-231.30;</p> <p><i>Now, therefore</i>, in consideration of the foregoing, the mutual benefits, promises and undertaking of the parties to this agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby covenant and agree as follows:</p> <p>1. The Foundation shall have 180 days from the date of execution of the last party to execute this document to make such inspections, studies, inquires, examinations, financial analyses, environmental and ecological testing and other examinations (collectively "due diligence") of or in respect to the premises as Foundation may, in its sole discretion, elect to determine the suitability of the premises for its purposes. In this regard City shall make all documents, data and information in respect of such property as Foundation may reasonably request available to Foundation and shall permit Foundation to go upon the property at all reasonable times to conduct such due diligence as is necessary to be conducted on site. Foundation may, at its discretion, terminate this Agreement for any fact or condition affecting or existing on or in respect of the property or its acquisition, including but not limited to the Foundation's inability to raise sufficient financing to adequately fund improvements necessary for Foundation's intended use of the premises, by delivering written notice of termination to City prior to the expiration of said 180 day period.</p> <p>Should Foundation elect to terminate this Agreement in accordance with the provisions set forth above, then all information, data and other documents produced by the City shall be returned to the City.</p> <p>2. During the same period, the City shall undertake all statutory, political and legal requirements necessary for it to transfer title in the event the Foundation requests a transfer of title.</p>	<p>3. City shall convey the Premises to Foundation or its assignee by general warranty deed, with English covenants of title. The Foundation shall be responsible for examination of title and the purchase of such title insurance as it deems necessary. Closing shall take place 210 days from the date of execution of the last party to execute this document.</p> <p>4. It is expressly understood that New College Foundation will in conducting its due diligence and in undertaking to develop the premises commit a substantial amount of its time, resources and assets. Accordingly, it is acknowledged by City that Foundation's undertakings hereunder constitute valuable and sufficient consideration for the premises of City hereunder.</p> <p>5. Development and construction on the premises shall be executed generally in accordance with the presentation made to Martinsville City Council on April 10, 2012. Plans for all development and construction shall be presented to City Council before being initiated. Development and construction which, in the opinion of a majority of City Council, significantly deviates from that contained in the presentation shall be subject to rejection by the majority vote of Council, shall be revised, and shall be presented again for further review by Council.</p> <p>6. Transfer of title shall be subject to the following restrictive covenants, which shall be appurtenant to the premises and inure to the benefit of the parties and their successors or assigns:</p> <p>A. Development, occupancy and use of the premises shall be in accordance with and in furtherance of the goals set forth in Code of Virginia § 23-231.30(B) in existence at the execution of this Agreement.</p> <p>B. Development and construction of the premises shall be commenced no later than three years from the execution hereof and shall be substantially completed no later than five years from the execution hereof. In the event either deadline is unable to be met, the Foundation may, no later than 60 days prior to its expiration, seek an extension by majority vote of City Council. Such an extension shall not be unreasonably withheld, provided that the Foundation is making a good faith effort to effect completion.</p> <p>C. The premises as a whole shall at all times be designated the "Dana O. Baldwin Block," in addition to such names as may be designated for individual or collective structures, components or features thereon.</p>	<p>D. In the event that the Foundation ceases to exist and it is not succeeded by a successor entity, the mission and purposes of which are substantially the same as those of the Foundation, or in the event of a violation by Foundation of the restrictions contained in this Paragraph 6 or should the Foundation or the New College Institute become insolvent then title to the premises shall revert to the City or its successors in interest. Adjudication of any dispute concerning the interpretation or enforcement of such reversion shall be vested in the Circuit Court of the City of Martinsville.</p> <p>E. Assignment of any rights and duties established herein to any entity other than a direct successor in interest shall be subject to the written consent of the parties.</p> <p>7. This Agreement shall be governed by the laws of the Commonwealth of Virginia.</p> <p>IN WITNESS WHEREOF, the parties hereto have executed this agreement:</p> <p style="text-align: center;">The CITY</p> <p>By: _____ Title: <i>City Manager</i></p> <p>Date: _____</p> <p>Approved as to form:</p> <p>_____ <i>City Attorney</i></p> <p style="text-align: center;">The FOUNDATION</p> <p>By: _____ Title: _____ Date: _____</p>
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On a motion by Gene Teague, seconded by Mark Stroud, with the following 4-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; and Turner, aye, (Reynolds-abstained), Council approved transfer of the entire Baldwin Block as previously outlined.

Public Comment regarding Martinsville City Manager search: Mayor Adkins reported on city manager search process noting there have been 142 responses to the online survey, which is designed to seek input from citizens on what qualities, qualifications and experiences they believe are important characteristics for the City's next manager to have. Responses from this survey will be used to develop the community and position profile for the upcoming executive search for city manager and this profile will let potential candidates know what we are looking for in our next city manager. Citizens were encouraged to fill out the survey before the deadline of April 24. Mayor Adkins opened the public comment period. No comments were made and the Mayor closed the public comment period.

Zoning ordinance amendments related to pawnshops 2nd reading: On a motion by Gene Teague, seconded by Kimble Reynolds, with the following 4-1 recorded vote, Council approved the following

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ordinance, on second reading, Adkins-aye; Teague-aye; Reynolds-aye; Stroud-aye; Turner-nay. Council noted with the new language, this ordinance provides flexibility and addresses citizens' concerns.

PROPOSED AMENDMENTS – ZONING ORDINANCE, Appendix B, City Code
(Strikethrough indicates deletion; *italicized bold* indicates addition)

SECTION XII: COMMERCIAL DISTRICTS

A. C-1 Neighborhood Commercial District

C. Uses permitted by special use permit in the C-1 District.

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

- a. *Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;*
- b. *All of the items collected must be contained within the confines of the actual pawnshop;*
- c. *An approved anti-crime security system must be installed to safeguard the premises;*
- d. *Establishment shall not be located within 1000 feet of a similar establishment;*
- e. *Establishment must be located at least 1000 feet from churches, schools, playgrounds;*
- f. *Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.*

E. C-1A Intermediate Commercial District.

F. Uses permitted by right in the C-1A District.

61. ~~Pawnshops~~ or second hand stores

G. Uses permitted by special use permit in the C-1A District.

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

- a. *Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;*
- b. *All of the items collected must be contained within the confines of the actual pawnshop;*
- c. *An approved anti-crime security system must be installed to safeguard the premises;*
- d. *Establishment shall not be located within 1000 feet of a similar establishment;*
- e. *Establishment must be located at least 1000 feet from churches, schools, playgrounds;*
- f. *Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.*

I. C-2 Central Business District.

J. Uses permitted by right in the C-2 District.

61. ~~Pawnshops~~ or second hand stores

K. Uses permitted by special use permit in the C-2 District.

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

- a. *Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;*
- b. *All of the items collected must be contained within the confines of the actual pawnshop;*
- c. *An approved anti-crime security system must be installed to safeguard the premises;*
- d. *Establishment shall not be located within 1000 feet of a similar establishment;*
- e. *Establishment must be located at least 1000 feet from churches, schools, playgrounds;*
- f. *Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.*

M. C-3 General Commercial District.

N. Uses permitted by right in the C-3 District.

58. ~~Pawnshops~~ or second hand stores

O. Uses permitted by special use permit in the C-3 District.

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

- a. *Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;*
- b. *All of the items collected must be contained within the confines of the actual pawnshop;*
- c. *An approved anti-crime security system must be installed to safeguard the premises;*
- d. *Establishment shall not be located within 1000 feet of a similar establishment;*
- e. *Establishment must be located at least 1000 feet from churches, schools, playgrounds;*
- f. *Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.*

SECTION XIII: BUSINESS AND MANUFACTURING DISTRICTS

E. M-1 Light Manufacturing District.

F. Uses permitted by right in the M-1 Light Manufacturing District.

57. ~~Pawnshops~~ or second hand stores.

G. Uses permitted by special use permit in the M-1 District.

7. *Pawnshops, potentially subject, but not limited to, the following conditions:*

- a. *Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;*
- b. *All of the items collected must be contained within the confines of the actual pawnshop;*
- c. *An approved anti-crime security system must be installed to safeguard the premises;*
- d. *Establishment shall not be located within 1000 feet of a similar establishment;*
- e. *Establishment must be located at least 1000 feet from churches, schools, playgrounds;*
- f. *Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.*

I. M-2 Heavy Manufacturing District.

J. Uses permitted by right in the M-2 Heavy Manufacturing District.

All uses are allowed in the M-2 District with exception of the following:

25. *Pawnshops*

K. Uses permitted by special use permit in the M-2 District.

4. *Pawnshops, potentially subject, but not limited to, the following conditions:*

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- a. Establishment must maintain and file a daily report, as specified by the Code of Virginia Sec. 54.1-4009, electronically with local law enforcement;
- b. All of the items collected must be contained within the confines of the actual pawnshop;
- c. An approved anti-crime security system must be installed to safeguard the premises;
- d. Establishment shall not be located within 1000 feet of a similar establishment;
- e. Establishment must be located at least 1000 feet from churches, schools, playgrounds;
- f. Establishment cannot open for business prior to 10:00 a.m. and must close by 9:00 p.m.

Update from Mark Heath: Mark Heath of the M-HC Economic Development Corp. gave an update on activities and asked Council for level funding of the organization.

Local tax exemption request from Piedmont Youth Soccer League 2nd reading: On a motion by Gene Teague, seconded by Mark Stroud, with the following 5-0 recorded: Adkins, aye; Teague, aye; Reynolds, aye; Stroud, aye; and Turner, aye, Council approved the personal property tax exemption ordinance, on second reading, designating Piedmont Youth Soccer League as a benevolent organization:

ORDINANCE 2012-_____

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on April 10, 2012 and pursuant to Section 58.1-3651 of the Code of Virginia, that Section 21-12 of the City Code be amended to add a subsection L as follows:

M. Taxation exemption for Piedmont Youth Soccer League Ltd.

After convening a duly advertised public hearing and considering the factors set forth in Code of Virginia § 58.1-3651(B), the City Council of Martinsville Virginia hereby ordains the following:

1. The Piedmont Youth Soccer League Ltd., a nonprofit organization, is hereby classified and designated as a benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. Personal property owned by Piedmont Youth Soccer League Ltd., and used exclusively for benevolent purposes on a nonprofit basis, as set forth in subsection 1 of this section, is hereby determined to be exempt from local personal property taxation.
3. Continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

Attest:


Clerk of Council

April 24, 2012
Date Adopted

May 4, 2012
Date Effective

Local tax exemption request from the Pregnancy Care Center of MHC 2nd reading: On a motion by Mark Stroud, seconded by Gene Teague, with the following 5-0 recorded: Adkins, aye; Teague, aye; Reynolds, aye; Stroud, aye; and Turner, aye, Council approved the personal property tax exemption ordinance, on second reading, designating Pregnancy Care Center of MHC, Inc. as a religious and charitable organization:

ORDINANCE 2012-_____

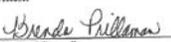
BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on April 10, 2012 and pursuant to Section 58.1-3651 of the Code of Virginia, that Section 21-12 of the City Code be amended to add a subsection M as follows:

M. Taxation exemption for Pregnancy Care center of MHC Inc.

After convening a duly advertised public hearing and considering the factors set forth in Code of Virginia § 58.1-3651(B), the City Council of Martinsville Virginia hereby ordains the following:

1. The Pregnancy Care center of MHC Inc., a nonprofit organization, is hereby classified and designated as a religious and charitable organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia.
2. Personal property owned by Pregnancy Care center of MHC Inc., and used exclusively for religious and charitable purposes on a nonprofit basis, as set forth in subsection 1 of this section, is hereby determined to be exempt from local personal property taxation.
3. Continuance of the exemption shall be contingent on the continued use of the property in accordance with the purpose for which the organization is classified or designated.

Attest:


Clerk of Council

April 24, 2012
Date Adopted

May 4, 2012
Date Effective

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through similar action, those fund balance resources are considered committed. If a government has intentions for certain resources, but they are not externally restricted or committed through formal governing body action, those resources are considered assigned fund balance. If the general fund has net resources in excess of the other four categories that surplus is considered unassigned. Council is to give feedback and this item will be placed on a future agenda for approval of policy by July 1, 2012.

Business from floor: Ural Harris, 217 Stuart St.-comments on budget and proposed rate increases; Council Member Turner asked for update on Prairie State project and Mr. Towarnicki advised that information will be presented at next Council meeting; Patrick Henry Amateur Radio association members gave a brief update on their organization and encouraged citizen participation in classes to be offered.

Council comments: Stroud-pleased with NCI project; Reynolds-kudos to NCI for recognizing the legacy of Dr. Baldwin; Turner-promoted attendance at Uptown activities; Adkins-commended NCI team and Tony Jones' leadership on the collaborative work done on the NCI project.

Interim City Manager comments: reminder about April 26 budget presentation and baseball tournament events coming up in next several weeks.

There being no further business, the meeting adjourned at 8:55 pm.

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor