

January 9, 2018

The regular meeting of the Council of the City of Martinsville, Virginia was held on January 9, 2018 in Council Chambers, Municipal Building, at 7:30 PM with Mayor Gene Teague presiding. Council Members present included Gene Teague, Chad Martin, Kathy Lawson, Sharon Hodge and Jennifer Bowles. Staff present included City Manager Leon Towarnicki, Assistant City Manager Wayne Knox, City Attorney Eric Monday, and Finance Director Linda Conover.

Mayor Teague called the meeting to order and advised Council would go into Closed Session beginning at 7:00 PM. In accordance with section 2.1-344 (A) Code of Virginia (1950, and as amended) and upon a motion by Council Member Lawson, seconded by Council Member Bowles, with the following 5-0 recorded vote: Council Member Lawson, aye; Council Member Bowles, aye; Mayor Teague, aye; Council Member Hodge, aye; and Vice Mayor Martin, aye, Council convened in Closed Session to discuss the following matters: (A) Appointments to boards and commissions as authorized by Subsection 1, (B) Discussion of the award of a public contract involving the expenditure of public funds, including interview 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, and (C) 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. Coming out of Closed Session at 7:30pm, Mayor Teague explained that due to remaining Closed Session business Council would recess Closed Session and return when the Council meeting was complete.

Council Member Lawson made a motion to reappoint Karen Garrett to the Anchor Group Home Commission for an expiring 4-year term ending December 31, 2021. Vice Mayor Martin seconded the motion with all Council Members voting in favor.

Vice Mayor Martin made a motion to appoint Carol Kendrick to the Anchor Group Home Commission for an unexpired 4-year term ending December 31, 2018. Council Member Lawson seconded the motion with all Council Members voting in favor.

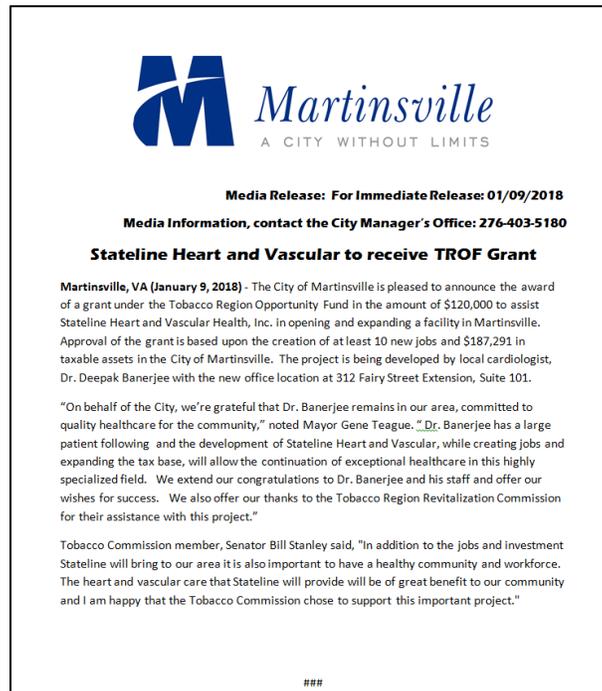
Council Member Bowles made a motion to reappoint Mike Law to the Transportation Safety Commission for an expiring 4-year term ending December 31, 2021. Council Member Hodge seconded the motion with all Council Members voting in favor.

Council Member Hodge made a motion to reappoint John "Tripp" Smith to the Transportation Safety Commission for an expiring 4-year term ending December 31, 2021. Council Member Bowles seconded the motion with all Council Members voting in favor.

A motion was made by Council Member Lawson to authorize the City Manager to execute the Tobacco Region Opportunity Fund performance agreement. The motion was seconded by Council Member Hodge and voted for by all Council Members. Mayor Teague

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read the following media release. Mr. Jordan Butler, Public Relations Coordinator from the Tobacco Commission then made comments following the presentation of a ceremonial check for \$120,000 to Karen Garrett and Dr. Deepak Banerjee of Stateline Heart and Vascular. Garrett and Banerjee then make remarks.



Following the Pledge to the American Flag and invocation by Council Member Bowles, Mayor Teague welcomed everyone to the meeting.

Consider approval of minutes of the December 12, 2017 Council Meeting - Council Member Bowles made a motion to approve minutes as presented; Council Member Lawson seconded the motion with all Council Members voting in favor.

Conduct a public hearing for consideration of citizens interested in an appointment to one unexpired term ending June 30, 2018 on the Martinsville City School Board - Three names were mentioned of residents interested in being considered for the vacancy: James Hyler of 211 Oakdale Street, Sammy Redd of 303 Oakdale Street and Efigenia Mota.

Hear an update on the Dick and Willie Trail extension from Spruce Street to Smith River Sports Complex - City Manager Towarnicki presented a map of the proposed trail location, pointing out specific areas. Towarnicki explained the trail development was allowed by right through the zoning ordinance. The City had very limited involvement in the planning of the trail or the location. Public Works Director Chris Morris detailed the prior trail planning schedule and approvals between Henry County, VDOT and the Harvest Foundation. Morris explained details about the proposed trailhead and explained there are City properties involved but this is a County project. Towarnicki acknowledged resident concerns about the proximity of the trail to the rear of their home. The County has acquired the property and funding is in place to move forward with the project. The County is willing to look at options to ensure homeowner privacy with landscaping to mitigate resident concerns. Council options are

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limited beyond expressing concerns and at this time, there seems to be few options for relocating the trail. Council Member Hodge said she specifically asked at a previous tour about the trail extension and was told that there were no concerns. She felt that staff and Council should have been more involved and more proactive in resolving resident concerns before it is too late to correct it. Hodge asked Council to consider rewording the zoning ordinance or requiring a special use permit to prevent this from happening again. Mayor Teague opened the floor for discussion and specified rules for anyone wishing to voice concerns at the podium.

Mark Hardison, 1303 Country Club Drive pointed out his home on the map. Hardison said this project needs to be looked at from a personal perspective, not as a City or County project. He says the lack of communication between the County and City shows a complete lack of respect for the residents. He supports the trail but not in his backyard.

Giles Smith, 1101 Country Club Drive asked how this project got so far before residents knew about it. As a local business, he had to meet qualifications, paperwork, public hearings, inspections, etc. to meet approval for a business that only affected one property while the trail project affects more than twenty-five residences. He feels that the trail project should have been required to follow those same procedures to protect property owner interests.

Janine Jacob, 915 Hunting Ridge Road supports the trail and community development. She expressed concerns about Henry County's transparency and said the County should have communicated with Council and the City residents before proceeding further with the project. Jacob detailed issues with previous road construction in her neighborhood and the concerns related to speed that it created.

Ural Harris, 217 Stuart Street is concerned that the County has bought land in the City twice and says that it is wrong that they are allowed to proceed with a project without appropriate notification of Council and residents.

Robert Williams, 1017 Country Club Drive agrees with what others have said and said the only reason he knew about the project is because he came home to people walking through his yard and when questioned they told him about the survey.

Crystal Caldwell, 1303 Country Club Drive knows that some property is still available for the opportunity to relocate the trail and feels that the County is "pinching pennies". Most everyone in the community supports the trail and look forward to the project but the proposed trail needs to be relocated.

James Spivey, 1003 Country Club Drive also supports the trail project and the previous speaker concerns. He says the issues with the trail have him reconsidering his retirement in Martinsville.

Mayor Teague confirmed that Council and the residents should have known about the trail project. His home will be a little further from the proposed trail than other residents so

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he would not be affected as much. Vice Mayor Martin asked if there is any way the County would pay for fencing or landscaping and asked City Attorney Monday if there was anything Council could do to stop the project. Teague confirmed that the County has pledged to work with residents by installing privacy screening or fencing of some type. Crystal Caldwell says she has met with the County and they are willing to provide fencing but she feels they are still trying to cut corners on cost. She feels that the County is closer to meeting resident needs than when this project was first brought to light. City Manager Towarnicki said there are several places already on the existing trail that use leyland cypress trees for privacy purposes. Council Member Hodge and Council Member Lawson would like to see something in writing with the County to ensure the landscaping is completed to the satisfaction of the property owners. Giles Smith said residents are looking at Council to represent them and they are not totally in support of using trees for screening that could take years to grow. City Attorney Monday explained there is not a great deal that Council can do to stop the County trail project. Once the parcel was purchased, they are able to put the route in however they wish by right and even if the zoning ordinance were changed at this time, it would be too late to change the County's plan. If the County purchases property and does not tell Council then Council has no way of knowing until the deed is recorded. Monday explained that the City could still use the proposed Spruce Street trailhead as leverage. The County wants an approved easement on property owned by the City to provide a trailhead for bathrooms and parking but the City does not have to approve the easement until the County comes to an agreement with residents. Caldwell and Council Member Lawson questioned the potential pedestrian bridge, Towarnicki explained that he had not seen those plans yet and was unclear if that part of the project was planned completely at this time. Council Member Bowles said one of the most important values of Council is transparency and open communication and says she is disgusted with the lack of communication and notification from the County. She looks forward to working with the County to see what can be done to make this right for the residents affected by the proposed trail location. Council Member Hodge suggested holding the trailhead easement "hostage" until the County adjusts the trail location. City Manager Towarnicki offered to draft a letter to the county expressing resident and Council concerns and suggestions from tonight's meeting. Council discussed the need to prevent this situation from happening again, potentially by rewording the zoning ordinance or mandating a special use permit for these type projects.

Hear an update on FY18 Telecommunications operations – rescheduled for January 23 Council meeting

Business from the Floor – Ural Harris, 218 Stuart Street asked about the County's payment on the sewer project and said they have not heard back on Mr. Boaz responsibility for the New College funds. City Attorney Monday stated on December 15, 2017 he disposed Mr.

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Boaz and is in the process of reviewing documents but cannot release those documents at this time since it is an ongoing investigation. When the investigation is concluded, he will make his recommendation to Council about the suggested course of action. Monday explained that legal matters like this take time.

Wayne Knox summarized the Citizen's Academy training and invited the public to participate.

Patrick Wright, Spruce Street Extension expressed concern about the freight elevator at the apartments that he lives in and feels that it is a safety concern when not working.

Comments by members of City Council – Council Member Bowles shared new initiatives through the New Heights Foundation for local teachers and youth. Vice Mayor Martin spoke of the Martin Luther King holiday and events around the community.

Comments by City Manager – City Manager Towarnicki explained that staff continues to work on the Strategic Plan along with help from HD Web Studios to make it more user friendly on the City website. The Municipal building will be closed for upcoming holidays.

Comments by City Attorney – City Attorney Monday explained that upon returning to Closed Session and under the second item regarding potential contract negotiations, Council Member Hodge has a personal interest and has executed the required disclosure in Code of Virginia 2.2-3115F. Hodge will not be participating in that portion of closed session or in any voting or decisions related to that topic.

Council returned to Closed Session.

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. A motion was made by Council Member Bowles; seconded by Council Member Lawson, with the following 5-0 recorded vote in favor to return to Open Session: Council Member Bowles, aye; Mayor Teague, aye; Council Member Hodge, aye; Vice Mayor Martin, aye; and Council Member Lawson, aye. No further action was taken from Closed Session.

There being no further business, Council Member Lawson made a motion to adjourn the meeting; the motion was seconded by Vice Mayor Martin with all Council Members voting in favor. The meeting adjourned at 9:50pm.

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Karen Roberts  
Clerk of Council

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Gene Teague  
Mayor