

October 23, 2018, 2018 Council Meeting

The regular meeting of the Council of the City of Martinsville, Virginia was held on October 23, 2018 in Council Chambers, Municipal Building, at 7:30 PM with Mayor Gene Teague presiding. Council Members present included Gene Teague, Jim Woods, Jennifer Bowles, Vice Mayor Chad Martin and Kathy Lawson. Staff present included City Manager Leon Towarnicki, Assistant City Manager Wayne Knox, City Attorney Eric Monday, Clerk of Council Karen Roberts, Finance Director Linda Conover, Deputy Police Chief Rob Fincher and Utilities Director Durwin Joyce.

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: Mayor Teague, aye; Council Member Woods, aye; Vice Mayor Martin, aye; Council Member Bowles, aye; and Council Member Lawson, aye.

Council convened in Closed Session to discuss the following matters: (A) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as authorized by Subsection 3, and (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 the Session. A motion was made by Council Member Lawson; seconded by Council Member Bowles, with the following 5-0 recorded vote in favor to return to Open Session: Vice Mayor Martin, aye; Council Member Bowles, aye; Mayor Teague, aye; Council Member Woods, aye; and Council Member Lawson, aye.

Vice Mayor Martin made a motion to appoint Mitchel Farley to the Transportation Safety Commission for a 4-year unexpired term ending December 31, 2021. Council Member Bowles seconded the motion with all Council Members voting in favor.

Council Member Bowles made a motion to appoint Lydia Martin to the Pittsylvania County Community Action Agency Board for a 3-year term ending August 31, 2020. Council Member Lawson seconded the motion with four Council Members voting in favor. Vice Mayor Martin is related to the applicante and abstained from the vote.

Council Member Woods made a motion to appoint Andy Quirk to the Southern Virginia Recreation Facilities Authority for a 4-year term ending October 31, 2022. Council Member Lawson seconded the motion with all Council Members voting in favor.

October 23, 2018, 2018 Council Meeting

No other action was taken out of Closed Session.

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

Hear an overview of the October 22, 2018 West End neighborhood tour and meeting – City Manager Towarnicki summarized the Neighborhood tour, detailing the route of the tour and concerns that were observed and discussed. Towarnicki summarized some of the concerns voiced by residents at the Neighborhood meeting along with the action that is being taken by the City to correct those concerns.

Read and present a proclamation to City Electric Department staff – City Manager Towarnicki reflected on previous storms, which caused excessive downed trees and power outages. Towarnicki shared details about employees who worked long, dangerous hours to restore electricity to the residents, stating that it was a team effort between the Electric Department, Public Works, the Police and the Fire/EMS Departments. Mayor Teague thanked the employees and said he could not count the number of positive comments from appreciative residents for the response of the City departments. Vice Mayor Martin explained that while residents were “running away” from the storm threat, the City employees were working hard away from their family to restore power even when they did not have power at home. Council Member Lawson said residents are lucky to have power back in such a short time considering how many others still do not have power. Council Member Woods says he is amazed at the dedication and the City employees are greatly appreciated. Council Member Bowles hopes the residents realize the sacrifices of the Electric crews. Teague read the proclamation. Council Members presented copies of the proclamation to Electric Department employees. Durwin Joyce thanked Council for the recognition and thanked Electric Cities of North Carolina, Chick-Fil-A, Super 8 Motel, and Amanda in Public Works for helping to field calls, Kathy Vernon who fed the crews a meal and he thanked the customers who were supportive and patient while the crews worked to restore power.



PROCLAMATION

**RECOGNIZING THE MARTINSVILLE ELECTRIC DEPARTMENT
FOR OUTSTANDING WORK RELATED TO HURRICANE
MICHAEL**

WHEREAS, on Thursday, October 11, 2018, remnants of Hurricane Michael passed through southern Virginia and Martinsville, pounding the City with close to 7 inches of rain over a several hour period coupled with wind gusts exceeding 25 mph; and

WHEREAS, significant damage occurred in the City with an estimated 75% of the City without power at the height of the storm Thursday afternoon along with numerous downed trees and power lines; and

WHEREAS, the City of Martinsville's Electric Department responded in an exemplary manner working long shifts under difficult and dangerous conditions, restoring power to most City customers within 24 to 48 hours; and

WHEREAS, the assistance of the City's Public Works, Police, Sheriff, and Fire & EMS along with electric crews from Front Royal, VA; Tarboro, NC; Rocky Mt., NC, and local contractor Skyline Tree Service all played a critical role in restoring City services promptly; and

WHEREAS, it is appropriate to recognize the employees of the City's Electric Department for an outstanding job, and those employees are Director Durwin Joyce, Administrative Assistant Caitlin Westmoreland, Superintendent Daniel Morrison, and linemen Jimmy Rigney, Terry Martin, Brian Collins, Chase Cooper, Richard Penn, Bryar Turner, Austin Shumate, Curt Compton, Jimmy Blankenship, Tim Agee, Ryan Emberson, and Paul McCrickard;

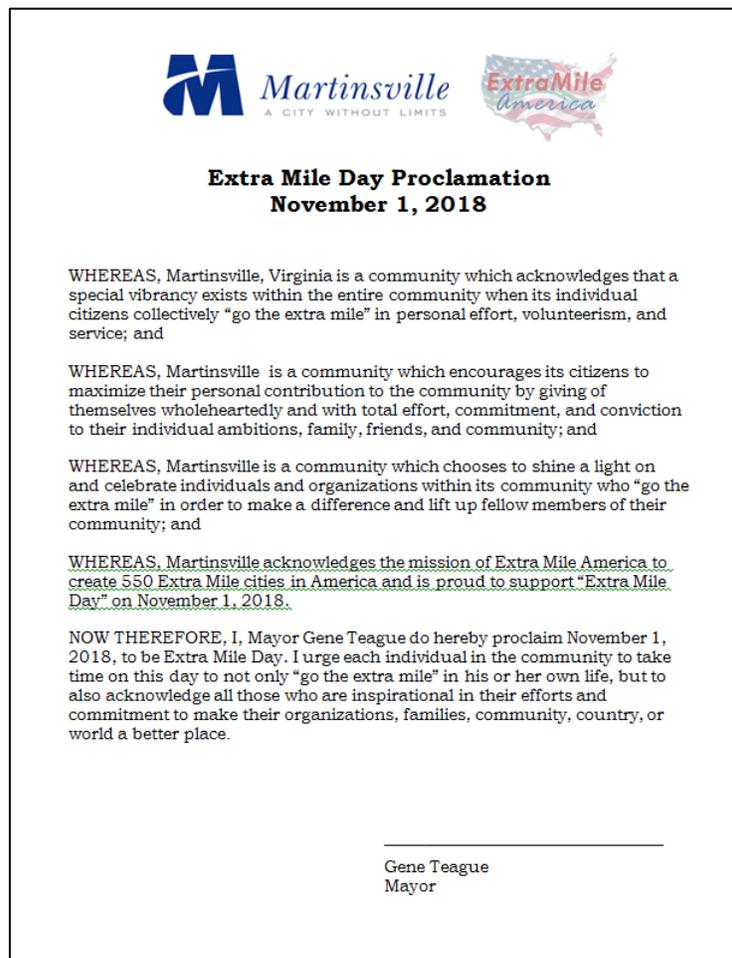
NOW THEREFORE, I, Gene Teague, Mayor of the City of Martinsville, along with other members of Council express on behalf of the City, a sincere "thank-you" for a job well done to all involved, especially employees of Martinsville's Electric Department.


M. Gene Teague
Mayor

Hear an update from Lisa Fultz of the M-HC Chamber of Commerce regarding activities related to the City/C-PEG Small Business Development contract – Fultz said TGIF season was successful and all events were well attended. OctoberFest was successful and she is thankful for the assistance from the City departments and staff. The Farmers Market is well attended with three more Saturdays this season; some Saturdays there are more than 500 residents who attend. There was \$1200 in SNAP benefits, which resulted in \$2400 in fresh fruits and vegetables to those recipients. Uptown initiatives are focusing on events to drive residents to uptown merchants including Second Thursdays where 18 City merchants will stay open late. Residents can look for flags that signal those merchants that are open late. November 8 is the next Second Thursday along with the Tree Lighting at 5:30 that same evening. Holidays at the Market will be December 8. Uptown Trick or Treat will be 4:00-6:00pm October 31 with numerous merchants and organizations participating. By spring, 2019 she would like to revisit the inventory of available properties uptown and work closely to market opportunities for those properties. The Incubator remains at 96% with another lease in progress. The second floor will be actively marketed for a use beyond light manufacturing. Regarding Start-Up Martinsville-Henry County 2019, they are in the process of finalizing the application process. This next year will focus on mentoring and not just a grant program. Seventeen businesses continue to be very successful after completing the Start-Up program. Applications

October 23, 2018, 2018 Council Meeting
for the program will be due January 8, 2019. Longwood Small Business Development has agreed to help with the process and the completion of the business plans. With the more than 20 new businesses, there was \$853,000 in capital investment with \$365,000 of that in the City. 47 of the 89 jobs are in the City. There are nine prospects for local businesses, most of which are restaurants. There are other projects in addition to Ollie's, Rural King and Cook-Out that hopefully will be locating to the Martinsville-Henry County area.

Presentation of proclamation regarding Extra Mile Day 2018 – Council Member Lawson read the proclamation that will be forwarded to the Extra Mile National Organization.



Consider discussion of a draft rental property inspection ordinance – City Attorney Monday presented a draft for Council's consideration after a dangerous situation was discovered a year ago in a rental property. The draft is modeled after the Blacksburg, Virginia ordinance. This is not an ordinance that allows Inspections to inspect all properties. This is not a vehicle of vendetta between tenants and landlords. It is just a means of protecting the tenant from unsafe living conditions. Staff recommends a session to hear public comments although not required before adoption of the ordinance. Mayor Teague expressed his support of the ordinance and the public comment session. Council Member Lawson and Council Member Bowles support the ordinance and public hearing. Bowles said a property owner

October 23, 2018, 2018 Council Meeting
 expressed concern about potential retaliation that may exaggerate minor issues. Teague
 asked that a public comment session be scheduled for the November 1st meeting.

<p>ARTICLE IV. - RENTAL PROPERTY INSPECTIONS</p> <ul style="list-style-type: none"> Section 6-400. Findings. <p>(a) The Council finds that, for each of the individual residential rental dwelling unit described in section 6-402 of this article, at least one of the following conditions exists:</p> <ol style="list-style-type: none"> 1. There is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit; 2. The individual dwelling unit is either blighted or in the process of deteriorating; or 3. There is evidence of violations of the Building Code that affect the safe, decent and sanitary living conditions for tenants living in such individual dwelling unit. Section 6-401. Definitions. <p>The following terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:</p> <p><i>Building code</i> means the Virginia Uniform Statewide Building Code.</p> <p><i>Day</i> means a calendar day.</p> <p><i>Dwelling unit</i> means a building or structure or part thereof that is used for a home or residence by one (1) or more persons who maintain a household. The term does not include a group home.</p> <p><i>Family</i> means one (1) or more persons related by blood, marriage, or adoption, or under approved foster care.</p> <p><i>Founded complaint</i> means any complaint concerning an individual rental dwelling unit received by the Building Inspector which, after having been duly investigated, results in the Building Inspector's determination that any of the findings in section 6-400 of this Article apply. In instances where the complaint is made by the tenant, the tenant must be in compliance with the Virginia Landlord Tenant Act, if applicable, and must be current in rental payments in order for the complaint to be founded.</p> <p><i>Group home</i> means a licensed residential facility in which no more than eight (8) mentally ill, mentally retarded, or developmentally disabled persons reside, with one (1) or more resident counselors or other staff persons. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance. A group home is licensed by the Commonwealth of Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services.</p> 		<p><i>Managing agent</i> means any person having the authority, singly or in combination with another, to enter into an agreement for the occupancy of property subject to this article.</p> <p><i>Multi-family dwelling unit</i> means any single building, lot, or two (2) or more adjacent buildings or lots under common ownership, which contain(s) three (3) or more residential rental dwelling units. The term shall not include mobile homes under common ownership in a mobile home park or sub-division, and such term shall not include single-family dwellings, family homes with a accessory apartments, two-family dwellings, or townhouses under common ownership.</p> <p><i>Occupant</i> means a person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether he or she spends the majority of nights at a residence, if the times he or she does stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if his or her clothes or other daily living supplies are maintained at the residence.</p> <p><i>Owner</i> means the person shown on the current real estate assessment books or current real estate assessment records, or the current fee simple title holder of the property if ownership has changed since tax assessment records were last updated.</p> <p><i>Rent</i> means to lease, sublease, let or otherwise grant for consideration the right to occupy a dwelling unit.</p> <p><i>Residential rental dwelling unit</i> means a dwelling unit that is leased or rented to one (1) or more tenants.</p> <ul style="list-style-type: none"> Sec. 6-402. - Applicability. <p>(a) Any individual rental dwelling unit about which the Building Inspector makes a determination of three or more founded complaint in any period of twelve consecutive months is made subject to this Article.</p> <p>(b) The following individual rental dwelling units that are outside the rental inspection district are hereby made subject to this article:</p> <ol style="list-style-type: none"> 1. _____ 2. _____ 3. _____ <p>(c) Council may designate additional rental inspection districts or make other individual residential rental dwelling units outside the inspection district subject to this article after notice and a public hearing thereon, as provided by Virginia Code § 36-105.1-1.</p> <p>(d) Any property made subject to this Article shall remain so for a period of no less than three years thereafter, unless subsequently granted a certificate of compliance or certificate of occupancy.</p>
--	--	---

<ul style="list-style-type: none"> Section 6-404. Rental certificate of compliance required. <p>No owner or managing agent shall rent or offer to rent a residential rental dwelling unit that is subject to this article without a rental certificate of compliance therefor, issued after a satisfactory inspection of the property by the building official or his or her designee.</p> Section 6-405. Inspections, generally. <p>(a) The building official is hereby authorized to establish schedules to accomplish the inspection of dwelling units subject to this article. The building official shall inspect any individual residential rental dwelling unit within ninety (90) days of the date the dwelling unit is made subject to this article. After such inspection, the owner and the managing agent, if any, will be provided with a list of any violations found and the date by which such violations must be corrected. Following the initial inspection of a residential rental dwelling unit subject to this article, the building official may inspect any residential rental dwelling unit in a rental inspection district, not otherwise exempt, annually, shall perform a re-inspection in a timely manner after the date given in the violations notice.</p> <p>(b) Upon a determination that a rental dwelling unit is in compliance with the provisions of the existing structures regulations of the Virginia Uniform Statewide Building Code, a rental certificate of compliance shall be issued to the owner. No certificate shall be issued until all inspection fees are paid. The certificate shall be valid for a term of four (4) years. If on the initial or periodic inspection of a residential rental dwelling unit subject to this article for compliance with the building code, the property shall be exempt from this article's inspection requirements for four (4) years, provided there are no building code violations that affect the safe, decent and sanitary living conditions for the tenants of the residential rental dwelling unit. However, upon the sale of a residential rental dwelling unit, the building department may perform an inspection of the dwelling unit. Residential rental dwelling units shall be exempt from the inspection requirement of this article for four (4) years from the date of issuance of a certificate of occupancy for the unit by the department of planning and building. Any inspection exemption granted for a rental dwelling unit prior to July 1, 2005, shall be valid for the period as initially granted, unless revoked as provided by section 6-407.</p> <p>(c) There shall be no fee for the initial inspection required by this article or the first re-inspection. If all violations are not corrected at the time of the first re-inspection, then the fee for the second and any subsequent re-inspection for the original violation shall be one hundred dollars (\$100.00).</p> <p>(d) The building official, or his or her duly authorized agent, shall have the right to inspect any rental dwelling unit subject to this article at any reasonable time, in order to carry out an inspection required by this section. The owner, managing agent, occupant, or other person in charge of the premises shall permit the building code official, or his or her duly authorized agent, access to any dwelling unit subject to this article for the purpose of conducting an inspection authorized by this article. In the event the building official or his or her authorized agent is</p> 	<p>denied access to a dwelling unit, he or she may apply for an administrative search warrant in order to gain access to the premises.</p> <p>(e) Nothing in this article shall prohibit an inspection of any residential rental dwelling unit or individual residential dwelling unit subject to this article for a violation of the Virginia Uniform Statewide Building Code, pursuant to a complaint, as required by section 6-201 of this chapter. In the case of complaints made by the tenant of the individual rental dwelling unit, the tenant must be in compliance with the terms of the lease, including being current on all rent and <u>having given written notice of the complaint to the owner or managing agent</u>, as prerequisite for the inspection of the complaint, or for the final determination of a founded complaint.</p> <p>(f) <u>The owner or managing agent shall be notified of the complaint prior to any inspection to determine if there is a founded complaint, to assure tenant compliance with Sec. 6-405 (e) proper notice.</u> The owner or managing agent may appeal the building official's determination of a violation of the building code to the Board of Appeals.</p>	<ul style="list-style-type: none"> Section 6-406. Initial and periodic inspections of multi-family dwelling units. <p>(a) If a multi-family development has more than ten (10) dwelling units, in the initial and periodic inspections, the building official shall inspect not less than two (2) and not more than ten (10) percent of the dwelling units of that multi-family development, which includes all of the multi-family buildings which are part of that multi-family development. However, no inspection fee shall be charged for more than ten (10) dwelling units. Two (2) family dwellings and multi-family dwelling units with three (3) to nine (9) dwelling units are not exempt from the inspection requirements of this article.</p> <p>(b) The inspected dwelling units of a multi-family development shall be selected by the building official. At the time of inspection, no violation of the Virginia Uniform Statewide Building Code shall exist. If the building official determines upon inspection of the sampling of dwelling units that there are violations of the Building Code that affect the safe, decent and sanitary living conditions for the tenants of such multi-family dwelling unit, the building official may inspect as many dwelling units as necessary to enforce the Building Code.</p> <p>(c) If the dwelling units that are inspected are in compliance with the provisions and all other applicable codes and ordinances, then a rental certificate of compliance shall be issued as provided by sections 6-405(b).</p> <p>(d) Nothing in this section shall serve to exempt the owner, managing agent, or tenant of a multi-family dwelling unit from compliance with all applicable statutes, laws, and ordinances, including the Virginia Uniform Statewide Building Code.</p> Section 6-407. - Revocation of exemption from inspection. <p>(a) The Building Inspector may revoke an inspection exemption granted pursuant to section 6-405(b) upon finding that the residential rental dwelling unit is in violation of the building code during the exemption period.</p>
---	---	--

Comment [MS]: Could subsequent re-inspections be \$50.00? It only takes a few minutes to perform the re-inspection.

October 23, 2018, 2018 Council Meeting

<p>(b) Before seeking an exemption, the director shall notify the owner, managing agent, and tenant of the violation in writing, via first-class mail, specifying the nature of the violation, establishing a deadline for correction of the violation, which shall be no less than seven (7) and no greater than thirty (30) days, and stating that the exemption will be revoked on a date certain unless the building official determines the existence of a building code violation is appealed to the Board of Appeals. The notice shall also set forth the appeal process as herein established.</p> <ul style="list-style-type: none"> • Sec. 6-408. - Appeal. <ul style="list-style-type: none"> (a) The owner, managing agent or tenant may appeal a notice of revocation based upon the Virginia Uniform Statewide Building Code to the Board of Appeals. Any such appeal shall be filed with the department of planning and building within twenty (20) days after the date the notice of violation was served upon the owner or manager, whichever was served first. Section PM-111.0 of the Virginia Uniform Statewide Building Code shall apply to any such appeal. (b) The inspection exemption shall remain in effect pending the resolution of the appeal by the Board of Appeals. • Section 6-409. - Violations. <ul style="list-style-type: none"> (a) It shall be unlawful for any owner or any other person, firm or corporation to violate any provision of this Article. Any violation shall be deemed a misdemeanor and any owner or any other person, firm or corporation convicted of a violation shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00). If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six (6) months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense committed within less than five (5) years after a first offense under this chapter shall be punished by a fine of not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00). Any person convicted of a second offense committed within a period of five (5) to ten (10) years of a first offense under this chapter shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00). Any person convicted of a third or subsequent offense involving the same property committed within ten (10) years of an offense under this chapter shall be punished by confinement in jail for not more than ten (10) days and a fine of not less than two thousand five hundred dollars (\$2,500.00) nor more than five thousand dollars (\$5,000.00), either or both. No portion of the fine imposed for such third or subsequent offense committed within ten (10) years of an offense under this chapter shall be suspended. 		<ul style="list-style-type: none"> (b) Any prosecution under this section shall be commenced within two (2) years as provided in Virginia Code § 19.2-8. (c) In lieu of criminal prosecution, a civil penalty equal to the amounts set forth in subsection (a) hereof may be levied for a violation. 	
---	--	--	--

Consider discussion of the City’s 2019 Legislative Agenda – City Attorney Monday explained that the City determines its legislative priorities each year. Monday presented a draft to Council and touched on the modifications. Mayor Teague would like to see support funding for the schools and maintenance to existing structures. Council Member Bowles referred to House Bill 284 regarding historic African American cemeteries so the money can be obtained to help local cemeteries. Bowles also referenced House Bill 222 related to economic development, which provides a reduction in state corporate income tax liabilities to new businesses relocating to those areas. Bowles asked if Martinsville could mirror that same type of bill, not to be amended on the Legislative Agenda but to review for Martinsville City to tack on to the incentive package.



The City of Martinsville appreciates the efforts its legislators undertake at both the state and federal level on behalf of its citizens. Listed below are the City's priorities requested of its legislative delegation in 2019.

Virginia General Assembly

Transportation

1. In the short term, upgrade those portions of Route 220 overlaying I-73 to interstate standards. Any construction or upgrades to I-73 should begin on those sections passing through Henry County.
2. Continue to place priority on Route 58 improvements, particularly the section between Stuart and Hillsville, Virginia.
3. Increase VDOT funding for road construction and repaving.

Education

1. City Council endorses the agenda proposed by the Martinsville City School System and also endorses the educational priorities adopted by Henry County, on behalf of its school system.
2. Oppose the imposition of unfunded education mandates and in the event of revenue cuts by the Commonwealth, oppose targeted cuts by the Commonwealth, instead preferring local decision-making authority on where to make any such cuts.
3. Recognizing its potential to promote economic development within our community and region, continue support for the development and funding of the New College Institute in its current location in Uptown Martinsville, urge that any funding reductions to New College Institute, if considered, be minimized to the greatest extent possible, and support the affiliation of The New College Institute as a branch of a four-year public university.
4. Request the Commonwealth to fully fund the expenditure imposed upon local school systems by implementing the Standards of Quality.
5. Encourage the Commonwealth to continue or increase the current levels of financial support provided to Patrick Henry Community College.
6. Request the Commonwealth to provide incentives for consolidation of school systems.

Economic Development

1. Maintain current levels of funding for economic development incentives, including but not limited to the Governor's Opportunity Fund.
2. Enhance the authority granted to localities to address and eliminate blighted properties, and the formation of interstate compacts to allow expedited decrease against out-of-state property owners.
3. Increase funding levels for the Virginia Museum of Natural History.
4. Request enhanced state and federal financial assistance for localities which exceed the average state unemployment rate by 150% for a period of five consecutive years.
5. Support certain tourism awareness initiatives in the Martinsville-Henry County region.
6. Expand local authority to designate Enterprise Zones and establish incentives.
7. Oppose efforts by Henry County PSA to reopen the Lower Smith River Wastewater Treatment Plant, absent a regional study concluding that such is in the best interests of Martinsville-Henry County taxpayers, customer base, economic needs and state environmental policy.
8. Expand grants and resources available to fiscally stressed localities, and to business development entities in such localities, to aid in the encouragement or development of small and entrepreneurial businesses.
9. Support the Virginia Grocery Investment Fund, as a public-private initiative to improve nutrition and access to quality food, and enhance economic development by encouraging the development of grocery stores in neighborhoods where none exist.

Governance

1. Request the appointment of a joint gubernatorial legislative commission to examine the structure of local government in Virginia; the commission's mandate to include:
 - a. Examination of local government in the other 49 states for potential adaptation to Virginia.
 - b. Enable cities to expand their revenue base.
 - c. Elimination of the "zero-sum" revenue base structure, which creates friction between cities and counties.
 - d. Elimination of redundant services and programs between contiguous cities and counties.
2. Add Martinsville to Code of Virginia §8.1-327.1(B), allowing for transfer of title to the City of certain delinquent or blighted properties.
3. Request full funding for HB 599 funds, in fulfillment of the Commonwealth's commitment to cities in return for their agreement in the amendment to maintain:
 - 3.1. Require that the Commonwealth fully fund its obligations to the Virginia Retirement System, and refrain from borrowing from VRS funds.
 - 3.2. Request the elimination of local aid to the Commonwealth in the state budget, local aid artificially inflates state revenues by shifting responsibility for cuts in vital services onto localities.
 - 3.3. Elimination of all unfunded mandates from the Commonwealth to localities.
 - 3.4. Oppose any elimination or alteration of local revenue streams, and specifically oppose any amendment to the current manner in which the Business Occupation and Licensing Tax and the Machinery and Tools Tax are levied, unless a replacement revenue stream, not subject to biennial appropriation, is guaranteed by the Commonwealth.
 - 3.5. Preserve intact local authority to regulate zoning, land use, and regulation of the installation of wireless communication equipment.
 - 3.6. Request a minimum level of funding for operational requirements of the Henry-Martinsville Department of Social Services.
 - 3.7. Request that the General Assembly leave intact the fire program fund and the rescue/squad assistance funds and not use these funds as a way to balance the state budget.
 - 3.8. Request that the Commonwealth fully fund its obligations to constitutional officers for localities.
 - 3.9. Oppose any attempt to curtail the doctrine of sovereign immunity for localities.
 - 3.10. Oppose any attempt to permit collective bargaining for state and local government employees.
 - 3.11. Oppose any amendment of the existing burden of proof or process in local tax appeals cases.
 - 3.12. Request authority to refund erroneously paid taxes at an interest rate which differs from that imposed on delinquencies, and to refund taxes erroneously paid through the fault of the taxpayer at no interest.
 - 3.13. Support VMI's endorsement of a JLARC study of assigning a proportional share of lottery sales revenue to the localities generating such sales.
 - 3.14. Require the Commonwealth to fund 100% of the per-diem costs of housing state inmates in local jails.
 - 3.15. Support all state efforts to provide aid and support services to fiscally stressed localities, but oppose any attempts to interfere with localities' right to solve their own financial problems locally.
 - 3.16. Support the alteration of award criteria in the "REACH Virginia" and all other VHDA programs to a per-capita income-based model.

Comment (EM1): This has been largely addressed by the COLG study due for submission in December 2018. Request reporting with "Adopt the recommendations made in the 2018 COLG Amendment Workgroup Study."

United States Congress

1. Request the addition of the urban center of major metropolitan statistical areas to the eligibility list of "Empirement Cities."
2. Oppose any effort to impose additional taxation or regulation of electrical power generation by coal or natural gas.
3. Urge the Federal Highway Commission to adopt the CTR's designated route for I-73, or alternatively to preserve the current record of decision in the event the CTR's route is rejected.

- 3.4. In the short term, upgrade those portions of Route 220 overlaying I-73 to interstate standards.
- 3.5. Request \$3.72M in funds for the development of Brownfields extending from the former American Furniture and Sam Lee sites, along Aaron Street, to Rives Road.
- 3.6. Request \$6.25M in funds for the elimination and redevelopment of blighted areas in the city.
- 6.1. Request legislation to provide special federal incentives to businesses locating in regions which have experienced job losses in excess of 5% of the total workforce and/or declines in median incomes since the adoption of NAFTA, WTO or GATT. Target such areas for increased federal funding in education or workforce retraining.
- 7.3. Extend high-speed broadband service throughout southern Virginia.
- 8.2. Request enhanced state and federal financial assistance for localities which exceed the average state unemployment rate by 150% for a period of five consecutive years.
- 9.10. Oppose the elimination or reduction of the federal Historic Rehabilitation Tax Credit.

Staff Designations

City Council empowers the following staff members to speak on its behalf and in its best interest to the Virginia General Assembly and United States Congress, its members and committee:
 City Attorney Eric Monday
 City Manager Leon Townsends
 Other department heads as appointed by the City Manager

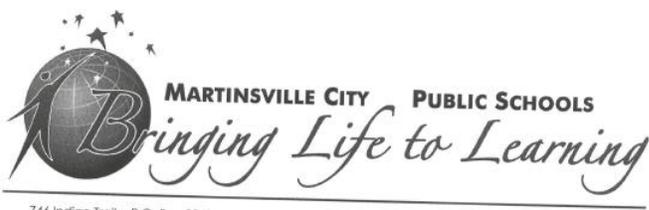
Consider adoption of a resolution approving and confirming a Declaration of Local Emergency – Council Member Lawson made a motion to approve the resolution. Council Member Bowles seconded the motion with all Council Members voting in favor.

Consider approval of the finance report covering the period from July 1 through September 30, 2018 – Finance Director Linda Conover summarized the finance report. The audit is complete. Council Member Bowles made a motion to approve the finance report as presented. Council Member Lawson seconded the motion with all Council Members voting in favor.

City of Martinsville					
Consolidated Revenues and Expenditures					
FY19 - 9/30/18					
	Budget	Anticipated	Actual YTD	Remaining Balance	Difference Ant vs. Actual
General Fund					
Revenues	\$ 29,327,228	\$ 3,905,138	\$ 4,134,581	\$ 25,192,647	105.3%
Expenditures	30,970,576	8,235,593	9,302,989	21,667,587	113.0%
Excess (deficiency) of revenues over expenditures	\$ (1,643,348)	\$ (4,330,421)	\$ (5,168,408)		
(Fund Bal contrib)					
Capital Funds					
Meals Tax					
Revenues	\$ 2,187,978	\$ 437,710	\$ 467,322	\$ 1,720,656	106.8%
Expenditures	2,287,978	876,125	876,125	1,411,853	100.0%
Excess (deficiency) of revenues over expenditures	\$ (100,000)	\$ (438,415)	\$ (408,803)		
(Fund Bal contrib)					
Capital Reserve					
Revenues	\$ 1,175,781	\$ 223,681	\$ 223,681	\$ 952,100	100.0%
Expenditures	1,275,781	1,320,037	1,320,037	(44,316)	100.0%
Excess (deficiency) of revenues over expenditures	\$ (100,000)	\$ (1,096,416)	\$ (1,096,416)		
TOTAL CAPITAL FUNDS:					
	\$ (200,000)	\$ (1,534,831)	\$ (1,505,218)		
(Fund Bal contrib)					
Refuse Fund					
Revenues	\$ 2,242,000	\$ 422,550	\$ 425,753	\$ 1,816,247	100.8%
Expenditures	2,442,000	345,594	372,435	2,069,505	107.6%
Excess (deficiency) of revenues over expenditures	\$ (200,000)	\$ 76,956	\$ 53,258		
MINet/Fiber Optic Fund					
Revenues	\$ 1,931,728	\$ 364,824	\$ 495,504	\$ 1,436,224	135.8%
Expenditures	1,931,728	672,725	657,318	1,274,410	97.7%
Excess (deficiency) of revenues over expenditures	\$ -	\$ (307,901)	\$ (161,814)		
Water Fund					
Revenues	\$ 3,539,279	\$ 899,435	\$ 915,349	\$ 2,683,930	101.8%
Expenditures	4,223,949	785,285	805,252	3,418,697	102.5%
Excess (deficiency) of revenues over expenditures	\$ (684,670)	\$ 114,150	\$ 110,097		
Sewer Fund					
Revenues	\$ 4,154,512	\$ 1,038,628	\$ 1,386,030	\$ 2,768,482	133.4%
Expenditures	4,814,210	893,700	732,136	4,082,074	81.9%
Excess (deficiency) of revenues over expenditures	\$ (659,698)	\$ 144,928	\$ 653,894		
Electric Fund					
Revenues	\$ 21,018,640	\$ 5,252,340	\$ 5,485,173	\$ 15,533,467	104.4%
Expenditures	21,453,640	4,603,799	4,649,025	16,804,615	101.0%
Excess (deficiency) of revenues over expenditures	\$ (435,000)	\$ 648,541	\$ 836,148		
TOTAL UTILITY FUNDS:					
	\$ (1,319,368)	\$ 985,175	\$ 1,653,397		
(Fund Bal contrib)					

Consolidated Revenues and Expenditures					
FY19 - 9/30/18					
	Budget	Anticipated	Actual YTD	Remaining Balance	Difference Budget vs. Actual
Cafeteria					
Revenues	\$ 1,501,862	\$ -	\$ 67,246	\$ 1,434,616	4.5%
Expenditures	1,680,362	-	393,047	1,287,315	23.4%
Excess (deficiency) of revenues over expenditures	\$ (178,500)	\$ -	\$ (325,802)		
(Fund Bal contrib)					
Schools					
Revenues	\$ 22,753,464	\$ -	\$ 4,831,832	\$ 17,921,632	21.2%
Expenditures	22,753,464	-	5,116,059	17,637,405	22.5%
Excess (deficiency) of revenues over expenditures	\$ -	\$ -	\$ (284,227)		
Federal Programs					
Revenues	\$ -	\$ -	\$ 160,664	\$ (160,664)	#DIV/0!
Expenditures	-	-	573,083	(573,083)	#DIV/0!
Excess (deficiency) of revenues over expenditures	\$ -	\$ -	\$ (412,420)		
TOTAL SCHOOL FUNDS:					
	\$ (178,500)	\$ -	\$ (1,022,449)		
(fund bal contrib)					
Special Revenue Funds					
CDBG Fund					
Revenues	\$ 40,330	\$ -	\$ 5,793	\$ 35,137	14.2%
Expenditures	40,330	-	16,533	24,397	40.4%
Excess (deficiency) of revenues over expenditures	\$ -	\$ -	\$ (10,740)		
TOTAL SPECIAL REVENUE FL					
	\$ -	\$ -	\$ (10,740)		
GRAND TOTALS:					
<i>(excluding Schools & Special Revenues)</i>					
Revenues:	\$ 65,637,146	*****	*****	*****	107.9%
Expenditures	*****	*****	*****	*****	105.5%
Excess (deficiency) of revenues over	\$ (3,762,716)	\$ (5,187,978)	\$ *****		
Local Sales/Use Taxes					
	\$ 2,000,000	\$ 306,800	\$ 309,662	\$ *****	100.9%
Meals Taxes					
	\$ 1,820,000	\$ 437,710	\$ 467,322	\$ *****	106.8%
The Budgeted Revenue amounts do not include any contributions from Fund Balance.					
9/30/18					

Consider approval of consent agenda – Council Member Bowles made a motion to approve the consent agenda additions; Council Member Lawson seconded the motion with all Council Members voting in favor. Council Member Lawson made a motion to approve the request from the School for additional funds to purchase a school bus; Council Member Bowles seconded the motion with all Council Members voting in favor.



10/16/18

TO: Martinsville City Council

RE: Use of capital funds/Purchase 1 short, 28 seat bus, SPED equipped

It is requested that \$55,470 (bid quote attached) be allocated from the school's capital improvement budget for the purpose of adding 1 SPED bus due to increases in the quantity of severe cases in students being transported to out of district placements, as dictated by IEP plans.



CUSTOMER	Martinsville City Public Schools		 VIRGINIA'S BUS COMPANY Lynchburg - Chesapeake - Northern VA P.O. Box 498, Kautzberg, VA 24588 434-521-1000 / sonnymerryman.com	
ATTENTION	Damien Tarpley			
SALESPERSON	Cory Compton			
DATE	12/17/2017			
BID QTY	1			
CONTRACT	E194-73321-MA2058			
BUS TYPE	A24	PASSENGER CAPACITY Stock #136520 - 28P w/ Lap Belts	SONNY MERRYMAN INC.	
BASE QTY	AVAILABLE FOR IMMEDIATE DELIVERY		\$ 46,955	
OPTIONS COST			\$ 8,518	
TOTAL BID PRICE PER UNIT			\$ 55,470	
TOTAL BID PRICE			\$ 55,470	
QTY	OPTION TYPE	OPTION DESCRIPTION	SONNY MERRYMAN INC.	\$ 6,318
1	Audio/Video	Provision Camera System - To Be Purchased and Installed By Customer	\$ -	\$ -
1	TBB Warranty	5 Year/50K Bumper to Bumper Warranty - STD	\$ -	\$ -
1	TBB Warranty		\$ -	\$ -
QTY	OPTIONS	OPTION DESCRIPTION	PRICE	EXTENDED PRICE
1	Audio/Video	AM/FM/CD	\$ 414	\$ 414
1	Doors	"Vandalock System" locking system	\$ 47	\$ 47
1	Doors	Manual Entrance Door	\$ -	\$ -
1	Doors	Stainless steel assist rails mounted fore and aft of front service door	\$ 83	\$ 83
1	Driver Seat	Barrier cover with two pouches behind driver seat	\$ 45	\$ 45
1	Driver Seat	Drivers modesty panel aluminized below barrier	\$ -	\$ -
1	Exterior	Extended Body	\$ 1,534	\$ 1,534
1	Exterior	Mud Flaps	\$ 43	\$ 43
1	Exterior	Rear Tow Hooks (2)	\$ -	\$ -
1	HVAC	53,000 BTU rear A/C	\$ 4,031	\$ 4,031
1	HVAC	Dash Air - 15,000 BTU	\$ -	\$ -
1	Lights	LED Exterior Light Pkg.	\$ 436	\$ 436
1	Lights	Driver's light w/separable switch 1 light	\$ 14	\$ 14
1	Mirrors	Heated and Remote Control	\$ 574	\$ 574
1	Paint	Painted white roof	\$ 497	\$ 497
1	Cell Phone	Electrical Power Supply - Cell Phone	\$ -	\$ -
1	Seats	Plastic seat-belt webbing cutter	\$ -	\$ -
1	Seats	SSC Convertible Seats	\$ 300	\$ 300
28	Seats	Seat belts, \$ per belt	\$ 14	\$ 392
1	Steering	Tilt ONLY	\$ -	\$ -
1	Windows_Glass	Passenger Window - Tinted	\$ 105	\$ 105

BUDGET ADDITIONS FOR 10/8/18				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY19				
BUDGET ADDITIONS				
General Fund:				
01101917	442701	Categorical Other State - Fire Programs Fund		8,839
1321102	506110	Fire Dept - State Grant-Fire Programs	8,839	
Additional funds received over budget				
01100908	480401	Miscellaneous - Donations/Police		90
01311085	506070	Police Department - Pound Supplies	90	
Donations for Dog Pound Costs				
01100908	480401	Miscellaneous - Donations/Police		25
01313090	506100	Transportation Safety Committee	25	
Donation for purchase of car seats				
Total General Fund:			8,954	8,954

Business from the Floor – Deputy Police Chief Rob Fincher said an officer looked at the street lights on Wilson Street, all are functioning but they are older lights and not as bright. Saturday is National Drug Take-Back at the Fire Department; residents can simply drive through between 10:00am-2:00pm. Fincher confirmed that participation in the last two drug take-back sessions increased tremendously from years past. There is also a drug take-back option for daily disposal.

Sophia Esdaile is a member of the Harvest Youth Board. November 21, 2018 from 1:00-4:00pm there will be a Thanksgiving dinner at Martinsville High School. Call in orders will be taken. Volunteers can register on the Harvest Foundation website. Esdaile will be posting information regularly on social media.

Comments by Members of City Council – Vice Mayor Martin explained that on November 3, 2018 Martinsville-HC Community Development would be at West End Park for a

October 23, 2018, 2018 Council Meeting

Community Clean-up day. Martin joked if anyone local wins the lottery to please consider an endowment to the City. Lawson shared that October 29 there would be a boxwood blight community meeting. October 31 is the Uptown Halloween from 4:00-6:00pm, which is a safe and fun place to bring children. November 1, Christmas Cheer will begin and they are currently taking applications for the holiday season. Christmas Cheer will be located in the same building as past years. Council Member Bowles attended the grand opening at Piedmont Community Services and is thankful that they found a good use for the building. Bowles reminded residents that Election Day is November 6 and encouraged them to vote. Council Member Woods said the Neighborhood meeting was informative. The City has many opportunities for the youth including cultural and recreational amenities such as Community Theater Works. Woods stated that there are numerous outlets to keep residents in the City.

Comments by City Manager – City Manager Towarnicki agreed that there are plenty of activities going on in the community if you are willing to look. The grand opening at Piedmont Community Services was a good event and they are a great fit for that building and location. Please watch out for children during Halloween. On November 3 there is a free mobile medical clinic hosted by Liberty University College at the First United Methodist fellowship area. Last year there were close to 300 attendees. The clinic will be 8:00am-3:00pm. Towarnicki recognized retiring employees Doug Wood, Doug Huston, and Carmen McDowell. Towarnicki also honored Jack McDowell who recently retired and passed away this past week.

City Attorney Monday reminded residents that it is against the law to trick-or-treat over the age of 12 or after 9:00pm.

There being no further business, Council Member Bowles 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 9:17pm.

Karen Roberts
Clerk of Council

Gene Teague
Mayor