

August 27, 2019 Council Meeting

The regular meeting of the Council of the City of Martinsville, Virginia was held on August 27, 2019 in Council Chambers, Municipal Building, at 7:30 PM with Mayor Kathy Lawson presiding. Other Council Members present included Jennifer Bowles, Chad Martin, Jim Woods and Danny Turner. Staff present included City Manager Leon Towarnicki, Assistant City Manager/City Attorney Eric Monday, Clerk of Council Karen Roberts, Finance Director Linda Conover, Water Resources Manager Andy Lash, Commissioner of Revenue Ruth Easley, and Building Inspector Kris Bridges.

Mayor Lawson 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 Bowles seconded by Vice Mayor Martin with the following 5-0 recorded vote: Vice Mayor Martin, aye; Council Member Bowles, aye; Mayor Lawson, aye; Council Member Turner, aye; and Council Member Woods, aye. Council convened in Closed Session to discuss 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. 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 A motion was made by Council Member Bowles; seconded by Council Member Turner, with the following 5-0 recorded vote in favor to return to Open Session: Mayor Lawson, aye; Council Member Woods, aye; Vice Mayor Martin, aye; Council Member Bowles, aye; and Council Member Turner, aye. No action was taken out of Closed Session.

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

Consider approval of the minutes from the June 11, 2019, June 18, 2019 and June 25, 2019 Council Meeting – Council Member Bowles made a motion to approve the minutes as presented with two corrections requested by Council Member Turner. Council Member Turner seconded the motion with all Council Members voting in favor

Recognize City Employees who are eligible for Service Awards for the period July 1 – September 30, 2019 – City Manager Towarnicki explained that with all employees listed, there are over 300 years of service. Towarnicki read the list and thanked those employees for their dedication to the City.

SERVICE AWARD RECIPIENTS			
FOURTH QUARTER - FISCAL YEAR 18-19			
FOR THE PERIOD OF July 1 – September 30, 2019			
NAME		DEPARTMENT	YEARS OF SERVICE
JEAN	NUNN	CIRCUIT COURT	40
CAROL	SCHMIDT	COMMISSIONER OF REVENUE	15
RUTH	EASLEY	COMMISSIONER OF REVENUE	20
CAITLIN	WESTMORELAND	ELECTRIC DEPARTMENT	5
AMBER	FULCHER	POLICE DEPARTMENT	15
JEREMY	PURVIS	POLICE DEPARTMENT	15
ROBERT	FINCHER	POLICE DEPARTMENT	25
RANDY	MARTIN	PUBLIC WORKS	20
CHAD	DODSON	PUBLIC WORKS	20
TERRY	AGEE	PUBLIC WORKS	35
CANDICE	WAGNER	SHERIFF'S DEPARTMENT	5
DAWN	HALE	SHERIFF'S DEPARTMENT	5
DEAN	COMER	SHERIFF'S DEPARTMENT	20
RANDY	CRAIG	TELECOMMUNICATIONS	30
RICHARD	REEVES	UTILITY BILLING	20
VICKY	SPANGLER	VICTIM/WITNESS PROGRAM	20
TERRY	LAYMAN	WASTEWATER PLANT	10

Recognize retiring Water Resources Director Andy Lash – City Manager Towarnicki said among other things, that Andy’s service to the City over the years was greatly appreciated. Andy has written many computer programs for various departments within the City. Mayor Lawson read the proclamation which was presented to Lash by Council. Vice Mayor Martin read and presented the Key to the City. Lash said it had been an honor and a wonderful place to work. Mayor Lawson thanked Lash for his service and his ability to think outside the box has been a benefit to the City. Council Member Bowles hopes if Lash has free time during his retirement, that he will consider contracting with the City on new programs. Vice Mayor Martin said it has been a fun experience working with Lash, he is truly one of a kind.



Proclamation

HONORING ANDY LASH

WHEREAS, Andrew W. "Andy" Lash was employed by the City of Martinsville in July, 1990, initially as Manager of the City's Waste Water Plant and later moving to the position of Director of Water Resources; and

WHEREAS, during his tenure with the City, Andy Lash has exemplified professionalism, leadership, and dedication to providing the best service possible to the citizens of Martinsville through his work in the Water Resources Department; and


WHEREAS, through his efforts, many Water Resources improvements have occurred, particularly regarding integration of technology with daily operations to improve efficiency, data collection, enhanced knowledge of system operations, and use of that information in departmental decision making; and

WHEREAS, Andy Lash will be retiring at the end of August, 2019, culminating a career of service to the City spanning over more than 29 years;

NOW, THEREFORE, on this 27th day of August, 2019, Martinsville City Council hereby offers its sincere thanks and appreciation to Andy Lash for his outstanding service to the City of Martinsville and extends to him and his family our best wishes for a long and happy retirement.

Kathy Lawson, Mayor

Consider adoption of a resolution setting the allocation percentage for personal property tax relief for qualifying vehicles in the City of Martinsville for tax year 2019 -- Commissioner of Revenue Ruth Easley explained the need for the resolution, which needs approval annually. Council Member Turner made a motion to approve the resolution. Vice Mayor Martin seconded the motion with the following roll call vote: Bowles, aye; Martin, aye; Woods, aye; Lawson, aye; and Turner, aye.

<p><i>Council Members</i> Kathy Lawson, Mayor Chad Martin, Vice-Mayor Jennifer Bowles Danny Turner Jim Woods</p>		<p><i>City Manager</i> Leon E. Towarnicki <i>City Attorney</i> Eric H. Monday <i>Clerk of Council</i> Karen Roberts</p>
<p>RESOLUTION SETTING THE ALLOCATION PERCENTAGE FOR PERSONAL PROPERTY TAX RELIEF IN THE CITY OF MARTINSVILLE FOR TAX YEAR 2019</p>		
<p>WHEREAS, on December 13, 2005 by Ordinance 2005-8 the Martinsville City Council established a local program of tax relief that serves the best interests of its citizens regarding personal property tax on qualifying use vehicles, pursuant to modifications made by the General Assembly of Virginia to the Personal Property Tax Relief Act of 1998 (PPTRA); and</p>		
<p>WHEREAS, the city's relief program requires the city council to adopt an annual percentage of local tax relief for personal use vehicles valued between \$1,001 and the first \$20,000 that will fully exhaust the PPTRA relief funds provided to the city by the Commonwealth of Virginia; and</p>		
<p>WHEREAS, the Commissioner of the Revenue has completed the annual assessment of motor vehicles with Martinsville tax situs for Tax Year 2019; and</p>		
<p>WHEREAS, the Commissioner of the Revenue estimates that a percentage of relief of 51.23% applied to the first \$20,000 of assessed values for qualifying vehicles valued over \$1,000 will fully use all available state PPTRA relief allocated for tax year 2019,</p>		
<p>NOW, THEREFORE BE IT RESOLVED by the Martinsville City Council that 51.23% shall be the percentage of relief to be applied to the first \$20,000 in value of each qualifying vehicle with an assessed value more than \$1,000 pursuant to and in accordance with provisions of Sec. 21-10 of the Martinsville City Code.</p>		
<p>Adopted this 27th day of August 2019.</p>		
<p>_____ Kathy Lawson, Mayor</p>	<p>_____ ATTEST: Clerk of Council</p>	
<p>Jennifer Bowles Kathy Lawson Chad Martin Danny Turner Jim Woods</p>	<p>VOTE _____ _____ _____ _____</p>	
<p>55 West Church Street, P. O. Box 1112, Martinsville, VA 24114-1112 276-403-5180 Fax: 276-403-5280 www.martinsville-va.gov</p>		

Conduct a public hearing for consideration of citizens interested in an appointment for one unexpired 3-year term ending June 30, 2021 on the Martinsville City School Board – City Attorney Monday explained that anyone interested in being considered for the vacancy must express their interest during the public hearing or have their name read. Lawson opened the public hearing. City Manager Towarnicki read the name Domonique Hylton and Vice Mayor Martin read Tony Jones’ name. No one else approached the podium so Mayor Lawson closed the public hearing.

SCHOOL BOARD

SCHOOL BOARD – The School Board is declared a body corporate. In its corporate capacity, it is vested with all the powers and charged with all the duties, obligations, and responsibilities upon school boards by law. It may sue, be sued, contract, be contracted with, and in accordance with the provisions of this title, purchase, take, hold, lease, and convey school property both real and personal. The School Board has the following powers and duties: 1) to make rules for the governance of the schools within its jurisdiction; 2) to determine the curriculum, methods of teaching, methods of administration and governance, and the length of the school term; 3) to employ and dismiss teachers upon the recommendation of the superintendent; 4) to suspend or expel pupils when necessary; 5) to establish such schools as are necessary in the judgement of the Board to so constitute a complete and efficient system; 6) to control and manage funds made available to the Board for the purpose of conducting free public schools; 7) examine all claims for payment and authorize payment; and 8) to submit annually to City Council a budget request.

TERMS: The Board consists of five members serving **three-year** terms appointed by City Council. **School Board members can serve a maximum of three 3-year consecutive terms.**

Meetings are held on the second Monday of each month.

CONTACT: Dr. Zeb Talley, Superintendent, 403-5820, 746 Indian Trail, Martinsville, VA 24112

Name & Address	Initial Appointment	Term Expires	Full Term
Emily Parker, 1225 Mulberry Road	07/09/19	06/30/22	
Donna Dillard, 912 Forest Lake Dr. (reappt 6/27/17)	8/24/16	6/30/20	0
Tonya Jones, 752 Stultz Road	6/27/17	6/30/20	0
Sammy Redd, 303 Oakdale Street (appt 1/23/18)(resigned August, 2019)		6/30/21	
Yvonne Givens, 714 Indian Trail	07/09/19	06/30/21	

Consider adoption on second reading, Ordinance 2019-U-2 approving an updated permit fee schedule – City Manager summarized the need for the updated permit schedule. There have been no resident concerns expressed since Council’s approval on first reading. Council Member Bowles made a motion to approve the ordinance on second reading. Vice Mayor Martin seconded the motion with the following roll call vote: Council Member Turner, aye; Council Member Woods, aye; Mayor Lawson, aye; Vice Mayor Martin, aye; and Council Member Bowles, aye.

City of Martinsville, Virginia

Ordinance No. 2019-U-2 (uncodified)
Amending the FY 2019-2020 City Budget

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in Regular Session held on August 27, 2019, that the Fiscal 2019-2020 Budget for the City of Martinsville, be, and hereby is, amended to repeal and reenact certain permit fees as follows:

City of Martinsville
Permit Fee Schedule

Permit fee schedule	Fee Rate	Minimum Charge
Building fees		
New Residential Construction	\$ 08 per square foot	\$40.00
New Commercial	\$ 08 psf	\$40.00
New Retail	\$ 08 psf	\$40.00
New Manufacturing/Warehouse	\$ 08 psf	\$40.00
Alterations/Renovations	\$ 08 psf	\$40.00
Demolitions	\$ 08 psf	\$40.00
Moving of Buildings or Structures		
1—Not on public street or right-of-way		\$76.50
2—On public street or right-of-way		\$153.00
Electrical fees		
Issuance of permit (all permits)	\$40.00	\$40.00
100 amp single phase new service	\$10.00	\$10.00
200 amp single phase new service	\$20.00	\$20.00
300 amp three phase new service	\$25.00	\$25.00
400 amp single phase new service	\$40.00	\$40.00
400 amp three phase new service	\$50.00	\$50.00
600 amp single phase new service	\$75.00	\$76.50
Over 600 amp new service	\$125.00	\$127.50
Rewiring or additional wiring	\$40.00	\$40.00
<i>Service upgrades/changes are at the fee of the new fee listed above</i>		
Sign inspection if New Service	\$10.00	\$40.00 Billboards, etc...
Mechanical Fees		
Issuance of permit (all permits)	\$40.00	\$40.00
Installation of new repair or replacement	\$2.00 per \$1,000 of job cost	\$10.00 <small>(N/A for Boilers, Duct Work)</small>
Boilers 22,000 to 165,000 BHP	\$5.00	\$5.10
Boilers 165,001 to 230,000 BHP	\$10.00	\$10.20
Boilers 230,001 to 1,165,000 BHP	\$15.00	\$15.30
Boilers 1,165,000 to 3,300,000 BHP	\$25.00	\$25.50
Boilers Over 3,300,000 BHP	\$35.00	\$35.70
Plumbing fees		
Issuance of permit (all permits)	\$40.00	\$40.00
Fittings	\$4.00 per fitting	\$4.08 <small>(includes up drain, water, vent)</small>
Water/sewer lines (new) exterior	\$2.00 per line	\$2.04
Water/sewer lines (replace/repair) (exterior)	\$2.00 per line	\$2.04
Vacuum breakers/backflow devices	\$1.00 per device	\$1.02

Fire Protection-Sprinkler Systems	Fee Rate	Minimum Charge
Issuance of permit (all permits)	\$40.00	\$40.00
Installation of new repair or replacement	\$2.00 per \$1,000.00 of job cost	\$10.20
Sign Installation Fees		
Ground	\$50.00	\$51.00 <small>(building permit also required)</small>
Wall	\$25.00	\$25.50
Other	\$25.00	\$25.50
Re-Inspection and Misc Fees		
End re-inspection	\$25.00	\$25.00
Working without a permit	\$50.00	\$50.00
Temporary/Permanent Certificate of Occupancy	\$25.00	\$25.00

City of Martinsville
Permit Fee Schedule

Permit fee schedule – (add state levy of 2%)	Fee	with levy
Building		
Residential:		
o New single family or duplex	\$400.00 (includes all trade permits)	\$408.00
o New addition, remodel or alteration	\$200.00 (includes all trade permits)	\$204.00
o New or replace deck	\$50.00	\$51.00
o Building only	\$40.00 + \$0.08 per square foot over 500 square feet	\$40.80
New Commercial (includes alterations/renovations)	\$40.00 + \$0.08 per square foot over 500 square feet	\$40.80
Other:		
o Demolition	\$50.00	\$51.00
o Moving structures	\$100.00	\$102.00
Electrical		
New electrical fixtures/components	\$50.00	\$51.00
New or upgrade service (up to 600 amps)	\$50.00	\$51.00
New or upgrade service (over 600 amps)	\$100.00	\$102.00
New or rewiring not associated with other work	\$50.00	\$51.00
Mechanical		
New mechanical system (includes alterations/renovations)	\$40.00 + \$2 per \$1000 over \$20,000	\$40.80
Gas piping	\$40.00	\$40.80
Plumbing		
New plumbing system (includes alterations/renovations)	\$40.00 + \$4 per fixture over 10	\$40.80
Water/sewer line (new, repair or replace over 1/2)	\$40.00	\$40.80
Pool (includes barrier)	\$50.00	\$51.00
Fire protection		
New sprinkler system (includes alterations/renovations)	\$50.00 + \$2 per \$1000 over \$20,000	\$51.00
New exhaust hood with suppression	\$50.00	\$51.00
New alarm system (includes alterations/renovations)	\$50.00	\$51.00
Sign		
Ground	\$50.00	\$51.00
Wall	\$50.00 + \$25 per location over 2	\$51.00
Temporary	\$25.00	\$25.50
Inspection fees		
Re-inspection	\$50.00	N/A
Working without a permit	\$100.00	N/A
Certificate of Occupancy	\$25.00	N/A
Fire Prevention (through Fire Marshal's Office)		
Tank removal	\$50.00	N/A
Tent (over 900 square feet)	\$50.00	N/A
Open burn	\$50.00	N/A
Fireworks	\$50.00	N/A
Dance Hall (through City Manager's office)		
Per location	\$50.00	N/A

BE IT FURTHER ORDAINED by said Council that this Ordinance shall be effective on and after October 1, 2019.

Attest:

Karen Roberts, Clerk of Council

August 27, 2019

October 1, 2019

Date Adopted

Date Effective

Consider adoption of Reimbursement Resolution – City Manager Towarnicki explained the plan which was outlined to develop short-term capital lease financing for several major vehicles and equipment needs. Council Member Bowles made a motion to approve the resolution. Vice

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Mayor Martin seconded the motion with all Council Members voting in favor. City Manager Towarnicki explained that this resolution is not usually needed, however is recommended this year due to the large equipment purchase requests.

RESOLUTION OF CITY COUNCIL OF THE CITY OF MARTINSVILLE, VIRGINIA DECLARING ITS INTENTION TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION AND EQUIPPING OF A CITY OF MARTINSVILLE CAPITAL PROJECT

WHEREAS, the City of Martinsville, Virginia (the "Issuer") is a body politic and corporate organized and existing under the laws of the State of Virginia; and

WHEREAS, the Issuer has paid beginning no earlier than 60 days prior to the date of adoption of this resolution, and will pay, on and after the date hereof, certain expenditures ("Expenditures") for the design, acquisition and equipping of a City of Martinsville capital project, further described on Exhibit A attached hereto (the "Project"); and

WHEREAS, the City Council of the Issuer (the "Council") has determined that those moneys previously advanced no earlier than 60 days prior to the date of adoption of this resolution and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of one or more issues of tax-exempt financing (the "Financing").

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARTINSVILLE, VIRGINIA:

Section 1. The Council hereby declares the Issuer's intent to reimburse the Issuer with the proceeds of the Financing for the Expenditures with respect to the Project made on and after 60 days prior to the date of adoption of this resolution. The Issuer reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Financing.

Section 2. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditures), (b) a cost of issuance with respect to the Financing, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the Issuer so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the Issuer.

Section 3. The maximum principal amount of the Financing expected to be issued for the Project is \$1,400,000.

Section 4. The Issuer will make a reimbursement allocation, which is a written allocation by the Issuer that evidences the Issuer's use of proceeds of the Financing to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The Issuer recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least 5 years.

Section 5. This resolution shall take effect immediately upon its passage.

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EXHIBIT A

The acquisition of vehicles and equipment, described as a fire truck, an ambulance, a street flusher, a backhoe/loader and a wheel loader.

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CERTIFICATE

The Members of the Council voted as follows on the foregoing Resolution:

Ayes Nays

Absent Abstentions

Adopted this 27th day of August, 2019.

The undersigned Clerk of the City Council of the City of Martinsville, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on August 27, 2019, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly called meeting and that, during the consideration of the foregoing Resolution, a quorum was present.

Dated this ____ day of _____, 2019.

Clerk, City Council of
City of Martinsville, Virginia

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August 27, 2019 Council Meeting

Consider request from City Schools to transfer \$294,136 to the Capital Reserve Fund for School Capital Projects from the General Fund Balance for the roof replacement/repair of the gym roof at the Middle School – Mayor Lawson said Council did allocate \$357,000 previously but the bid for roof repairs came in lower than expected. City Manager Towarnicki said the purchase order has been issued and the work is being done now. Towarnicki explained that the student enrollment information will be available in September and he does not expect to add anything else to the school budget due to increased enrollment. Council Member Bowles made a motion to approve the transfer of \$294,136. Council Member Turner seconded the motion with all Council Members voting in favor.

BUDGET ADDITIONS - SCHOOL TRANSFER & APPROPRIATION				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
BUDGET ADDITIONS				
FY20				
General Fund:				
01103938	462101	Contribution from Fund Balance		294,136
01931255	509290	Transfer to School Capital	294,136	
		Accounting for transfer to School Capital Projects		
Total General Fund:			294,136	294,136
Capital Reserve Fund:				
16103937	451590	Transfer from General Fund		294,136
16579369	508209	School Capital Projects	294,136	
		Accounting for transfer from General Fund for Roof Project @MMS		
Total General Fund:			294,136	294,136

Business from the Floor – Patrick H Wright of 1201 Spruce Street works at the Virginia Museum of Natural History and inquired a good way to promote VMNH. Council Member Turner suggested that he send information on VMNH to the City of Martinsville to be promoted on Channel 22.

Comments by Members of City Council – Council Member Turner invited Charles Roark to video tonight’s meeting and to analyze the problems with the current video system. Turner asked that Council reconsider the investment to repair the system and asked that someone outside the city look at the issue. Coach’s restaurant should open soon as well as Richard Howell’s new business. Council Member Bowles says she has had several residents reach out to her who would like to see the meetings televised or shown by Facebook LIVE. She explained that some residents have volunteered to do that.

Comments by City Manager and City Attorney – City Manager Towarnicki explained that the municipal building would be closed for Labor Day. Lawson asked that uptown businesses not put their trash out during the holiday weekend since there is no trash pickup on Monday. Towarnicki confirmed that businesses should not be putting their trash on the curb before

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Monday morning on any weekend. City Attorney Monday warned residents that his son now has his learners permit.

There being no further business, Council Member Bowles made a motion to adjourn the meeting; the motion was seconded by Council Member Turner with all Council Members voting in favor. The meeting adjourned at 8:12pm.

Karen Roberts
Clerk of Council

Kathy Lawson
Mayor