

September 12, 2017

The regular meeting of the Council of the City of Martinsville, Virginia was held on September 12, 2017 in Council Chambers, Municipal Building, at 7:30 PM with Mayor Gene Teague presiding. Council Members present included Gene Teague, Chad Martin, Jennifer Bowles, and Kathy Lawson. Sharon Hodge was not in attendance. 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, MiNET Manager Mike Scaffidi, Zoning Administrator Susan McCulloch, Animal Control Officer E.C. Stone and Police Chief Eddie Cassidy.

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 4-0 recorded vote: Council Member Lawson, aye; Council Member Bowles, aye; Mayor Teague, 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 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 Bowles, seconded by Council Member Lawson, with the following 4-0 recorded vote in favor to return to Open Session: Mayor Teague, aye; Vice Mayor Martin, aye; Council Member Bowles, aye; and Council Member Lawson, aye.

Council Member Lawson made a motion to recommend to Circuit Court the appointment of Benjamin Sharpe to the Board of Zoning Appeals for an unexpired 5-year term ending September 22, 2019. Council Member Bowles seconded the motion with all Council Members voting in favor.


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

Consider approval of minutes of the August 22, 2017 Council Meeting - Council Member Lawson made a motion to approve the minutes as presented; Council Member Bowles seconded the motion with all Council Members voting in favor.

Consider presentation of a proclamation honoring Irving Groves, Jr. - Mayor Teague shared that Mr. Groves was a giant of our community in the impact he had. Anytime Teague saw Mr. Groves, he had a smile on his face and an encouraging word. Teague read the

September 12, 2017

proclamation and Council presented it to Mr. Grove's daughters. Mr. Grove's daughter thanked Council on behalf of her father, stating that her parents loved this community.



Proclamation
HONORING IRVING GROVES, JR.

WHEREAS, Longtime community leader and banker, Irving Groves, Jr, passed away on Thursday, August 31, 2017, at the age of 88; and

WHEREAS, Irving Groves, Jr. began his banking career in 1952 in the trust department at Piedmont Trust Bank, eventually moving through various senior management positions and ultimately becoming bank president and CEO in 1973, and later in 1977 becoming president and CEO of the bank's holding company, Piedmont Bank Group, guiding Piedmont Bank Group to become one of southwest Virginia's largest bank holding companies; and

WHEREAS, In addition to his accomplishments in banking, Irving Groves, Jr. was deeply committed to serving his community - throughout his life he served on numerous boards including American Furniture, Hooker Furniture, Nationwide Homes, Tulex, American Standard Homes, Henry County Plywood, was an organizer and chairman of the Martinsville-Henry County EDC, president of United Way, president of the Community Recreation Center which later evolved into the YMCA, was involved with both Patrick Henry Community College and Carlisle School, was involved with the Boy Scouts, Martinsville High School, and likewise received numerous awards for his leadership and involvement with many of these, and other organizations;

NOW, THEREFORE, on this 12th day of September, 2017, Martinsville City Council hereby honors the late Irving Groves, Jr. for the contributions he made to our community, for his dedicated service to others, and for helping make our community a much better place for all. We extend our sincere condolences to the entire Groves family.

M. Gene Teague, Mayor

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 – Mayor Teague described the process for those interested in being considered for the school board vacancy then declared the public hearing open for those interested. James Hyler, 211 Oakdale Street expressed his interest in being considered for the vacancy. Patrick Wright, Spruce Street said he would be interested in serving on the school board. Council Member Lawson said Andrew Hall would also like to be considered. Teague closed the public hearing and said interviews would be conducted after the next Council meeting.

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

Name & Address	Initial Appointment	Term Expires	Full Term
Eric Hruza, 707 Mulberry Rd	6/30/16	6/30/19	1
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
Joan Montgomery, 807 Corn Tassel Tr.	6/16/15	6/30/18	1

Conduct a public hearing on a request from Shenandoah Personal Communications, LLC for a special use permit to replace a wooden telecommunications tower with a monopole at 400 Broad Street – Susan McCulloch updated Council on the details of Shentel’s request for replacing the existing tower and introduced Max Wiegard, Attorney with Gentry Locke Attorneys. Wiegard presented a PowerPoint presentation about the application details, and differences in the current tower versus the proposed tower. Council Member Bowles asked Wiegard to explain any environmental affects that could potentially be caused by the new tower. Wiegard said the only adverse health affect could potentially be a slight increase of body temperature when standing directing in front of the tower at the top, studies show any radiation from the tower is a low percentage and deemed safe. Mayor Teague asked about the screen trees that will be planted at the tower, Wiegard said the trees would grow tall and fast to shield the view of the tower and should be an improvement over the appearance of the current tower. Mayor Teague declared the public hearing open. No one approached the podium so Teague closed the public hearing. Council Member Lawson made a motion to grant the special use permit; Vice Mayor Martin seconded the motion with all Council Members voting in favor.

Shenandoah Personal Communications, LLC

Application for Special Use Permit for Wireless Communications Facility

City of Martinsville
City Council Public Hearing
September 12, 2017

Special Use Permit Application – 409 S. College Street

- ▶ Applicant: Shenandoah Personal Communications, LLC
- ▶ Tax Map #: 42 (18)00/24 25 26
- ▶ Use: Wireless Communications Facility
- ▶ Zoning: M-1 (Light Manufacturing)

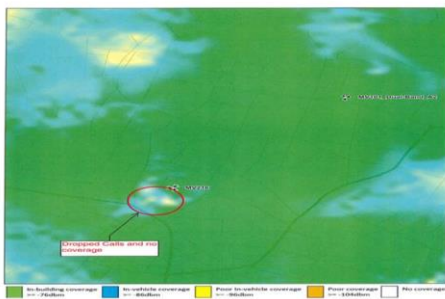
Application Details

- ▶ Upgrade existing 3G equipment to 4G LTE equipment
- ▶ Replace existing 97' wooden pole with 110.7' steel monopole
- ▶ Upgrade will provide advanced wireless broadband service, improved call performance, expanded coverage, faster data speeds and stronger indoor signals.

Variance Request – Relief from the Rear Set Back Requirement

- ▶ Proposed Replacement Tower fails to meet set back requirements
- ▶ Setbacks in M-1 district are 15' in the front yard, 0' in the side yard and 25' in the rear yard
- ▶ Existing wooden tower also does meet 25' with rear yard set back
- ▶ Variance granted at July 6, 2017 BZA meeting

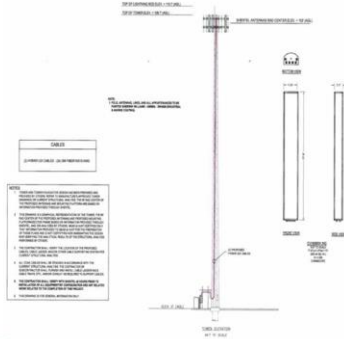
Coverage with Existing Tower



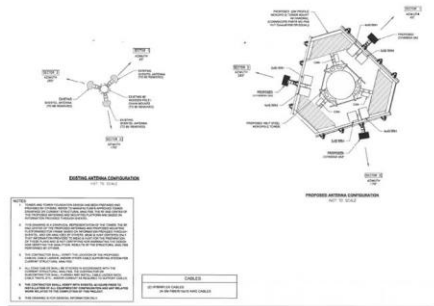
Coverage with Proposed Replacement Tower



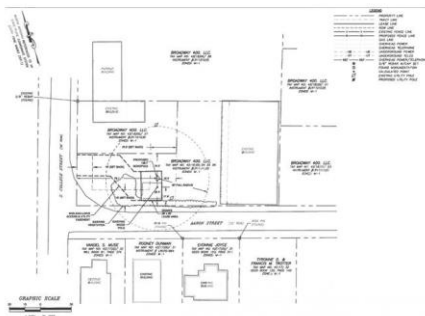
Proposed Tower



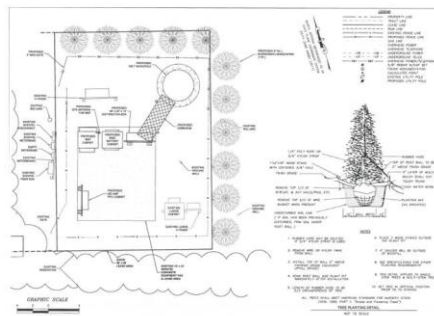
Antenna Configuration



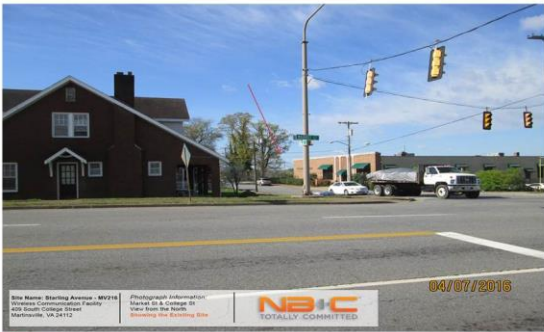
50' Fall Radius



Landscape Plan

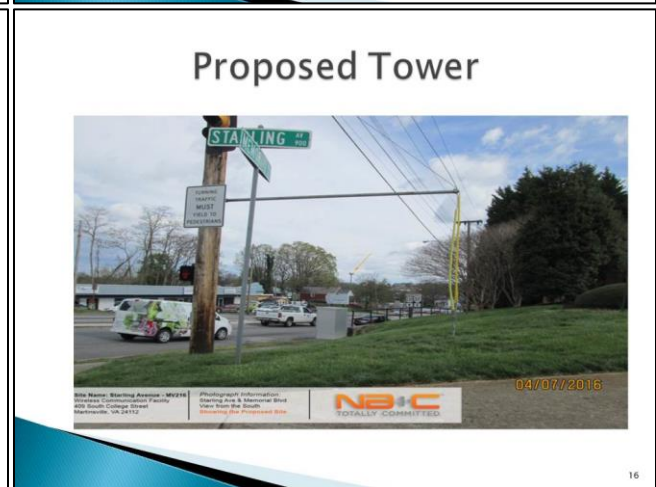
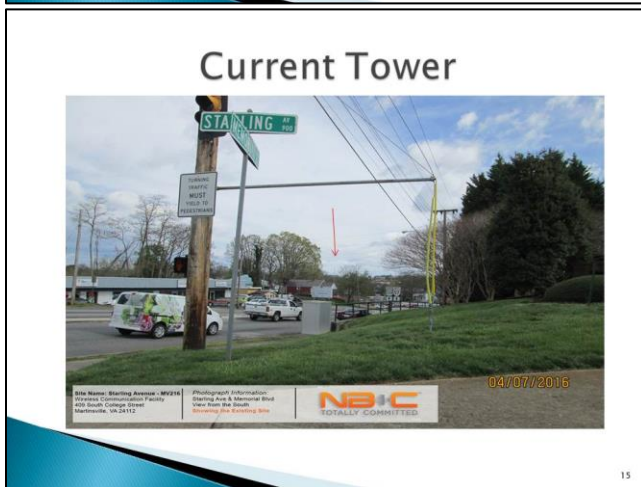
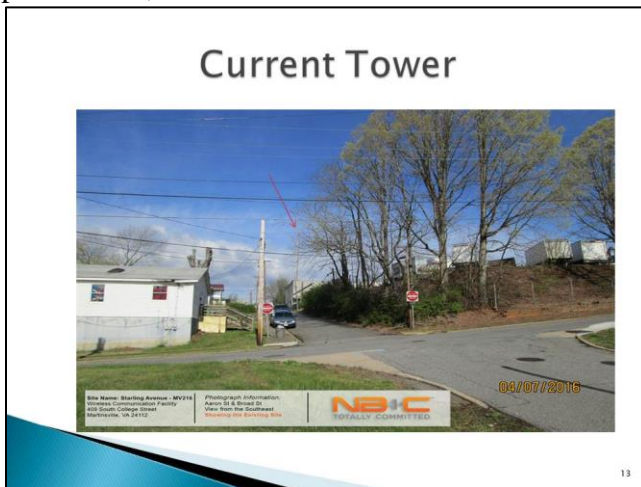


Current Tower



Proposed Tower





Hear an update from Piedmont Arts Executive Director Kathy Rogers – Rogers provided a Calendar of Events. She said in the past year over 21,000 people attended the Piedmont Arts either for a class, school tour, or other event. Through the outreach program, their goal is to reach children from preschool to high school with free family days, partner with Martinsville Middle School for an after school art program, the Richmond Ballet will perform at a few of the Elementary schools, summer art camps, ongoing guided tours in the gallery, and other opportunities. Rogers explained that it is always free to visit the gallery. Piedmont Arts is planning additional activities that will be in neighborhoods and not just at the Piedmont Arts location. Rogers shared details about upcoming free lectures along with current exhibits available at Piedmont Arts. There will be a ribbon cutting ceremony October 14, 2017 for the Art Garden. Council Member Bowles said she was very impressed with the outreach program.

Consider a proposal submitted by National Sports Services LLS, Topeka, KS, to purchase the Martinsville Mustangs – City Manager Towarnicki explained that the City was contacted by National Sports Services who have expressed interest in acquiring the Martinsville Mustangs and made a proposal. The proposal would assume the two years left on the current contract with Team Cole/Coastal Plain League with stipulations of repairs and improvements at the Mustangs stadium. Bill Davidson, CEO of NSS provided background of his organization and their interest in the Mustangs. Council Member Bowles made a motion

September 12, 2017

to authorize City Manager Towarnicki to proceed with the proposal; Council Member Lawson seconded the motion with all Council Members voting in favor.

Consider information regarding replacement and upgrade of the City’s telephone equipment – City Manager Towarnicki explained that the telephone equipment has been in place since 2001 and is at the end of its useful life and in need of upgrading. Ronco has provided a bid with heavy discounts if Council approves the upgrade now rather than waiting as originally budgeted. Mike Scaffidi, Telecommunications Manager explained that the newer equipment would save on annual maintenance costs. Towarnicki emphasized that there will be a positive fund balance in the Telecommunication budget for the next year so by doing these upgrades now it will save the City approximately \$200,000. Council Member Lawson made a motion to authorize the City Manager to move forward with the agreement; Vice Mayor Martin seconded the motion with all Council Members voting in favor.

Consider approval of consent agenda – Council Member Lawson made a motion to approve item A of the consent agenda as presented; Council Member Bowles seconded the motion with all Council Members voting in favor. Council Member Lawson made a motion to approve item B of the consent agenda as presented; Vice Mayor Martin seconded the motion with all Council Members voting in favor.

BUDGET ADDITIONS FOR 09/12/17				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY17				
General Fund:				
01102926	436401	Cat. Federal - Federal Confiscated Assets - Police		977
01311085	506079	Police Dept - Federal Asset Forfeitures US Marshals Service	977	
Total General Fund:			977	977
FY18				
General Fund:				
01102926	436401	Cat. Federal - Federal Confiscated Assets - Police		2906
01311085	506079	Police Dept - Federal Asset Forfeitures US Marshals Service	2906	
01102926	436401	Cat. Federal - Federal Confiscated Assets - Police		4471
01311085	506079	Police Dept - Federal Asset Forfeitures US Marshals Service	4471	
01102926	436401	Cat. Federal - Federal Confiscated Assets - Police		2484
01311085	506079	Police Dept - Federal Asset Forfeitures US Marshals Service	2484	
Total General Fund:			9,861	9,861

Consider approval on first reading, amendments to Chapter 5, “Animals and Fowl”, of the Martinsville City Code – City Attorney Monday detailed the proposed amendments which are intended to make enforcement of the ordinance easier. Mayor Teague and Council Member Bowles expressed concerns over some of the changes requested. Mayor Teague asked Animal Control Officer Stone his opinion and reasoning for the requested changes. Mayor

September 12, 2017

Teague invited those in attendance who wanted to express opinions on the amendments.

Melissa White, 1725 Meadowview Lane expressed her concern regarding the ordinance changes and said that the City now has an opportunity to make the new laws more enforceable while keeping the dogs safer. She would like to see provisions including tethers with swivels and prohibiting choke or prong collars and limit chains of 1/8th of a dog's weight. She asked that Council refrain from approving the amendments until more progressive changes can be suggested. Teague asked her to submit her suggestions to City Attorney Monday and Animal Control Officer Stone. White said as a former SPCA representative, she would be happy to work with the City on amendments that would be beneficial to the animals and enforceable by the City. Nicole Harris, Executive Director for the SPCA said they would be happy to seek grant money to provide smaller chains for residents. Harris read a letter from the Humane Society expressing concerns regarding the proposed amendments. Harris asked that Council consider restrictions including an enforceable time limit during daylight hours, temperature restrictions and prohibition of tethering during severe weather warnings. Council Member Lawson made a motion to approve the amendment on first reading leaving the temperature minimum at 32 degrees and maximum temperature at 90 degrees; Bowles seconded the motion. Teague requested "for more than four (4) hours, in any twenty-four hour period" be left on the ordinance since it can be enforceable if a citizen is willing to testify under oath. Council Members voted to approve the Ordinance as amended on first reading. Roll Call: Council Member Lawson, aye; Mayor Teague, aye; Vice Mayor Martin, aye; and Council Member Bowles, aye.

CITY OF MARTINSVILLE, VIRGINIA

ORDINANCE NO. 2017-3

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in Regular Session held on September 26, 2017, that Sections 5-37 and 5-39 of the Code of the City of Martinsville, be, and hereby are, amended to read as follows:

Sec. 5-37. - Limitation of dogs.

No person, family or other group of persons occupying the same premises shall keep more than four (4) dogs upon said premises, whether said premises shall consist of only one lot or parcel of land, or of two (2) or more adjoining lots or parcels of land in the city, provided that any such ~~any~~ person, family or other group of persons occupying the same premises may keep more than four (4), but not more than six (6) dogs, upon said premises, if the dogs are kept entirely within an enclosed building between the hours of 10:00 p.m. and 7:00 a.m. and if said enclosed building is located at least fifty (50) feet away from any other person's residence at all times. ~~In the event the foregoing requirements of are unable to be met, no more than four (4) dogs may be kept. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.~~

Sec. 5-39. - Adequate space for animals; ~~time~~ restriction on tethering companion animals.

(a) It shall be unlawful to fail to provide any animal with a adequate space. "Adequate space" means ~~sufficient~~ space ~~which reasonably appears to be sufficient~~ to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure.

(b) When a companion animal is tethered, "a adequate space" means a tether that permits the above actions and is appropriate to the age and size of the companion animal. The tether must be attached to the companion animal by a properly applied collar, halter, or harness configured so as to protect the companion animal from injury and prevent the companion animal or the tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the companion animal. Furthermore, the tether must be at least three (3) times the length of the companion animal, as measured from the tip of its nose to the base of its tail, except when the companion animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the companion animal, temporarily and appropriately restricting movement of the companion animal according to professionally accepted standards is considered to be provision of adequate space.

- (c) It shall be unlawful for any person to tether a companion animal:
 - (1) When the outside temperature is equal to or less than ~~32.25~~ 25 degrees Fahrenheit or greater than ~~85.25~~ 25 degrees Fahrenheit unless shelter is provided; or
 - (2) In a manner ~~which reasonably appears to be such~~ as to cause injury, strangulation or entanglement of the dog on fences, trees, or other manmade or natural obstacles; or
 - (3) To a ~~any~~ fixed-point; ~~located outside of any structure from 10 p.m. to 7 a.m.~~; or
 - (4) That is ~~reasonably appears to be~~ under four (4) months of age; or
 - (5) That is ~~reasonably appears to be~~ sick or injured; or
 - (6) ~~For more than four (4) hours, in any twenty-four hour period.~~

(d) ~~The professional opinion delivered under oath, of any law enforcement officer shall be presumed to satisfy the phrase "reasonably appears to be" as used in this section, unless rebutted by clear and convincing evidence to the contrary.~~

(e) Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor.

Attest:

Karen Roberts, Clerk of Council

Date Adopted

Date Effective

Business from the Floor – no one approached the podium

Comments by members of City Council – Council Member Bowles wished all

grandparents a Happy Grandparents Day and congratulations to the Martinsville Bulldogs on their win. Bowles congratulated the Martinsville Police Department for a successful Coffee with a Cop event. September 30, 2017 Grace Presbyterian Church will hold a Community Resource day. Books and Crannies will host a children's reading event Saturday September 16 at 11:00. Bowles explained that she had attended her first Virginia Resource Authority meeting and shared topics that were discussed. Vice Mayor Martin said he was happy that Mayor Teague is back and thanked Ted Anderson and the Fire Department for fighting a fire at his uncle's home. Council Member Lawson reminded residents of the final TGIF on Friday September 15. Mayor Teague thanked Vice Mayor Martin for managing the previous Council Meeting and he appreciated the prayers and well wishes from everyone. Teague explained that Council Member Hodge had a work commitment and would return for the next Council meeting.

Comments by City Manager – Towarnicki thanked Ralph Lawson and his team for the

flags uptown. At the last Council meeting, council appointed a member to a board that is no longer active. The Boards and Commissions book has been updated and he is working to get her assigned to another board. Towarnicki expressed his appreciation to the residents and the Police and Sheriff's department during the hurricane relief. They collected over 52,000 bottles of water and \$350 in donations. The Fire Department held a tollgate which collected \$8,156

September 12, 2017

and will be donating those funds to the Plum Grove Volunteer Fire Department that lost everything in the hurricane and continued to work and rescue Texas residents in need. The Sheriff's department will offer Blessing buckets to collect toothbrushes and toiletries. Council Member Lawson congratulated the Police Department on their new recruits. Teague thanked the residents for their generosity and thanked Ralph Lawson for his work

There being no further business, Council Member Lawson made a motion to adjourn the meeting; the motion was seconded by Council Member Bowles with all Council Members voting in favor. The meeting adjourned at 9:17pm.

Karen Roberts
Clerk of Council

Gene Teague
Mayor