

July 12, 2022 Council Meeting

The regular meeting of the Council of the City of Martinsville, Virginia was held on July 12, 2022 in Council Chambers, Municipal Building, at 7:00 PM with Mayor Kathy Lawson presiding. Other Council Members present included Danny Turner, Chad Martin, Jennifer Bowles and Tammy Pearson. Staff present included City Manager Leon Towarnicki, Assistant City Manager/City Attorney Eric Monday, Public Information Officer Kendall Davis, Community Development Manager Mark McCaskill, Utilities Director Durwin Joyce, Public Works Director Jeff Gauldin and Police Chief Eddie Cassady.

Mayor Lawson called the meeting to order and advised Council would go into Closed Session beginning at 6:30 PM. In accordance with section 2.1-3711 Code of Virginia (1950, and as amended) and upon a motion by Vice Mayor Bowles and seconded by Council Member Turner with the following 5-0 recorded vote: Mayor Lawson, aye; Council Member Pearson, aye; Council Member Turner, aye; Council Member Martin, aye; and Vice Mayor Bowles, aye. Council convened in Closed Session to discuss the following matters: (A) Appointments to boards and commissions, as authorized by Subsection 1. Council recessed Closed Session and returned to regular session at 7:00pm. At the end of Open Session, Council will reconvene to Closed Session.

Mayor Lawson called the meeting to order and welcomed everyone to the meeting. Mayor Lawson lead the pledge to the flag and invocation.

Approve minutes from the June 27, 2022 Northside Neighborhood Meeting and the June 28, 2022 Council Meeting – Vice Mayor Bowles made a motion to approve the minutes as presented; Council Member Martin seconded the motion. Turner requested that additional verbiage be added to the June 28 minutes regarding Pearson's request to hire an outside agency to review the City Attorney contract; Mayor Lawson said Council could consider that option at a later date and that the Clerk of Council could add that verbiage from the recording. Vice Mayor Bowles requested on the June 27 minutes, that a hyphen be added when referencing the 4-month moratorium. All Council Members voted in favor with the two amendments.

Recognize City Employees who are eligible for Service Awards for the period April 1 – June 30, 2022 – City Manager Towarnicki recognized those employees who received service awards and thanked them for their service.

**SERVICE AWARD RECIPIENTS
SECOND QUARTER - FISCAL YEAR 21-22
FOR THE PERIOD OF APRIL 1 – JUNE 30, 2022**

First Name	Last Name	Location	YOS
GARRETTE	MARTIN	PUBLIC WORKS	5
MICAH	LACKEY	FIRE DEPARTMENT	5
CODY	MOORE	SHERIFF DEPT.	5
HARLEY	DURHAM	POLICE DEPT	10
DWAYNE	ROBERTSON	FIRE DEPARTMENT	10
DWAYNE	SPENCER	PUBLIC WORKS	10
JIMMY	RIGNEY	ELECTRIC DEPT.	15
MICHAEL	LAW	SHERIFF DEPT.	15
MARK	PETERS	POLICE DEPT	15
LAWRENCE	CLARK	SHERIFF DEPT.	15
MICHAEL	CLARK	POLICE DEPT	15
JEFFREY	CORCORAN	SHERIFF DEPT.	20
DALLAS	HAIRSTON	COMMISSIONER OF REVENUE	20
CHRISTOPHER	OWEN	FIRE DEPARTMENT	20
CONNIE	CANNADAY	SHERIFF DEPT.	25
KEVIN	TURNER	SHERIFF DEPT.	25

Consider a request from Henry County to fund a portion of one-time stipends for 911 and DSS employees – City Manager Towarnicki reminded Council of the budget discussions related to raises for the 911 Center. A week ago, Henry County approved \$1200 stipends for the employees including the 911 Center and Department of Social Services, both funded by the City and County but that was overlooked during budget discussions. The City would be responsible for 1/3 of the stipend or \$400 per employee with a total cost of \$44,653. After discussions with the County regarding the settle-up funds which normally roll into the fund balance, staff recommends that the \$44,653 stipends be approved. Those funds will be handled as a re-appropriation at a later date. The difference between the settle-up and the stipend total would roll over into the fund balance. Towarnicki speculated that the DSS's underspending of funds would be related to the inability to fill staffing positions. Staff recommends approval of the request from Henry County to fund a portion of the one-time stipend for 911 and DSS employees. Mayor Lawson stated that she is thankful that Henry County reconsidered the stipend since they voted no to that previously. Vice Mayor Bowles made a motion to approve the request; Council Member Turner seconded the motion with all Council Members voting in favor.

Hear information from the Public Works Department regarding paving of City streets – City Manager Towarnicki touched on previous discussions about paving and specific street requests such as Smith Lake Road, Booker and Cherokee Trail, stating that so far, they've been able to avoid political decisions on which streets get paved and which ones don't, they spend the money where there is a need. Public Works Director Jeff Gauldin presented a PowerPoint detailing street maintenance operation, street construction, funding, how the department works with VDOT, and how priority paving is determined. Roads that are close to reaching the sub-base are a priority on the paving list. Slurry seal is less expensive and can correct the road for up to 10 years and save on paving costs.

City of Martinsville Street Paving & Resurfacing

Martinsville City Council Meeting
Tuesday, July 12, 2022 7 pm

Street Maintenance Operations

- Lane Miles: Arterial 66.11 miles, Local or Collector roads 157.63
- Annual street maintenance funding is calculated at a rate established by the state, per lane mile. FY23 for Martinsville is \$3,809,745.90
- Local Street Services:
 - Street Maintenance
 - Street Marking and Signs
 - Traffic Signals
 - Street Cleaning
- After the fixed costs for these functions are accounted for, costs for overhead, paving, and equipment rental from Street Construction are used to balance.

Street Construction

- Street Construction is a separate City-funded function that is a companion budget to street maintenance.
- For capital and new projects that fall outside of maintenance
- Street Construction “owns” the equipment used in street maintenance operations and that equipment is rented or leased to street maintenance, resulting in equipment rental fees coming back to the City’s General Fund as revenue.

SGR vs Locally Funded Paving

- SGR (State of Good repair) is a separate VDOT-funded program outside of normal street maintenance funding.
- SGR projects are main arterial roads
- Paving projects are selected based on VDOT rating criteria
- Higher priority is given to localities that spend %25 or more of lane miles funding on paving
- City has successfully implemented a number of SGR projects including sections of Memorial Boulevard and Starling Avenue.

Paving Determinations

- The need for paving City streets is evaluated by several main criteria;
- Condition of the road – Pavement appearance, alligator cracking, raveling, potholes, patches and utility cuts
- Road traffic – amount and type (trucks vs residential traffic)
- Staff and customer input
- City streets are prioritized based on the criteria and a paving list is created. Efforts are made to cover all areas of the City. Available funding determines how many of the listed projects are done, with projects not funded serving as the basis for the following year’s list.

Paving Determinations

- Due to the frequent need to mill existing streets before repaving, the added cost reduces the amount of paving work that can be done.
- Several paving options exist including mill & pave, pave only, slurry seal, and tar & gravel (chip seal). More slurry work will likely occur in future, primarily in residential area where streets are structurally in good condition.

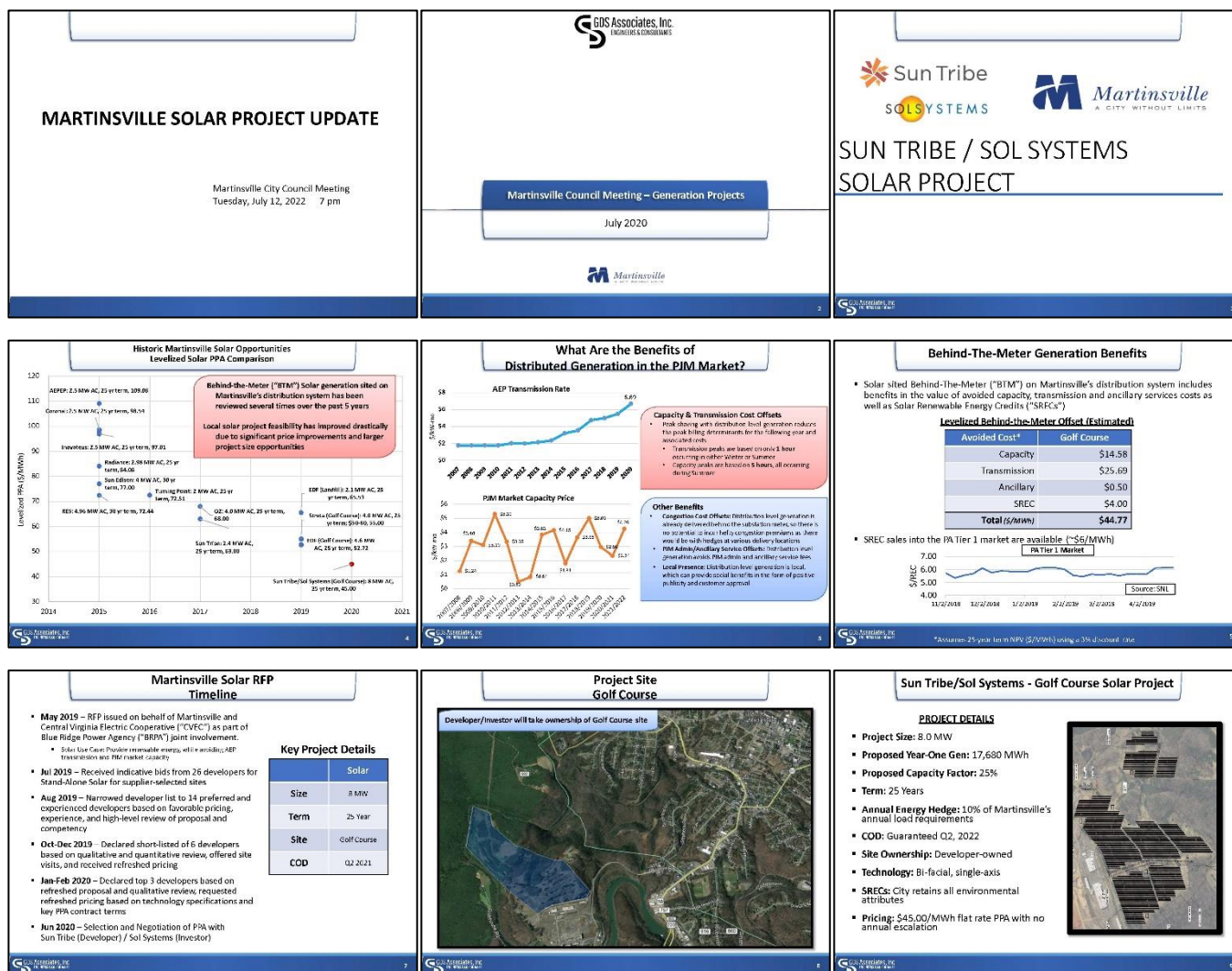
If questions or for additional information
contact the City’s Public Works Department at
276-403-5154

Hear an update on the solar energy project for the City of Martinsville – Mayor Lawson confirmed Council has already voted on this project but there were a few adjustments needed. City Manager Towarnicki explained that this project was brought before Council in July 2020 but with COVID and the supply chain, the project was delayed. Tonight, there will be a refresher of what was presented two years ago along with an updated presentation with pricing information. Utilities Director Durwin Joyce presented a PowerPoint detailing the project,

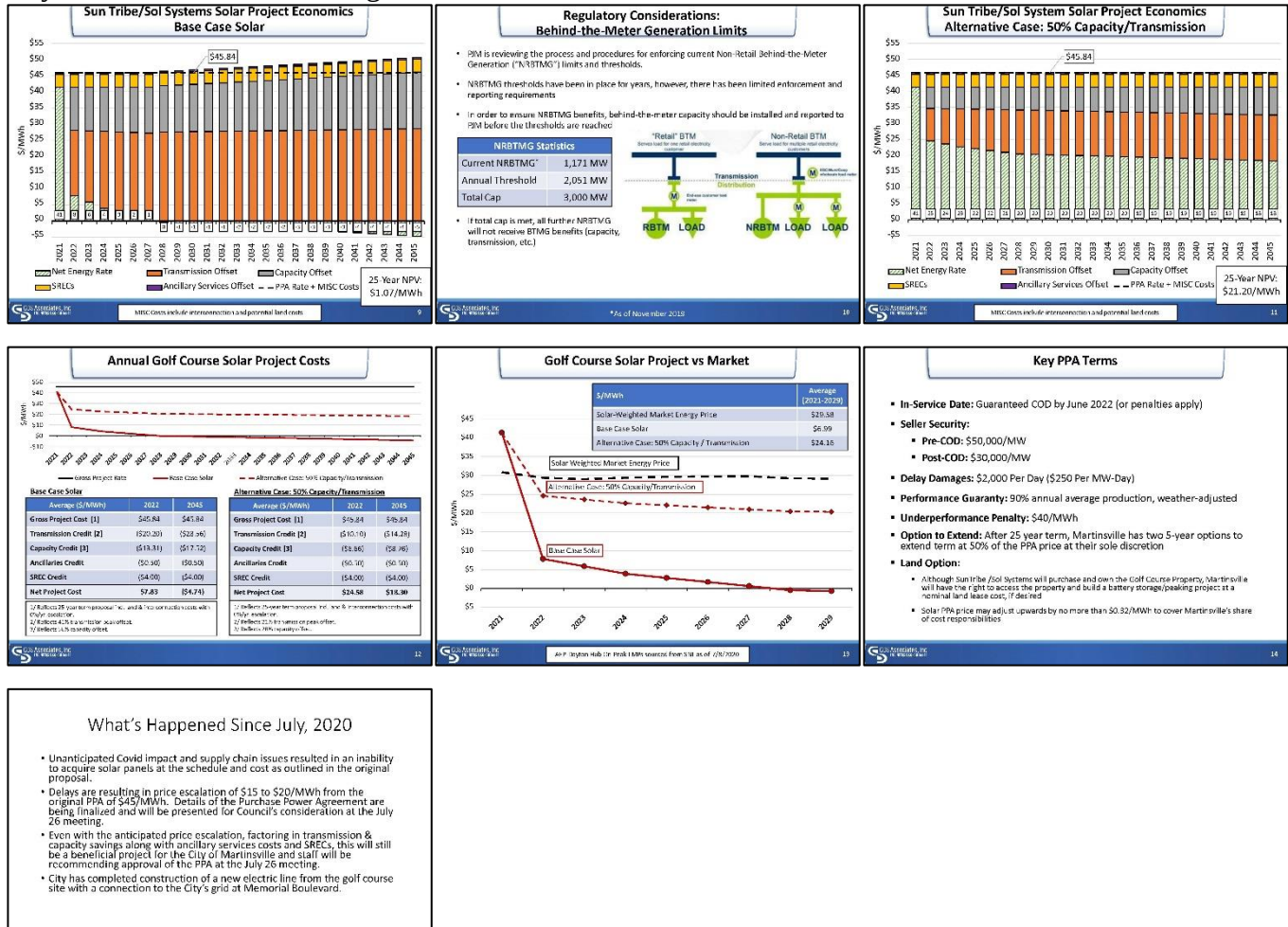
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stating that things were moving along well until the supply chain issues and COVID occurred.

Joyce pointed out what has changed with the project since originally discussed. Joyce verified that any maintenance or cost would be handled by Sun Tribe, Martinsville City is only the customer. Turner expressed concern about the disposal of the panels after their lifespan in 40-45 years and the increase of the current cost of electricity. Council Member Martin stated that he would not be able to vote on this decision because of his employment. City Manager Towarnicki explained that there is a tight schedule for the purchase of the property, without Council's commitment to the project then they will not have a "customer" and the project will not be done. Joyce confirmed if Council does not approve the agreement the everyone "walks away". Joyce doesn't expect to see the prices drop in the next 2-3 years so it wouldn't be feasible to request a second RFP from any other company about the project.



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Council Member Martin referenced the Freedom of Information Act that was reviewed by Council Members at the previous meeting, specifically the section that allowed Council Members to discuss contracts during closed session. The problem is when someone's arrogance becomes ignorance especially when it can cost the City money. Martin asked if Council could table any public conversations about the City Attorney's contract until August. Vice Mayor Bowles requesting that Martin discuss this during his closing comments since it is not an agenda item.

Business from the Floor – Mike Sanguedolce of 708 Starling Avenue came to Council again regarding truck traffic on Starling Avenue. He misunderstood that the street was paid for by the City when in fact it is paid for by the state. He was told by VDOT that whoever maintains the street has control of the traffic flow on that street. He has monitored truck traffic and if those trucks would take Fairy Street, it would save them 3-4 miles. He was told that he could request a traffic study from VDOT and if the road is deemed narrow or dangerous then they could alter the truck route. Sanguedolce will be calling VDOT again to request that traffic study. Vice Mayor Bowles applauds him for his due diligence. No one else approached the podium so Mayor Lawson closed Business from the Floor.

Comments by City Council – Council Member Martin made a motion that any conversation about the City Attorney's contract be handled during closed session, tabling any public conversation about this contract until August to protect City Council from any litigation. That

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does not stop Council from discussing the topic in Closed Session. Vice Mayor Bowles seconded the motion. Turner said public officials are paid for by the public and should come under the purview of the public, not closed-door discussions behind a smoke filled room; sunlight cleans everything and that's what we need here is transparency. Council Member Pearson said they are not asking for the contract to be discussed in public but Council has made a motion to hire an outside attorney to come in and renew and negotiate the contract on Council's behalf. Martin pointed out that Turner was in the same "smoked filled room" when the contract was discussed. Closed Session is used as a process for Council to be able to utilize and is not a "back room deal" as Council Member Turner has implied. Mayor Lawson confirmed that this is a personnel matter as discussed previously. Vice Mayor Bowles, Mayor Lawson and Council Member Martin voiced concerns about the topic being discussed in an open session, not that they are against having the contract reviewed. Turner said that he wanted a point of order and that it is illegal. Lawson explained that it is not illegal for Martin to request to table a topic. Turner said that it was illegal to put his contract out of public venue until after it can be negotiated. Lawson explained that the contract can be negotiated any day of the year, it does not have to be negotiated by the end of July. Martin asked Turner to request a closed session meeting to discuss the contract and to not use an open session to discuss personnel matters for public scrutiny. Council does not discuss Human Resource topics in open session. Bowles, Lawson and Martin voted to table the topic until August, Pearson and Turner voted against it. Motion dies 3-2. Council Member Pearson requested to renew a motion. Lawson stated if the motion was in relation to the City Attorney's contract then all discussions are currently tabled. Pearson said it was not directly related to his contract specifically; she made a motion to hire an outside attorney using Council's Professional Services line item regarding the rewriting and renegotiation. Turner seconded the motion. Council questioned if the motion was needed on action that was already in the works, Pearson feels the motion is necessary since they would be spending City funds. Lawson and Bowles explained that the funds are already budgeted and allocated. Pearson added that she wanted citizens to be aware of the request for an outside attorney review and wanted the review to be handled prior to August 1. Turner seconded the revised motion. Motion dies with a 3-2 vote: Bowles, Lawson and Martin against the motion, Pearson and Turner voting for it. Pearson asked what was the procedure to request a special closed session, Lawson explained that she simply had to request that and that a motion is not needed. Pearson made the request to hold a special closed session prior to the next Council meeting. Pearson offered a heartfelt welcome to the new businesses that have opened in Martinsville. She knows the past few years being an entrepreneur and business owner have been difficult so she commended business owners for keeping those doors open and being successful. Pearson mentioned Lisa Watkins and the employees of the Martinsville Chamber of Commerce, she has seen Watkins and her staff reaching out to businesses and offering assistance to help businesses continue to thrive. Council Member has Turner been working with

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Les Adams and Morgan Griffith who have put Turner in touch with Chris Thompson, Director of Strategic Housing and they discussed Martinsville's housing needs. The City has budgeted money to tear down houses but Turner wants to try and save as many houses as possible. Thompson plans to bring his staff to the city along with the Congressman to tour City neighborhoods and decide what programs may be available to draw money from and save some of the houses for property owners, not more rental property. There are many avenues to access money to put towards housing in Martinsville. Turner thanked Mayor Lawson for the watermelon at the July 4th Mustangs game, it was a good day to honor local World War II veterans. Vice Mayor Bowles supports Turner's project and saving homes within the City. Congratulations to the new businesses in the area. Congratulations Shatera Robertson, owner of Unique Styles & Designs on her 1-year anniversary. This week is restaurant week in Uptown Martinsville, several local restaurants gave \$500 in coupons for citizens to use. Bowles thanked Lisa Watkins of the Chamber for arranging the post legislative meeting with all of the City delegates. Fireworks were cancelled this Friday because of rain but rescheduled for July 15. The Martinsville-Henry County Coalition for Health and Wellness hosted a people's choice art show for children Kindergarten through 12 grades; Bowles encouraged residents to visit their Facebook page, share and support local youth. At the last meeting, Bowles requested the Commissioner of Revenue create a list of new businesses that have opened since 2014; Bowles would like to make a motion on the request of the Commissioner of Revenue Ruth Easley, to get consensus from Council that they would like to see a list of the new businesses, not renewed businesses that have come to fruition since 2014. Council Member Martin seconded the motion with all Council Members voting in favor. Bowles is requesting the number and the business names to ensure the City is continuing to be prosperous. Mayor Lawson also mentioned that the cancelled fireworks at the Mustang's games would be rescheduled for this Friday July 15; the Mustangs play tomorrow night July 13 and again Friday July 15. The City's first TGIF event will be Friday July 15 on Bridge Street. Lawson said there have been 7-8 ribbon cuttings for new businesses in the past week. Flag Day will be July 27 which is also the Korean War Veteran's Armistice Day. Council said it was discussed during budget sessions about community parks that needed updating, she is requesting Council discuss a plan of action on how they will do that. Towarnicki explained that they are currently working with West Piedmont for a grant that will facility that process and community input. Lawson said there was some miscommunication last week in regards to Southside Park and the Dixie League players are still playing thru Friday because some of the games were cancelled. These tournaments at Southside Park could result in hefty investments into the community with families seeking lodging and places to eat.

Comments by the City Manager – Towarnicki stated that there is a Council Calendar; anytime the City Manager's office receives details about open houses they update the schedule to keep Council Members informed of upcoming events. Bowles requested a calendar invitation to easier

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view that information. Monday July 25 will be the Uptown/Druid Hills Neighborhood meeting at Patrick Henry Elementary School.

Council reconvened to Closed Session

At the conclusion of Closed Session, each returning member of Council certified that (1) only public business matters exempt from open meeting requirements were discussed in said Closed Session; and (2) only those business matters identified in the motion convening the Closed Session were heard, discussed, or considered during the meeting. A motion was made by Bowles; seconded by Turner, with the following 5-0 recorded vote in favor to return to Open Session: Council Member Turner, aye; Council Member Pearson, aye; Vice Mayor Bowles, aye; and Mayor Lawson, aye. Martin returned to the meeting after the vote.

Vice Mayor Bowles made a motion to appoint Michael Williamson to the School Board for a 3-year term ending June 30, 2023; Council Member Martin seconded the motion with all Council Members voting in favor.

Council Member Martin made a motion to appoint James Woods to the School Board for a 3-year term ending June 30, 2024; Council Member Turner seconded the motion with a 4-1 vote with Bowles, Martin, Lawson and Turner voting for and Pearson voting against.

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

Karen Roberts, Clerk of Council

Kathy Lawson, Mayor