

August 23, 2022 Council Meeting

The regular meeting of the Council of the City of Martinsville, Virginia was held on August 23, 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 and City Attorney Eric Monday, Clerk of Council Karen Roberts, Public Information Officer Kendall Davis, Commissioner of Revenue Ruth Easley, Utilities Director Durwin Joyce, and Deputy Police Chief Rob Fincher.

Mayor Lawson called the meeting to order and advised Council would go into Closed Session beginning at 6:30 PM. In accordance with section 2.1-344 (A) Code of Virginia (1950, and as amended) and upon a motion by Vice Mayor Bowles and seconded by Council Member Turner with the following 4-0 recorded vote: Mayor Lawson, aye; Council Member Turner, aye; Vice Mayor Bowles, aye; and Council Member Martin, aye. Council Member Pearson joined Council in Closed Session.

Council convened in Closed Session to discuss the following matters: (A) Appointments to boards and commissions, as authorized by Subsection 1. 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 Martin, 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; Mayor Lawson, aye; and Council Member Martin, aye.

Vice Mayor Bowles made a motion to recommend to the Circuit Court that Derrick Ziglar, Jr be appointed to the Board of Zoning Appeals for a 5-year terms ending August 23, 2027. Council Member Martin seconded the motion with a 4-1 vote: Bowles, Lawson, Turner, and Martin vote in favor, Pearson voted against.

Council Member Pearson made a motion to recommend to the Circuit Court that Duane Sauflley be appointed to the Board of Zoning Appeals for a 5-year term ending August 23, 2027. Council Member Turner seconded the motion with all Council Members voting in favor.

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

Approve minutes from the July 12, 2022 Council Meeting, July 25 Neighborhood Meeting and July 26 Council Meeting - Vice Mayor Bowles made a motion to approve the minutes as presented; Council Member Martin seconded the motion. Mayor Lawson pointed out on the July 25 minutes that the heading needed to be corrected. Council Member Turner questioned the July 12 minutes, specifically the discussion about the City Attorney's contract documented on page 1 of the minutes. Turner asked to clarify if an attorney had been hired or not. Lawson

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claimed this was a personnel matter that would be discussed in closed session. All Council Members voted in favor.

Present awards to Martinsville Middle School students who recently participated in Virginia Municipal League's "If I Were Mayor Contest." – Mayor Lawson explained that Council reviewed the essays and selected their top 3 choices. Those students would be given gift certificates generously donated by Mike Haley of Uptown Pinball and Council Members. The students Logan Richardson 1st place, Jazmin Mota-Ocampo 2nd place, and Elijah Saunders, third place each read their essays and were presented a certificate by Council Members. Council Member Martin offered to provide a pizza party if the students would provide information about what they want in forms of activities in the City. Mayor Lawson stated that one of Martinsville's seventh graders Jordin Hernandez Machuca won on the state level. Dr. Talley stated that was three consecutive years that a Martinsville student has won state wide.

Hear an update from Sovah Health regarding operations at the Martinsville hospital facility Spencer Thomas, CEO for Sovah Health provided a packet of information to Council Members for review. The hospital added ten new providers and made \$2million in capital improvement this past year, mostly general equipment replacement. They paid out \$17million in charity care that they are not compensated for and paid over \$11million in property and sales tax. Tori Shepherd, COO for Sovah Health shared that as of last year, SOVAH has become triple accredited and has earned Primary Stroke Accreditation this year. Sovah Martinsville is designated as a lung cancer screening facility and is commission of cancer accredited. Two years ago, Sovah started a program specifically for patients with congestive heart failure to ensure they are receiving follow up care needed. 100 patients went through the program in the past 2 years, none of which have been readmitted to the hospital. Looking at demographics of the community, lung cancer in particular is an issue for this area; Sovah offers testing and treatment at the Martinsville hospital so those patients will not have to leave town to get that level of care. Four new providers have started in 2022 including two doctors and two nurse practitioners but there has not been much physician recruitment in the past two years because of COVID. Spencer stated as a hospital, they have suffered the same challenges as other hospitals since the pandemic. They closed the medical/surgical 4th floor unit because it's more efficient to run one unit with staffing rather than sharing staff over two units. The 4th floor was also the COVID unit and needed renovation after the pandemic. There was no affect on surgeries when the 4th floor closed. The biggest concern the hospital has is lack of staffing. Council Member Martin asked about the abundance of traveling nurses; Spencer explained that those nurses make very good salaries and go where they are most needed. The Obstetrics unit was closed in May because the delivery volume was so low and it became increasingly difficult to support that service. Spencer said in an emergency situation, the hospital is prepared to safely deliver a baby and will transfer the mother and baby after delivery to a hospital better equipped for the aftercare. Spencer explained that there are different ways to offer Obstetrics programs.

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Martinsville hospital would need at least 3 Obstetricians / Gynecologists to provide adequate coverage, however with only 120 babies delivered last year that doesn't support a fulltime unit or staff. It's possible to potentially reopen the unit under a different model utilizing family physicians specially trained in OBGYN and they are actively working to reopen that unit. SOVAH does loan forgiveness for new physicians but not 100%. They've lost 2 primary care physicians recently but have 2 new physicians signed to start in October with the July new employee orientation class being one of the largest in the past two years. There was a recent EMS diversion due to an overabundance of patients in the emergency room; Sovah works hard to avoid that unless absolutely necessary. Despite everything the hospital has experienced over the past 2 years, they are not closing and there is no threat of closing any other services. There is a rumor that SOVAH is being bought by Carilion but to his knowledge there are no plans to sell the hospital. Council Member Martin said he could not thank the hospital staff enough for their efforts during the pandemic.

Hear an update on Martinsville Mustangs Baseball – April Haynes updated Council stating that the community support they received this past year was overwhelmingly positive. They sold out the wall with sponsorships and several businesses hosted games. Attendance averaged 700-800 people per game with the total attendance being over 20,000. The highest attendance was on the “give back” or charitable nights. There was a sellout July 15 for the Hometown Hero's night with 2500 people; Haynes stated that it had been over 5 years since that's happened. The City did improvements to the beer garden including a deck and fencing. The Mustangs had an increased presence on social media with much more traffic before and during the season. They had a good mix of junior college players up to Division 1 players with four of those advancing to the CPL All Star game along with one local player. The outlook for next year, they are already seeing an increased demand for sponsorships, excitement for covered seating, and continue to build ties with the community. 70% of current sponsors are already committed to next season. There is a plan to update the visitor's bullpen and batting cages which both need work. Mayor Lawson said that everything was painted prior to the season and the bathrooms were much cleaner and nicer than before. Council Member Turner recommended naming something at the park in honor of local baseball star Lou Whitaker. Turner discussed the July 4th game which recognized the local World War II veterans. Haynes said they have some plans for Mr. Whitaker that will be shared soon. Vice Mayor Bowles says her Goddaughter attends the games and enjoys those and recommended a possible back to school night to focus on the students. Bowles said it feels like the “old” Hooker Field. Lawson said they did a fabulous job; amazing recruiting and it was nice to see the host families attend the games also. Bowles said the fireworks night was great and she was thankful that they turned off the lights. Tonya Davis said they are focusing on ways to motivate students and provide tickets to students and families. City Manager Towarnicki said that a new scoreboard was ordered in March but that has been delayed until next year. Joe Haynes works for the City Fire Department but has

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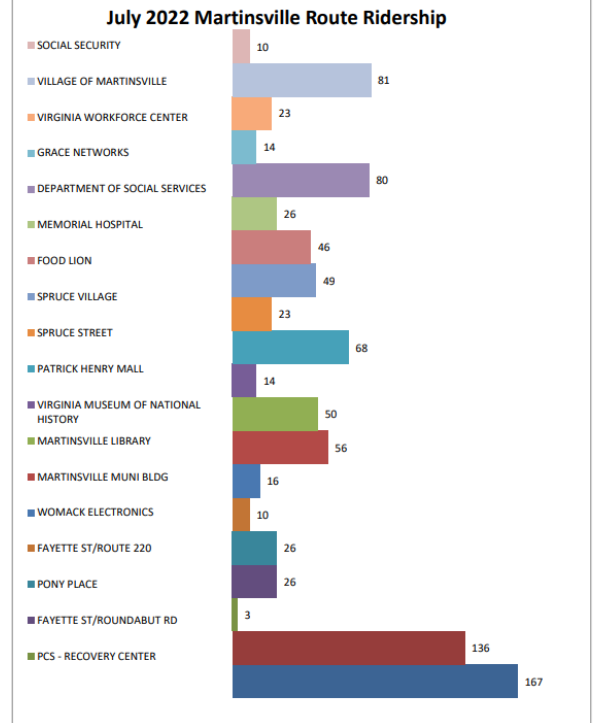
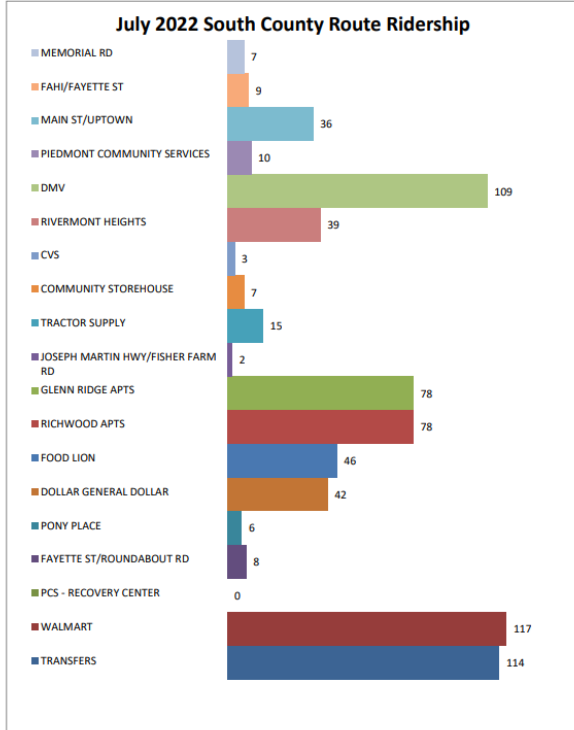
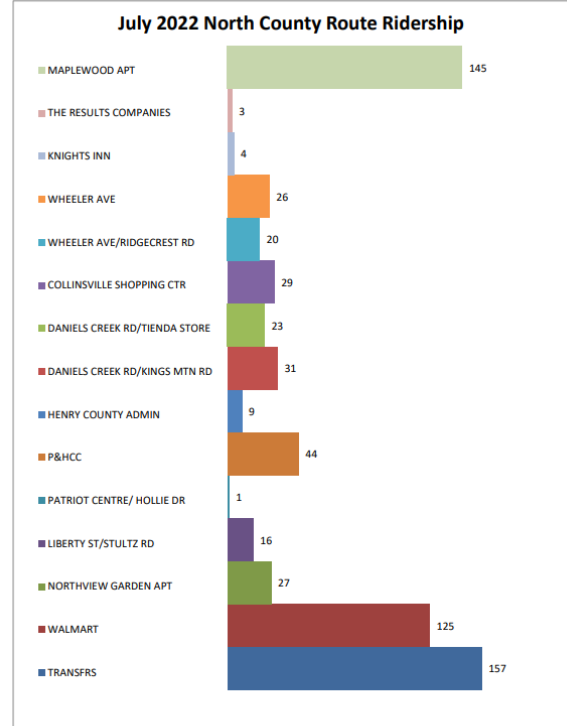
probably put in more hours at Hooker Field doing restorations. Towarnicki said they were able to allocate ARPA funding and a contract has been signed for a new concession building including new restrooms, an increased space upstairs and office space. This renovation will eliminate some parking but there will be covered seating in that section also. The County will sponsor an employee night occasionally but they do not contribute to Hooker field. Towarnicki said the study was done previously with approximately 2/3 of attendees being from outside the City but the County was not interested in contributing funding. There were several attendees from out of town that found details on the games on social media.

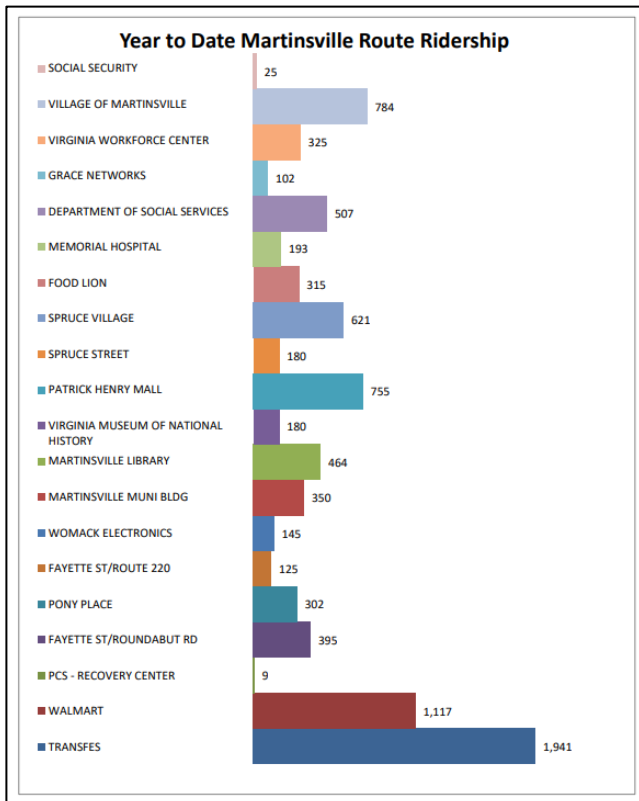
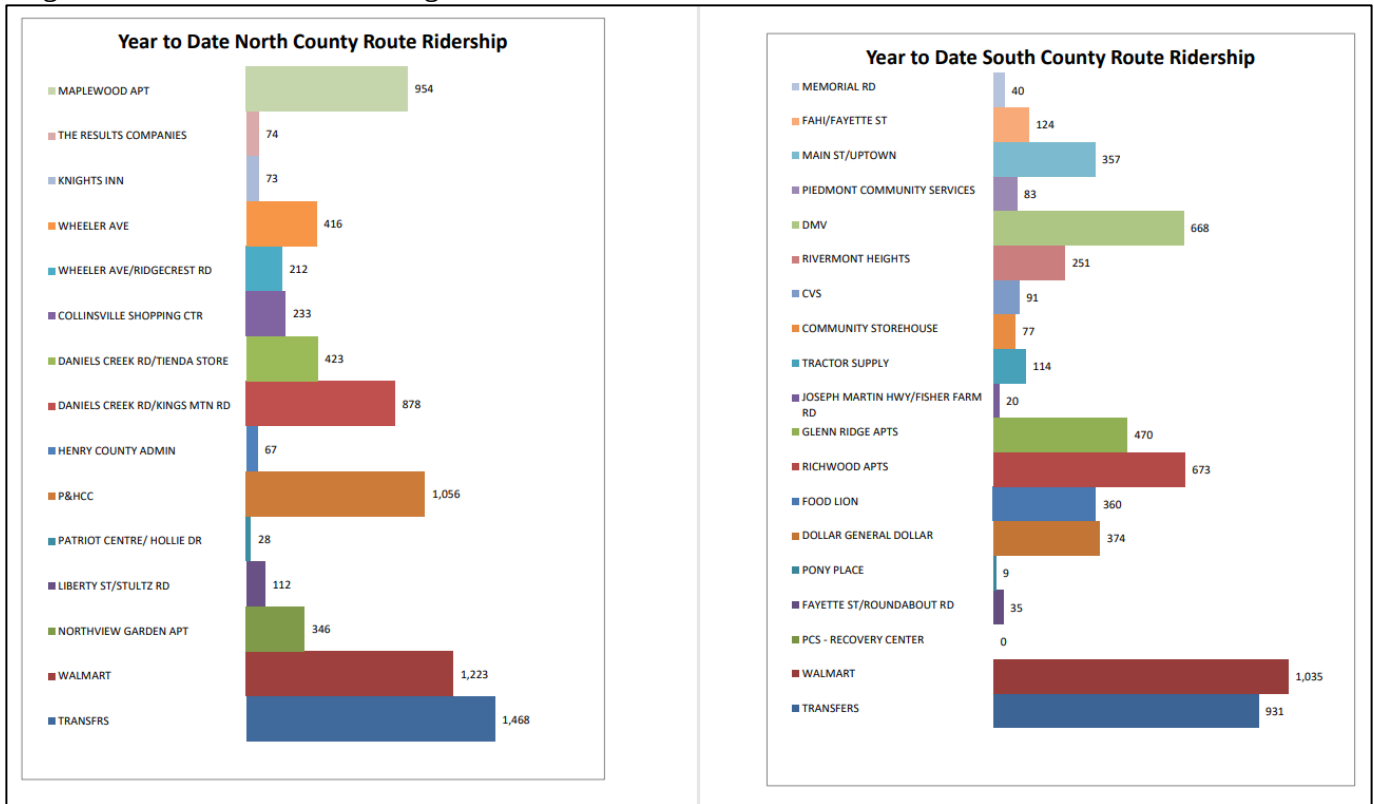
Hear an update on the local public bus system, PART – City Manager Towarnicki referred Council to the monthly report included in the agenda packet. Comparing year 2022 to 2021, they have already exceeded last years numbers with 2 months still remaining in the reporting year. There is no cost to ride, residents ride the bus for free and they are still maintaining a 50% capacity on the bus due to lingering COVID restrictions. Vice Mayor Bowles asked if the buses were turning riders away due to this capacity restrictions, Towarnicki said he would look into that but the routes run every hour so the buses aren't typically that full. Buses run Monday through Friday except any days the schools are closed. There are three buses which originate at a transfer point at Walmart parking lot. The third route was added about three years ago to include Maplewood Apartments which is one of the busiest stops. Towarnicki explained there is state and federal funding and a local share split by the City and County. Ridership is about equally split between the City and County residents. Mayor Lawson stated that the bus system is not a money maker, it was never the plan to be one but only to improve the quality of life for residents in the community. Towarnicki said although there are designated bus stops, if someone flags the bus down on the route the driver will usually stop. Buses are wheelchair equipped and can deviate off the route for short distances to accommodate a handicap resident by request. There is also the Virginia Breeze bus line which travels to Danville, Richmond, Washington, etc. and leaves from the mall. Council Member Martin asks if there is a way to have an app to track the PART bus and how far away they are. Information about bus routes is posted in the lobby of the municipal building, at bus stops and on the City's website. Bowles asked if the bus information could be shared on MGTV and social media.

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2022 PART YTD RIDERSHIP REPORT											
MONTH	ADULTS	CHILDREN	SENIORS	WHEEL CHAIRS	ESCORTS	TRANSFERS	2022	2021	PLUS-MINUS	DAYS OF OPERATION	
Oct	1709	32	366	26	0	421	2133	1872	261	21	20
Nov	1799	26	441	24	0	447	2290	2001	289	22	23
Dec	1471	23	452	23	0	381	1969	1473	496	20	19
Jan	1188	17	354	10	0	288	1569	1551	18	18	19
Feb	1919	14	451	38	0	442	2422	1671	751	23	22
Mar	1828	5	463	41	0	506	2337	1782	555	20	20
Apr	1794	27	413	34	0	430	2268	1505	763	20	20
May	1606	31	680	32	0	460	2349	1607	742	22	22
Jun	1901	48	495	19	0	527	2463	1593	870	21	22
Jul	1862	55	368	25	0	438	2310	1624	686	20	19
Aug	0	0	0	0	0	0	0	2124	0	0	23
Sep	0	0	0	0	0	0	0	2128	0	0	21
TOTALS	17077	278	4483	272	0	4340	22110	20931	5431	207	250
%	77.24%	1.26%	20.28%	1.23%	0.00%						

	MARTINSVILLE	HENRY COUNTY	TOTAL	2022	2021
Oct	951	1182	2133	101.57	93.60
Nov	964	1326	2290	104.09	87.00
Dec	915	1054	1969	98.45	77.53
Jan	734	835	1569	87.17	81.63
Feb	1152	1270	2422	105.30	75.95
Mar	1098	1239	2337	116.85	89.10
Apr	1102	1166	2268	113.40	75.25
May	1263	1086	2349	106.77	73.05
Jun	1275	1188	2463	117.29	72.41
Jul	1091	1219	2310	115.50	85.47
Aug	0	0	0	0.00	92.35
Sep	0	0	0	0.00	101.33
TOTALS	10545	11565	22110	106.81	83.72
%	47.69%	52.31%			





Hear an update on the City's utility outage call-in system – Utilities Director Durwin Joyce explained that he's been working with a company to provide a new system for about a year. The call system is in place but there have been no major outages yet to test it. The call-in number is still the same but it is connected 24/7 and should only be used for emergencies. When a customer calls, they will be asked if they want to receive an alert, updates, etc. on the outages. If a customer opts in then they will get voicemail updates. They are working towards the mass

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notification option and hope to have that in place within 1-2 months where customers can sign up for future outage updates. Joyce encourages residents to update their contact number with Utility Billing so that they can be notified in case of emergencies, water leaks, etc. The process for crew members and staff is still being worked out. He is open to feedback from customers on how the new system is working.

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 2022 – Commissioner of Revenue Ruth Easley referred Council to the updated copies. Personal property interest rates have gone up higher than last year causing an approximate \$14,000 difference in revenue. Council Member Pearson made the motion to adopt the resolution. Vice Mayor Bowles seconded the resolution with the following roll call vote: Council Member Pearson, aye; Vice Mayor Bowles, aye; Council Member Turner, aye; Mayor Lawson, aye; and Council Member Martin, aye.

<i>Council Members</i> Kathy Lawson, Mayor Jennifer Bowles, Vice-Mayor Chad Martin Danny Turner Tammy Pearson	 Martinsville A CITY WITHOUT LIMITS	<i>City Manager</i> Leon E. Towarnicki <i>City Attorney</i> Eric H. Monday <i>Clerk of Council</i> Karen Roberts
 RESOLUTION SETTING THE ALLOCATION PERCENTAGE FOR PERSONAL PROPERTY TAX RELIEF IN THE CITY OF MARTINSVILLE FOR TAX YEAR 2022		
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 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 WHEREAS, the Commissioner of the Revenue has completed the annual assessment of motor vehicles with Martinsville tax situs for Tax Year 2022; and WHEREAS, the Commissioner of the Revenue estimates that a percentage of relief of 36.82% 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 2022, NOW, THEREFORE BE IT RESOLVED by the Martinsville City Council that 36.82% 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. Adopted this 23rd day of August, 2022.		
 Kathy Lawson, Mayor	 ATTEST: Clerk of Council	
 VOTE		
Jennifer Bowles	_____	
Kathy Lawson	_____	
Chad Martin	_____	
Tammy Pearson	_____	
Danny Turner	_____	
 55 West Church Street, P. O. Box 1112, Martinsville, VA 24114-1112 276-403-5180 Fax: 276-403-5280 www.martinsville-va.gov		

Consider approval of the consent agenda – Vice Mayor Bowles approved the consent agenda as presented. Council Member Pearson seconded the motion with all Council Members voting in favor.

BUDGET ADDITIONS FOR 8/23/2022				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY2023 - General Fund				
01100908	482901	Misc Unclassified Revenue		105
01311085	506061	Motorcycle Equip/Maintenance	105	
		Misc Payment		
Total General Fund:			105	105

Business from the Floor – Charles Roark, 107 Courtney Terrace stated that he learned today at the Henry County Supervisors meeting that the Virginia Supreme Court dismissed Martinsville’s argument about voter constitutionality so he wanted to give Council the opportunity to comment on that issue. Mayor Lawson explained that City Attorney Monday would provide a statement during his comments.

Comments by City Council – Council Member Martin thanked Mike the sound guy in the backroom for recording the meetings and commended him on a job well done. Council Member Turner asked Mayor Lawson to update Council Members on the status of the City Attorney’s contract by email and requested to schedule a closed meeting for September 13. Turner wished Lois Hundley a happy 100th birthday; the Hundley family was one of the first families in Martinsville and her party was well attended. Council presented Hundley with a proclamation. Turner shared that there would be a 100th birthday celebration for Leonard Hairston, World War II veteran and Martinsville resident on Sunday. Council Member Pearson stated that anytime they can have open discussions with the community related to reversion are appreciated and needed. She hopes that the August 25 meeting 6:30-8:30pm at the NCI building will not be another lecture or PowerPoint on why reversion is needed, but that it will be a question, answer and opinion session so residents can voice concerns. She is disappointed that only Martinsville residents will be allowed to speak and she would like Council to reconsider allowing the county residents to speak and ask questions, she feels their voices should be heard also. Reversion impacts both City and County residents. Turner asked a point of order, he knows the deadline for having this on the ballot was last Friday but he requests that it be put on the ballot for the next election day. City Attorney Monday explained that he would be addressing that as well. Vice Mayor Bowles shared that any student who recently graduated a local school and who may be looking to attend Norfolk State or Old Dominion University, she has a helpful contact, Jason Inge to assist them. Bowles shared information about the Martinsville 7 historical marker, the unveiling will be September 10 at 1130am at the Heritage Center and Museum, everyone is welcome to attend. This marker is not a reflection of innocence or guilt but to recognize the severity of the punishment which was unjust. Martin stated that the governor gave a posthumous pardon to the men in 2021. Mayor Lawson received a nice letter from Piedmont Arts for Council’s contribution to the capital program. The flags are out for Labor Day. Lawson received a letter from the Veterans Organization and shared that there will be a Veteran’s Day

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service on Friday November 11 at 11:00am at HJDB Event Center in Bassett. Lawson shared that the Relay for Life will be September 17; Lawson's employer has a team to honor one of her coworkers recently diagnosed with lymphoma. Hazardous Waste Day will be October 15. TGIF will be September 16; the previous weeks TGIF was well attended.

Comments by the City Manager – City Manager Towarnicki is working with David Dickerson to schedule strategic planning sessions with potential dates of Wednesday and Thursday, September 14 and 15 and Tuesday and Wednesday September 20 and 21. Vice Mayor Bowles said that she would be unavailable all of those days with the exception of September 21. Pearson requested the planning sessions be delayed until after the election. Other Council Members expressed support to delay strategic planning until January. Towarnicki has meet with Michael Sanguedolce about truck traffic concerns on Starling Avenue; he has talked to VDOT which has agreed to install signs designating an alternate truck route from Danville to either Hooker or Fairy Street and added signage in the county also. It could take a couple weeks to get signs installed. Towarnicki is working with Keith Owens along with Mark McCaskill and City Attorney Monday with Owens business plan for a homeless shelter. The first step will be to find a building and the money to do renovations but Owens plans to pursue it to the fullest extent.

City Attorney Eric Monday stated that the Supreme Court has issued an opinion, saying that the appropriate venue for determining the constitutionality of the referendum law is the three-judge panel and that only after the three-judge panel has ruled, then the Supreme Court will address the issue of constitutionality. What the City had file was an effort to circumvent all of that. The Supreme Court elected not to exercise that discretion and told us to start out with the three-judge panel. Frankly if the three-judge panel finds the law to be unconstitutional, Monday has no doubt that the county, whose goal is to delay this process as long as possible, will appeal it to the Supreme Court so the issue is quite likely to be heard through the Supreme Court eventually anyway. The City's attorney Mr. Piepgrass has already contacted the three-judge panel to get things moving again. The City will not immediately pursue the constitutionality of the referendum law with the three-judge panel because they feel it is more important to address the arbitration clause in the MOU. The City mediated a settlement with the County, the MOU was signed which the County ratified a month later. The MOU states if the parties are unable to agree upon a voluntary settlement agreement, then the MOU will serve as the comprehensive settlement agreement. The City went forward with the VSA which the County signed and agreed to, only to go back on the agreement December 2021. The City will pursue the arbitration of both the VSA and the MOU but primarily the MOU. Depending on how arbitration plays out, it may or may not result in the need for a referendum. Monday addressed Turners question, stating that Ms. Workman in the Registrar's office would need to consult with the State Board of Elections since August 19 was the deadline to add to the November ballot. Pearson asked, depending on how this plays out, will there be anything on a ballot for next November. Monday explained that would be up to the Court and Council. Pearson questioned if Mr. Hurd would

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still be employed by the City. Monday explained that Hurd was only paid for the services he provided. Piepgrass is the City's Attorney. Mayor Lawson requested a closed meeting with Mr. Piepgrass for the September 13 meeting. Monday will be releasing a press release in the morning. Monday emphasized that the Supreme Court did not dismiss it, they simply stated that the Supreme Court was not the appropriate venue to decide and that it would need to be presented to the three-judge panel initially.

There being no further business, Bowles made a motion to adjourn the meeting at 9:05pm.

Karen Roberts, Clerk of Council

Kathy Lawson, Mayor