

October 25, 2022 Council Meeting

The regular meeting of the Council of the City of Martinsville, Virginia was held on October 25, 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, and Deputy Police Chief Rob Fincher.

Mayor Lawson called the meeting to order. Council Member Martin lead the pledge to the American Flag and offered the invocation. Mayor Lawson welcomed everyone to the meeting, stating that printed agendas could be found in the back of the room and on the City website for those watching from home.

Approve minutes from the October 11, 2022 Council meeting – Vice Mayor Bowles made a motion to approve minutes as corrected; Council Member Martin 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 20, 2022 – City Manager Towarnicki recognized those employees with service awards and thanked them for their years of service.

SERVICE AWARD RECIPIENTS THIRD QUARTER - FISCAL YEAR 21-22 FOR THE PERIOD OF JULY 1 – SEPTEMBER 30, 2022			
First Name	Last Name	Location	YOS
CHASE	BENNETT	POLICE DEPT	5
MONICA	WILKINS	PUBLIC WORKS	5
BRACK	SCALES	PUBLIC WORKS	5
RONALD	PETERS	FIRE DEPARTMENT	5
CHRISTOPHER	KELSEY	TRAFFIC SIGNALS	5
GARY	SETLIFF	WATER CONSTRUCTION	15
DOUGLAS	GRAHAM	POLICE DEPT	15
RICHARD	RATCLIFFE	POLICE DEPT	20
MARCUS	CLARK	WASTEWATER PLANT	25
TED	ANDERSON	FIRE DEPARTMENT	25
DAVIS	GARLAND	REFUSE - COLLECTION	35
LISA	HOLIDAY	FINANCE	35

Conduct a public hearing for the purpose of transferring ownership of certain City-owned properties to the Martinsville Land Bank Authority – City Manager Towarnicki explained the Land Bank Authority and the need for the public hearing. Mayor Lawson opened the floor for the public hearing. No one approached the podium so the public hearing was closed. Council Member Turner made the motion to transfer ownership of the listed properties to the Land Bank Authority; Vice Mayor Bowles seconded the motion with all Council Members voting in favor.

lots	address	value
2 buildable lots	801 LOT YORK ST	29400
2-4 buildable lots	110 LOT WINGFIELD ST	6000
1 buildable lot	125 LOT ASKIN ST	4000
1 buildable lot	106 LOT SYCAMORE ST	2000
6-8 buildable lots	716 LOT BARROWS MILL RD	13400
(park?) front is buildable	1052 LOT OAK ST	2500
	1054 LOT OAK ST	2500
	1056 LOT OAK ST	2500
	1050 OAK ST	9500
Armory Property	315 W COMM. BLVD.	2892200
old ymca, buildable	18 LOT CLEVELAND AVE	61100
1 buildable lot	1125 LOT PINE HALL RD	3000
1 buildable lot	501 LOT W CHURCH ST	17600
1 buildable lot	6 LOT S JACKSON ST	3000
1 buildable lot	105 LOT ENDLESS ST	600
1 buildable lot	1019 LOT MORNINGSIDE LN	20000
1 buildable lot	1008 LOT JORDAN ST	2000
1 buildable lot	1025 LOT CHERRY ST	2000
1 buildable lot	922 LOT BODEN ST	4500
18 ac center is pretty flat	603 LOT ARMSTEAD AVE	28100
1 buildable lot	201 LOT SECOND ST	8000
across from Paradise, several buildable lots	732 LOT W FAYETTE ST	12000
	740 LOT W FAYETTE ST	6000
	744 LOT W FAYETTE ST	6000
	113 LOT S BEAVER ST	3000
	730 LOT W FAYETTE ST	4000
	115 LOT S BEAVER ST	3000
	111 LOT S BEAVER ST	3000

Hear a presentation about start up and operation of a local drug court – Martinsville

Circuit Court Judge Carter Greer shared that the drug court began in May 2021 with operations beginning in April 2022 with three participants. Judge Greer introduced staff of the Drug Court including Treatment Coordinator Kelly Koebel, Public Defender Sandra Haley and Case Manager Quincey Gravely. Haley said the court gives every opportunity for participants to receive treatment to avoid the typical prison sentence and provides a treatment plan to get them sober. Koebel presented a PowerPoint explaining what a drug court is and stated that Drug Court works because of the treatment provided and the intensive services, monitoring, and daily “hand-holding” for a minimum one year. Gravely said there have been four individuals participating in the program; the first was discharged unsuccessfully after 3-4 months but the other three are over 180 days sober. Gravely briefly shared details of those involved without disclosing identities. Haley explained the referral process, stating that drug court would specifically be requested by the defense attorney. Haley explained that they are unsure of what full capacity would be but she expects that with full funding, they could support 20 individuals. Haley explained that there are few participants right now because it’s a new program and there are new sentencing guidelines. Vice Mayor Bowles asked about eligibility and asked how Council Members could better help get the word out. Judge Greer explained that all current participants have probation violates which tend to lend themselves well to drug treatment court. Anyone who has committed a violent offense would be ineligible. City Attorney Eric Monday explained that the City has the opioid litigation funds and the funding of the drug court could be added to the Legislative Agenda. The City is already participating in the settlement with the requirement that 50% of those funds would need to be earmarked for a program such as drug court. Judge Greer explained that there is a drug court fee of \$20 per month by each participant. Pearson asked to hear more about the other 47 Virginia drug courts success rates. Judge Greer said that the success rate is the highest measure of a drug court. A judge does not involve themselves in the referral process, that is

What is Drug Court?

What is an Adult Drug Court?

- A specialist court docket that enables individuals who have broken the law to receive treatment for substance use while also holding them accountable for their actions.
- In 2004 the Virginia General Assembly enacted the Drug Treatment Court Act, Virginia Code 18.2-254.1

Goals of Drug Court

- To reduce drug use and associated criminal behavior, by engaging and retaining substance-using individuals in treatment services
- To address other parent and family needs through a clinical assessment and effective case management
- To remove certain drug cases from traditional courtrooms
- To aid parents in regaining control of their lives and promote long term stabilized recovery to enhance the possibility of family reunification within mandatory legal timeframes.

Additional benefits of Drug Courts

- Reduced criminal conduct
- Improved public health
- Increased child support
- Increased employment
- Maintain and build family relationships

How many are there?

- There are over 1400 drug courts across the country
- There are 50 specialized court dockets in the Commonwealth of VA, 47 are adult drug courts
- Roanoke, Halifax, and Danville are localities nearby that have adult drug courts.

Why does drug court work?

- Graduating participants gain the necessary tools to rebuild their lives.
- Drug treatment court docket participants are provided intensive treatment and other services for a minimum of one year.
- Drug treatment court dockets rely upon the participation of the judges, court personnel, probation, treatment providers and providers of other social services.

- There are frequent court appearances and random drug testing with sanctions and incentives to encourage compliance and completion. Successful completion of the treatment program results in dismissal of the charges, reduced or set-aside sentences, lesser penalties or a combination.
- The problem of drugs and crime is much too broad for any single entity to tackle alone.

Also a cost savings

- Every adult participant accepted into a Virginia drug treatment court docket saves the Commonwealth \$19,234 compared to traditional case processing.
- The number of adult drug court participants served in FY 2021 saved local agencies and the Commonwealth of Virginia greater than \$4 million dollars
- If we were able to graduate 6 city participants this year that would be a cost savings of \$115,404.
- There would be an almost \$12,000 savings per participant over housing them in the jail setting.

What is needed for expansion

- We have been running this operation on a community foundation grant in which recently has run out.
- In order for us to expand we will need some additional funding from both localities.
- We would like to assist with costs for a portion of the coordinator, a full time case manager and full time peer.
- We would also like to be able to offer some compensation to the sheriff's office, commonwealth attorney and the public defenders office for their role in the program.

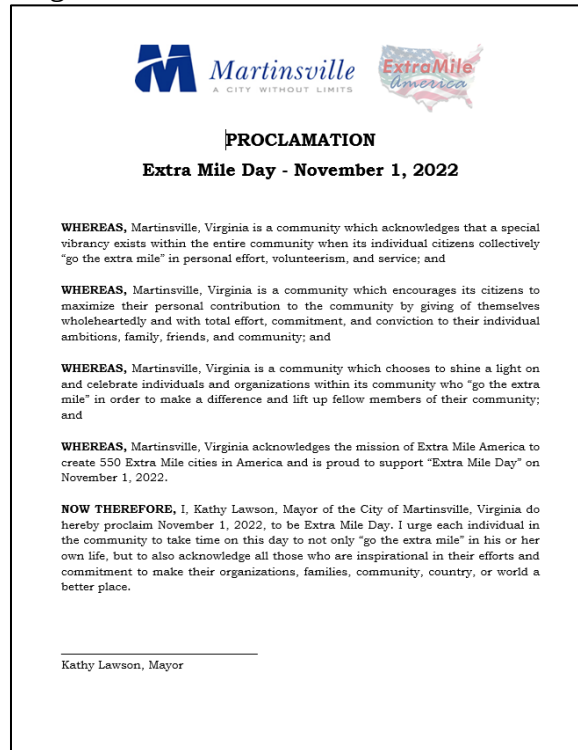
Budget

- Total costs per year \$152,220
- We are asking that the city fund 40% of the project and the team will ear mark 40% of the individuals served as coming from the city.
- Requesting \$60,888

Piedmont Adult Drug Court Treatment Team



Consider reading a proclamation recognizing November 1, 2022 as Extra Mile Day 2022 –
Mayor Lawson read the proclamation which will be mailed to the Extra Mile America Foundation.



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

BUDGET ADDITIONS FOR 10/25/2022				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY23 - General Fund				
01102926	436401	Categorical - Federal Confiscated Assets	15,660	
01311085	506079	Police Department - Federal Asset Forfeitures		15,660
		Federal Asset Forfeitures - US Marshall Service		
01101918	443312	Grant-State - JAG/LLEBG - Police Department	13,427	
01311085	506082	Police - Byrne Jag Grant Program		13,427
		State Grant - Byrne Jag Grant		
		Total General Fund	29,087	29,087
FY23 - Capital - School Construction				
16101917	416601	Capital- Categorical State- School Construction	289,480	
16579369	508217	School Project - School Construction Grant		289,480
		School Construction Grant Program Entitlement*		
		Total Capital - School Construction Grant	\$ 289,480	289,480

* FY2023 School Construction Grant Program Entitlement; allocation for Martinsville City Public Schools is \$1,519,768, will be received in (21) installments during FY23.

Business from the Floor – No one approached the podium

Comments by City Council – Council Member Turner made a motion to exclude L.C. Jones from the new employment policy that does not allow a city employee to serve on City Council; Turner is in favor of the policy but feels that if the timeline is correct, it gives the illusion that the policy was implemented to prevent Jones from running for Council and that it would be unfair to apply that policy to him. Turner stated that the voters could decide if it was a good policy going forward. Mayor Lawson seconded the motion for the purpose of discussion. Council Member Martin said he had spoken to Jones, Deputy Police Chief Fincher and Police Chief Cassady and both Fincher and Cassady acknowledge that they discussed the policy with Jones on the 7th and his packet was not turned in until the 12th. Martin agrees with Jones running for Council but he feels it could be a conflict of interest to be a Council Member and a city employee. Martin asked if there could be a grace period until the council meeting following the election to

October 25, 2022 Council Meeting

decide. City Manager Towarnicki explained that if Jones were elected, his position would not be official until January 1, 2023. Council Member Turner wants to see the policy stay in place but since this is a new policy, he asked that Jones be excluded. Mayor Lawson said that the City Charter references conflict of interest with specific powers of duty of the City Manager so it would definitely be a conflict of interest; however, it is her understanding that State code would prevent City Council from providing a grandfather exemption allowing Jones to serve on Council and continue to be employed by the City. City Attorney Monday said Council cannot pass special legislation to benefit an individual. Lawson asked that the motion be put on hold so that it could be referred to the State Conflict of Interest Council, she would like to receive a state opinion for a more fair process. Vice Mayor Bowles agrees with Turner and said that it is perceived that the policy was directed at Jones. Bowles asked if Jones had filed a complaint with Human Resources and was the complaint filed through the proper protocol. Lawson explained that was a personnel matter and could not be discussed. Bowles said that Jones had stated that he would run regardless of the policy. Bowles believes that this should fall under the Conflict of Interest Act and should be decided by an outside entity. Monday explained that the decision could not be made by the local government. Council Member Pearson asked to amend the motion and stated that the new employment policy worries her greatly because of the timing of it. Pearson explained that Jones had already begun collecting signatures before the policy change. Pearson understands that the City Manager and the City Attorney have the authority to change the charter or code. Pearson has discussed the matter with Clerk of Council Ashby Pritchett and other legal counsel and wanted to paraphrase for the public some of the information that she learned. The City Manager and City Attorney do not have authority in the City Charter or City Code to make a policy on the forfeiture of employment by a city employee subsequently elected for City Council. The General Assembly as not authorized a change in the City Charter prohibiting City employees from serving on City Council. The City Charter Chapter 2, Sections 3 and 4 establish eligibility to hold the office of Councilman and defines conflict of interest as it applies to services as a City Council Member. The new employment policy contains information related to conflict of interest, however that was not defined. In relation to the definition in Section 4, Chapter 2 of the City Charter, relative to a seated Council Member, a conflict of interest refers to interest in any profits of any contract or work. In addition, the state or local government conflicts of interest act exempts from coverage a member's interest in the contract of employment provided that his employment first began prior to becoming a member of the governing body. Pearson's understanding is to make a change to the policy would require an amendment to the City Charter which would be voted on by City Council. She understands the City Attorney and others would disagree but this was her own research. Turner confirmed that any change to the charter would first be voted on by City Council then must be approved by the General Assembly. Pearson made a motion to remove the new employee policy adopted by the City Manager, Section 7.8.1E effective immediately and defer this matter for further

October 25, 2022 Council Meeting

discussion by City Council, the City Manager and possibly a non-biased third party. Council Member Turner accepts Pearson's proposed amendment to his motion. Mayor Lawson did not accept the amendment so there was no second approval; Pearson's amendment dies due to lack of a second. Bowles asked to table the motion until Council can consult with the Conflict of Interest Board and other agencies, that way a decision is determined by a state agency with no interest in the city affairs, no favoritism and Council can be transparent. Mayor Lawson read Chapter 2, Section 4 and Chapter 5, Section 5 which says that basically you cannot have a person on Council that can give direction to the City Manager. Lawson believes it is their best interest to ensure everything is on the up and up and this decision should be referred to the State Conflict of Interest Council. Council Member Turner called the question. Turner voted in favor of the motion to exclude L.C. Jones from the new employment policy that does not allow a city employee to serve on City Council. Mayor Lawson, Vice Mayor Bowles and Council Member Pearson voted against the motion. Council Member Martin abstained and explained that there are people in the room that believe, whether true or not, that Jones was the target of the policy change. Martin feels the decision should be taken out of Council's hands and decided by a third party and if the State Conflict of Interest Council votes against the policy, and Jones were to be elected to council then there should be guarantees that Jones will not be retaliated against. Lawson said it should not be left up to Council to decide. Motion died for lack of majority vote. Council Member Pearson made a motion to remove the new employee policy adopted by the City Manager Section 7.8.1E effective immediately and defer this matter for further discussion and research by City Council and the City Manager which may include an outside organization. There was no second to the motion so Pearson's motion dies. Vice Mayor Bowles made a motion to direct the City Administration to send correspondence to the Virginia Conflict of Interest Council and ask what their perception is on the policy. Bowles asked that Administration research employment law and bring those findings back to City Council. If Jones reports to the Police Chief, the Chief reports to the City Manager, then Jones gets elected to Council he will be over the City Manager so that doesn't balance out and presents a conflict of interest. The legal thing to do is to communicate with the Conflict of Interest Board. Lawson questioned if this was an issue back in June, then why wasn't it brought up then instead of waiting until now. Council Member Martin seconded the motion and again expressed concern about ensuring that there will be no repercussions if Jones is elected to Council. Pearson understands the hierarchy that Bowles shared and the possible conflict of interest; however, there would most likely be repercussions if they go by the employee policy that was created. If that policy is not removed, Pearson feels there will definitely be repercussions if Jones is elected to Council. Mayor Lawson and Council Member Martin disagree since Jones would not officially take his Council seat until January 1 and Martin repeated his suggestion that if Jones wins then Council would revisit the policy prior to January 1. Turner feels the policy should stay in place and that it appears that it was presented in the 11th hour and was directed at Jones. Council Members Lawson, Bowles,

October 25, 2022 Council Meeting

Martin and Turner voted in favor of the motion, Pearson voted against it; motion passes with a 4-1 vote. Council Member Turner shared details about the Wreaths Across America program, sharing that they had received many contributions. Turner said they had an updated list of veteran gravesites but invited residents to contact Council with the name of any veterans that may not be on the list. Contributions are due by Thanksgiving with wreaths costing \$15 each. They bought 300 last year with wreaths placed in Martinsville and at Arlington Cemetery. The City has applied for a program to rehab houses related to the housing summit. Race weekend is this weekend and Rising Sun Bakery has baked 100 cookies to give visitors to thank them for visiting Martinsville. Council Member Martin invited any suggestions on how Council candidate Jones can represent the City Council and still keep his job as a police officer. There is a clear and direct difference when it's a constitutional officer instead of an employee under the City Manager. The public believes it was done intentionally to penalize Jones. Council Member Pearson encouraged residents to vote on Tuesday November 8. Vice Mayor Bowles thanked the Chamber of Commerce for sending out a reminder email about 2-hour parking Uptown. Bowles asked that a blind spot at the top of Peters Street be addressed by the Transportation Committee and pictures have been sent of the corner of Armstead and Swanson Streets. There will be a gospel showcase on November 5 at Martinsville High School auditorium. Bowles understands that it is perceived that the employee policy was directed at Jones and asked if Jones had requested Turner to make the motion. Bowles would be curious to know what are Jones' feelings and was he the one who filed the complaint. Bowles questioned if Jones could be a city school employee instead of working as a police officer through the City. Mayor Lawson shared details about the breast cancer awareness event held at New College this past weekend. Race weekend is this weekend so there will be lots of people in town. Lawson explained that Kendal Davis did a Facebook post listing various Halloween events in the community including First Baptist Church on Starling Avenue. The Christmas parade will be Saturday, November 19 beginning at 5:00pm; Lawson asked which Council Members plan to ride in the car. Lawson received a concern related to the middle school car riders and traffic pattern; City Manager Towarnicki and Public Works are working on a solution at that location. Christmas Cheer is accepting applications through November 18.

Comments by City Manager – City Manager Towarnicki said they did look at Peters Street and there is already a sign at that location but Public Works will also put up warning signs on Fayette when approaching Peters Street. The Drug Takeback will be Saturday October 29 from 10:00am-2:00pm at the Fire Department. Towarnicki reminded Council Members that there are only two more Council meetings left in 2022 on November 15 and December 13 and asked if Council wanted another neighborhood meeting on Monday November 14 for the Southside area. The neighborhood tour would be moved to 5:00pm before it gets dark. Towarnicki addressed the street flags on Fayette Street, stating that they had enough flags for Fayette and Market Street but there is a shortage of hardware to install them, explaining why there are no

October 25, 2022 Council Meeting

flags near High Street that Bowles inquired about. There was concern previously about a food truck that was asked to leave a City parking lot. Towarnicki explained that the police were called to that area to disband a crowd at the Sportsman Club at 1:30am and they asked the food truck to close and leave as a means to help disband the crowd. Food trucks typically are part of an event and would be covered under the event permit. Bowles said that she had spoken to the food truck owner and they understand the circumstances now. Towarnicki said a resident had inquired about paving on Smith Lake Road; that was put out to bid in the summer with no bids received and was put out again this fall. Paving in that area should begin in the spring. The City will be installing alternate truck route signs on Starling Avenue by first of the year, there is a delay getting those made and installed because the sign blanks are backordered. Towarnicki had spoken to Dr. Talley, School Superintendent and there are eight tennis courts at the high school not being used. Talley gave permission for the City to use the lower two courts for pickle ball so the city is looking into how to make that work.

City Attorney Monday reminded residents that Halloween will be on Monday October 31st for treat-or-treating. No one over 14 years old will be allowed to trick-or-treat and no one should be out after 9:00pm. Monday paid condolences to the family of Robert Vogler, an outstanding Martinsville resident who recently lost a long cancer fight; Vogler leaves his wife of 46-years and extended family.

Mayor Lawson asked that the curb be painted red for no parking on Fayette from the alley at the dental clinic to the stop sign.

With no further business, Turner made a motion to adjourn at 8:20pm.

Karen Roberts, Clerk of Council

Kathy Lawson, Mayor