

January 27, 2022 Council Meeting

The special meeting of the Council of the City of Council Member Martinsville, Virginia was held on January 27, 2022 in Council Chambers, Municipal Building, at 6:30 PM with Mayor Kathy Lawson presiding. Other Council Members present included Danny Turner, Chad Martin and Jennifer Bowles. Council Member Pearson participated by phone. Staff present included City Manager Leon Towarnicki, Assistant City Manager and City Attorney Eric Monday, and Deputy Police Chief Rob Fincher.

Mayor Lawson called the meeting to order.

City Attorney Monday explained that Council Member Pearson was unable to attend the meeting due to potential COVID exposure. Monday referenced Virginia Code 2.2-3708.2 which would give Council Member Pearson the option to participate in the Council meeting by phone. Vice Mayor Bowles made a motion to allow Council Member Pearson to participate telephonically; Council Member Martin seconded the motion with the following 4-0 roll call vote: Mayor Lawson, aye; Vice Mayor Bowles, aye; Council Member Martin, aye; Council Member Turner, aye.

Consider adoption on second reading, Ordinance No. 2022-U-1 authorizing contested reversion – City Attorney Monday referenced Council’s first reading on Tuesday. Tonight’s second reading of the ordinance is another procedural step in the reversion process. The City filed it as a contested reversion in August 2020. Subsequent to that, the City thought they were engaging in negotiations in good faith with Henry County where an agreeable Voluntary Settle Agreement was written; Henry County agreed and voted on the VSA but subsequently rejected that agreement, putting the City back to “square one” and a contested reversion. The ordinance is a necessary step to direct the City attorney Mr. Piepgrass to file the petition that will allow for the appointment of the 3-judge panel who will hear the contested reversion. Vice Mayor Bowles made the motion to adopt the Ordinance on second reading; Council Member Turner seconded the motion. Monday explained the next step would be for the City to petition the Circuit Court to ask the Supreme Court to appoint the 3-judge court so the ordinance is a required step. Henry County is going to Circuit Court saying the VSA is worthless and not subject to arbitration, that this agreement is not binding since they voted against the VSA the final time. Virginia state Code states that the 3-judge panel be appointed by the Supreme Court expeditiously and once it is, all other matters are pushed aside giving the reversion decision priority. Council Member Turner asked if the General Assembly could reduce the City’s legal rights and actions taken so far; Monday confirmed that they could not. Council Member Pearson believes that the City should put the brakes on reversion and engage the citizens in a more inclusive manner and hopefully work on a more open and diligent partnership with Henry County in regards to the consolidation of the schools and other departments. Council Member Pearson hopes Council will look again at their systems before moving forward with reversion. City Attorney Monday shared the City has been trying to negotiate with the County on reversion for over 20 years. The attempt at negotiations was not

January 27, 2022 Council Meeting

successful until after the City filed a petition for reversion in August 2020, however he feels there was no genuine interest on the County's part and that while the City was acting in good faith, he feels the County was using negotiations as a delay tactic to allow them to try to change the rules. Once Council decided to initiate this reversion process filed in August 2020 and after 8 months begging the county to talk to them, there have been at least a dozen information sessions, 4 public hearings, 4 neighborhood meetings, and at least 70 public comment opportunities during public council meetings where citizens can share opinions and ask questions on reversion. In 2019, the City set up the reversion email but there have only been 4 emails received in the past 3 years with 1 of those being from the County. Monday disagrees with the suggestion that this was not a transparent process or that the public was not given the opportunity to comment on this issue. Public information meetings tend to be overwhelmingly attended by county residents who are opposed to reversion rather than City residents. In terms of city citizens, there have been very few speakers at these meetings who spoke against reversion. The commissioner of revenue was given 30 minutes to berate Council for the reversion decision. Council Member Turner said reversion has been one of the most discussed and open topics with citizens in the many years he's served on Council. Council Member Martin referenced Council Member Pearson's comment about the City not communicating with the County. Monday explained that there was more than half-dozen letters written to the County in 2019 prior to the City filing for reversion in August 2020, not to mention the many attempts to engage the County in negotiations in years prior. There was discussion on consolidating the school systems over a decade ago. Council Member Pearson said that many of the public meetings were held during COVID when meetings were closed to the public and some residents would not have had access to those opportunities. Mayor Lawson said she believes that Council Members provide citizens opportunity every day to discuss their concerns with them. The ordinance was adopted with a 4-1 roll-call vote: Mayor Lawson, aye; Vice Mayor Bowles, aye; Council Member Turner, aye; Council Member Martin, aye; and Council Member Pearson, nay.

There being no further business, Council Member Turner made a motion to adjourn the meeting at 6:45pm.

---

Karen Roberts, Clerk of Council

---

Kathy Mayor Lawson, Mayor