



# AGENDA -- CITY COUNCIL CITY OF MARTINSVILLE, VIRGINIA

4:00 pm Executive Session  
5:00 pm Work Session & Briefing  
Room 208, Municipal Building

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7:00 pm Regular Session  
Council Chambers, Municipal Building

## **Tuesday, October 22nd, 2024**

### **4:00 pm - Executive Session**

Room 208, Municipal Building

- a. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.
- b. Discussion or 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.

### **5:00 pm Work Session & Briefing**

Room 208, Municipal Building

1. Discuss Consent Agenda Items
  - a. Consider Approval of Minutes, October 8th, 2024
2. Briefings and Presentations
  - a. Emergency Housing Presentation, Update on Warming Center by Barbara Seymoure
  - b. Charter Review Process & Task Force by Interim Managing Director of Development, Eric Payne



# AGENDA -- CITY COUNCIL CITY OF MARTINSVILLE, VIRGINIA

## **7:00 pm - Regular Session**

City Council Chambers

1. Call to Order
2. Pledge to the American Flag
3. Invocation
4. Proclamations and Presentations
  - a. Proclamation Honoring Bernard Page Brockenbrough for 59 Years of Service, Martinsville Volunteer Fire Company
  - b. Proclamation for Breast Cancer Awareness
5. Consent Agenda
  - a. Consider Approval of Minutes, October 8th, 2024
6. Public Hearing
7. Regular Agenda or New Business
  - a. Discuss and Consider Resolution of Support for Uptown Partnership in applying for the Advancing Main Street Designation
  - b. Discuss and Consider Charter Review Process & Task Force
  - c. Discuss and Consider First Reading: Request for Right of Way Abandonment Ordinance – 406 James Street
8. Actions necessary as a result of the Executive Session



## AGENDA -- CITY COUNCIL CITY OF MARTINSVILLE, VIRGINIA

### 9. Communications from Visitors / Business from the Floor

Description: The purpose of City Council Meetings is to conduct the City's Business. City Council allows for public comment, limited to matters on which the Council has the power and authority to act and are not listed on the printed agenda.

Participation: Citizens who wish to participate in a meeting's public comment period may do so by emailing their comments to Peyton Nibblett, Deputy Clerk of Council, at [pnibblett@martinsvilleva.gov](mailto:pnibblett@martinsvilleva.gov), calling in their comments to 276-403-5196, or mailing comments to the City of Martinsville, attn.: Peyton Nibblett, P.O. Box 1112, Martinsville, VA 24114

- a. Comments, or a request to speak, must be received by noon the day before a Council meeting for consideration by the Council at the meeting.
- b. Any person submitting comments or requesting to speak must identify themselves by name and address, including zip code.
- c. Remarks are to be limited to 3 minutes or less (as read aloud), address a topic of City business, and refrain from making any personal references or accusations of a factually false and/or malicious nature.
- d. Priority for comments is given to City residents, taxpayers, and business owners.
- e. Speakers may not yield time.
- f. Groups of speakers on the same topic must designate a single representative. Comments violating these rules may not be presented at the Council meeting.
- g. Any speaker violating these rules may be removed from the podium or from the Council Chamber.
- h. This policy does not apply to public hearings, at which any citizen of Martinsville may appear and speak on the subject of the public hearing.

Contact: Peyton Nibblett, Deputy Clerk of Council

- a. Email address: [pnibblett@martinsvilleva.gov](mailto:pnibblett@martinsvilleva.gov)
- b. Office number: 276-403-5196
- c. Mailing address: City of Martinsville, attn.: Peyton Nibblett, P.O. Box 1112, Martinsville, VA 24114.

### 10. Comments by Members of City Council

#### 11. Communications

- a. City Manager
- b. City Attorney
- c. Financial Update
- d. Public Information Officer

### 12. Adjournment

**MEETINGS:** October 22nd, 2024

**TITLE:** October 8<sup>th</sup>, 2024 Minutes

**STAFF RESPONSIBLE:** Peyton Nibblett

**STAFF TITLE:** Deputy Clerk of Council

## BACKGROUND/HISTORY

Minutes must be presented before Council and approved before being added to Agendas and City Records.

## POLICY EXPLANATION

Must be approved by Council before being added to City Records.

## FISCAL IMPACT/FUNDING SOURCE

N/A

**AVAILABLE BUDGET**  
N/A

**PURCHASE AMOUNT**  
N/A

## ACTION REQUESTED/ALTERNATIVES:

1. Approve
2. Do not Approve
3. Other Action as directed by City Council

## ATTACHMENTS:

- October 8th Meeting Minutes

October 8th, 2024, Council Meeting

**4:00 pm - Work Session & Briefing**

New College Institute - Gardner Board Room

A Closed meeting of the City of Martinsville, Virginia's Council and October 8th, 2024, at 4 PM in Gardner Boardroom – NCI Building at 191 Fayette Street, Martinsville. Council Members participating included Kathy Lawson, Aaron Rawls, Tammy Pearson, Lawrence Mitchell, and Mayor Jones.

Mayor Jones called the meeting to order and advised Council would go into Closed Session beginning at 3pm. In accordance with the Code of Virginia, Title 2.2 Chapter 37, Freedom of Information Act and upon a motion by Council Member Lawson and seconded by Vice Mayor Rawls with the following 5-0 recorded vote: Council Member Pearson, aye; Mayor Jones, aye; Vice Mayor Rawls, aye; and Council Member Lawson, aye. Council convened in Closed Session to discuss the following matters:

A. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body, concerning Board and Commission interviews and a meeting with staff members.

B. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

C. Discussion or 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.

There being no further business, Mayor Jones moved to adjourn with a Motion from Councilor Pearson and Lawson seconded.

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## **6:00 pm - Work Session & Briefing**

New College Institute - Gardner Board Room

1. Discuss Consent Agenda Items
  - a. Consider Approval of Minutes: September 23rd and 24th Meeting Minutes
2. Briefings and Presentations
  - a. Amphitheater Presentation by Kate Keller, President of Harvest Foundation, and Catherine Van Noy, Harvest Foundation
  - b. Skilled Game Room Presentation by Mark Hardison, Citizen of Martinsville

## **7:00 pm - Regular Session**

City Council Chambers

1. Call to Order
  - a. Mayor Jones called the meeting to order at 7pm in Council Chambers in Martinsville Municipal Building.
2. Pledge to the American Flag
  - a. The Pledge was led by Mayor Jones.
3. Invocation
  - a. Invocation was led by Pastor
4. Proclamations and Presentations
5. Consent Agenda
  - a. Consider Approval of Minutes: September 23rd and 24th Meeting Minutes
    - i. Approved by Motion made by Councilor Lawson and Seconded by Councilor Pearson. Approved with the following vote; Lawson, aye; Mitchell, aye; Pearson, aye; Rawls, aye; and Jones, aye.
6. Public Hearing
7. Regular Agenda or New Business
  - a. Amphitheater Presentation by Kate Keller, President of Harvest Foundation, and Catherine Van Noy, Harvest Foundation
    - i. Approved Feasibility Study with a Motion by Councilor Pearson and Seconded by Councilor Lawson. Approved with the following vote; Lawson, aye; Mitchell, aye; Pearson, aye; Rawls, aye; and Jones, aye.

8. Take any action necessary as a result of the Executive Session.
  - a. Motion to appoint Harry Rhett for a 4 year term to Blue Ridge Regional Library Board and a Motion to reappoint Crystal Dallas to Southern Area Agency on Aging Board of Directors
    - i. Approved with a Motion by Councilor Lawson and Seconded by Councilor Pearson. Approved with the following vote; Lawson, aye; Mitchell, aye; Pearson, aye; Rawls, aye; and Jones, aye.
9. Communications from Visitors / Business from the Floor
  - A. The public comment portion of the Council meeting provides citizens with the opportunity to discuss matters relevant to the operation of the City, which are not listed on the printed agenda. Citizens who wish to participate in a meeting's public comment period may do so by emailing their comments to Peyton Nibblett, Deputy Clerk of Council, at [pnibblett@martinsvilleva.gov](mailto:pnibblett@martinsvilleva.gov), calling in their comments to 276-403-5196, or mailing comments to the City of Martinsville, attn.: Peyton Nibblett, P.O. Box 1112, Martinsville, VA 24114. Comments must be received by 12:00 noon, the day prior to the meeting date. Citizens may also request to speak at the Council meeting in the same manner. Comments, or a request to speak, must be received by noon the day before a Council meeting for consideration by the Council at the meeting. Any person submitting comments or requesting to speak must identify themselves by name and address, including zip code, limit their remarks to 3 minutes or less (as read aloud), address a topic of City business, and refrain from making any personal references or accusations of a factually false and/or malicious nature. Priority for comments is given to City residents, taxpayers, and business owners. Speakers may not yield time. Groups of speakers on the same topic must designate a single representative. Comments violating these rules may not be presented at the Council meeting. Any speaker violating these rules may be removed from the podium or from the Council Chamber. This policy does not apply to public hearings, at which any citizen of Martinsville may appear and speak on the subject of the public hearing.
10. Comments by Members of City Council
11. Communications
  - a. City Manager
  - b. City Attorney
  - c. Public Information Officer

12. Adjournment

Mayor Jones adjourned the October 8th, 2024 City Council meeting at 8pm.



**MEETINGS:** October 22, 2024

**TITLE:** Appointment of Citizen Review Board

**STAFF RESPONSIBLE** Eric W. Payne, Esq., Interim Managing Director of Development

## BACKGROUND/HISTORY

City of Martinsville staff, councilmembers and residents have noted the need to make changes to the City's Charter. These changes include additions, revisions and deletions to the existing City of Martinsville Charter.

During the September 10, 2024 City of Martinsville's Council Work Session, a discussion was held regarding the feasibility of making non-controversial changes to the City Charter. Specifically, Delegate Eric Phillips was contacted by Councilmember Kathy Lawson and asked to reserve a "pre-filing" slot with the Virginia General Assembly. This year's legislative session, including the pre-filing and reservation of slots, is slated to end November 2024. Delegate Phillips recommended making non-controversial charter changes that are likely to receive unanimous approval locally and not result in public comments in opposition to the same at the state legislature. Such changes are likely to be approved fairly quickly by the Virginia General Assembly.

In order to determine what Charter revisions, additions or revisions are necessary and/or not likely to draw dissent, it was recommended that the Martinsville City Council appoint a group of individuals to make non-controversial charter changes and provide a recommendation on the same for review and approval by the Martinsville City Council as soon as practicable.

## POLICY EXPLANATION

The City of Martinsville discussed making Charter Changes during the 2024 Virginia General Assembly's upcoming legislative session. Recommended changes will need to be made No Later Than November 2024 in order to meet the pre-filing requirements for the General Assembly. Delegate Eric Phillips has reserved a slot on behalf of the City of Martinsville in order to present these proposed charter changes for legislative action.

## FISCAL IMPACT/FUNDING SOURCE

NA

**AVAILABLE BUDGET**

NA

**PURCHASE AMOUNT**

NA

**ACTION REQUESTED/ALTERNATIVES:**

1. City Council Approve \_\_\_\_\_
2. Do not Approve \_\_\_\_\_
3. Other Action as directed by City Council

**ATTACHMENTS:**

- Summary of Proposed Charter Changes for the City of Martinsville



## PROCLAMATION

### Honoring Bernard Page Brockenbrough

**Whereas,** Bernard Page Brockenbrough, a dedicated and longstanding citizen of Martinsville, selflessly volunteered with the Martinsville Volunteer Fire Company for an incredible 59 years; and

**Whereas,** Mr. Brockenbrough began his journey of service with the Martinsville Volunteer Fire Company in 1965, demonstrating unwavering commitment to the safety and well-being of Martinsville residents until his passing on April 17, 2024; and

**Whereas,** during his decades of service, Mr. Brockenbrough not only fulfilled his duties as a volunteer firefighter but also served on the boards of the Southwest Virginia Firefighters Association, contributing to the advancement and support of fire services throughout the region; and

**Whereas,** Mr. Brockenbrough extended his dedication to the community beyond the fire department by volunteering with Christmas Cheer, providing holiday joy and support to local families for several years; and

**Whereas,** as a proud member of the local Masonic Lodge in Martinsville, he exemplified the values of brotherhood, charity, and civic duty, enriching the lives of those around him; and

**Whereas,** Mr. Brockenbrough further served his community by working at the voting polls, ensuring a fair and smooth election process for all residents; and

**Now, Therefore, I,** Mayor L.C. Jones, on behalf of the City of Martinsville and its citizens, do hereby recognize and honor the remarkable life and legacy of Bernard Page Brockenbrough. We extend our deepest condolences to his family and express our profound gratitude for his selfless and enduring service. His legacy of dedication, compassion, and community spirit will forever be cherished and remembered.

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LC Jones, Mayor  
City of Martinsville

**MEETINGS:** October 22, 2024

**TITLE:** First Reading: Request for Right of Way Abandonment Ordinance- 406 James Street

**STAFF RESPONSIBLE** Eric Payne, Interim Managing Director of Development

## BACKGROUND/HISTORY

Application of Derek Brown, Applicant and Owner, requesting the city's abandonment of an approximate 2500 square foot section of the right of way at property located at 406 James Street.

The applicant/owner discussed with the Building Official/Zoning Administrator, Kris Bridges, the possibility of constructing an addition to the existing structure beginning in December of 2023. Mr. Bridges instructed the owner that a lot line adjustment would be necessary in order to meet the required setbacks for the area. The owner agreed to adjust the lot lines and building permits were issued for the addition and construction began.

The owner secured Chris Waller to complete the survey and lot line adjustment in January of 2024. Once the survey was completed, it was determined that a portion of the addition was actually located in the right of way owned by the city. The surveyor informed the owner that a right of way abandonment of approximately 2,500 square feet in size would be required by the city.

Once it was determined that a right of way abandonment would be necessary, the owner was informed by city staff and the application was completed by the owner. The owner and contractor were cautioned that continued construction of the addition would be risky since approval of the right of way abandonment is not guaranteed.

The applicant owns all of the properties adjacent to 406 James Street. There were two (2) property owners in the vicinity that were notified of the request out of courtesy. Staff did not receive any comments or concerns from these property owners.

## POLICY EXPLANATION

The abandonment of streets, alleyways, right of ways or easements are a request that require review and approval of the Planning Commission and City Council, as it will amend the city's adopted Comprehensive Plan.

The Planning Commission held a public hearing on August 21, 2024 where no public comments were received. The Commission recommended approval of the Right of Way Abandonment at 406 James Street by a vote of 4 – 0.

## FISCAL IMPACT/FUNDING SOURCE

NA

**AVAILABLE BUDGET**  
NA

**PURCHASE AMOUNT**  
NA

## ACTION REQUESTED/ALTERNATIVES:

1. City Council Approve \_\_\_\_\_
2. Do not Approve \_\_\_\_\_
3. Other Action as directed by City Council

## ATTACHMENTS:

- Planning Commission Staff Report
- Right of Way Abandonment Application
- Current Survey
- Vicinity Map
- GIS Property Card
- Ordinance





# Public Hearing- Request for Right of Way Abandonment

406 James Street



*Martinsville*  
A CITY WITHOUT LIMITS

# 406 James Street

Application of Derek Brown, Applicant and Owner, requesting the city's abandonment of an approximate 2500 square foot section of the right of way at property located at 406 James Street. The abandonment of streets, alleyways, right of ways or easements are a request that require review and approval of the Planning Commission and City Council, as it will amend the city's adopted Comprehensive Plan.



# Background/History

- The property consists of 0.596 acres and includes a single-family residential structure that is approximately 768 square feet in size and was built in 1960. The property also includes several out buildings and prefabricated carports.
- When the owner approached the city about an addition on the property, Mr. Bridges instructed the owner that a lot line adjustment would be necessary in order to meet the required setbacks for the area. The owner agreed to adjust the lot lines and building permits were issued for the addition and construction began.
- Once the survey was completed, it was determined that a portion of the addition was actually located in the right of way owned by the city. The surveyor informed the owner that a right of way abandonment of approximately 2,500 square feet in size would be required by the city.



# Background/History

- Once it was determined that a right of way abandonment would be necessary, the owner was informed by city staff and the application was completed by the owner.
- The owner and contractor were cautioned that continued construction of the addition would be risky since approval of the right of way abandonment is not guaranteed.
- The applicant owns all of the properties adjacent to 406 James Street. There were two (2) property owners in the vicinity that were notified of the request out of courtesy. Staff did not receive any comments or concerns from these property owners.



# Recommendation of the Planning Commission

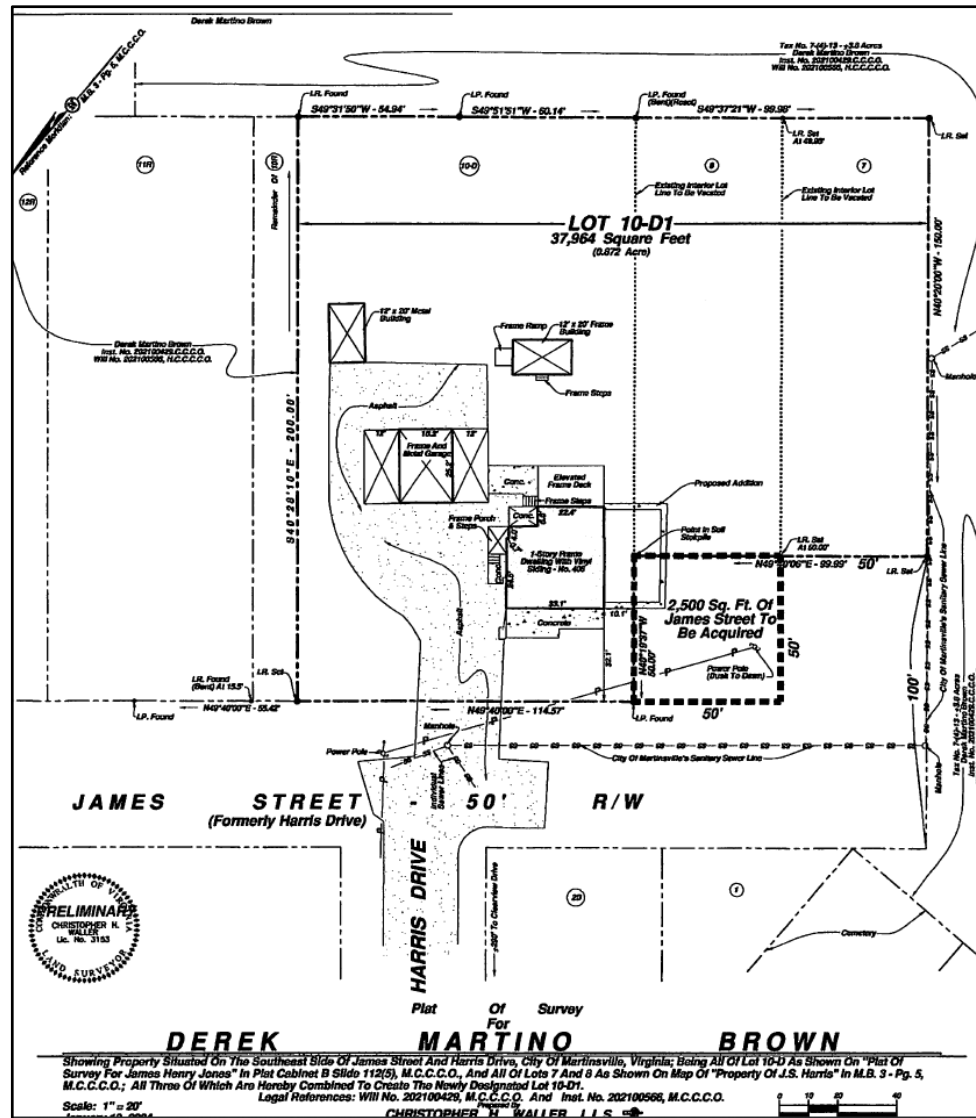
- The Planning Commission held a public hearing on August 21, 2024. There were no public comments received.
- The Planning Commission recommended approval of the Right of Way request by a vote of 4-0.



# Current Survey



City of Martinsville

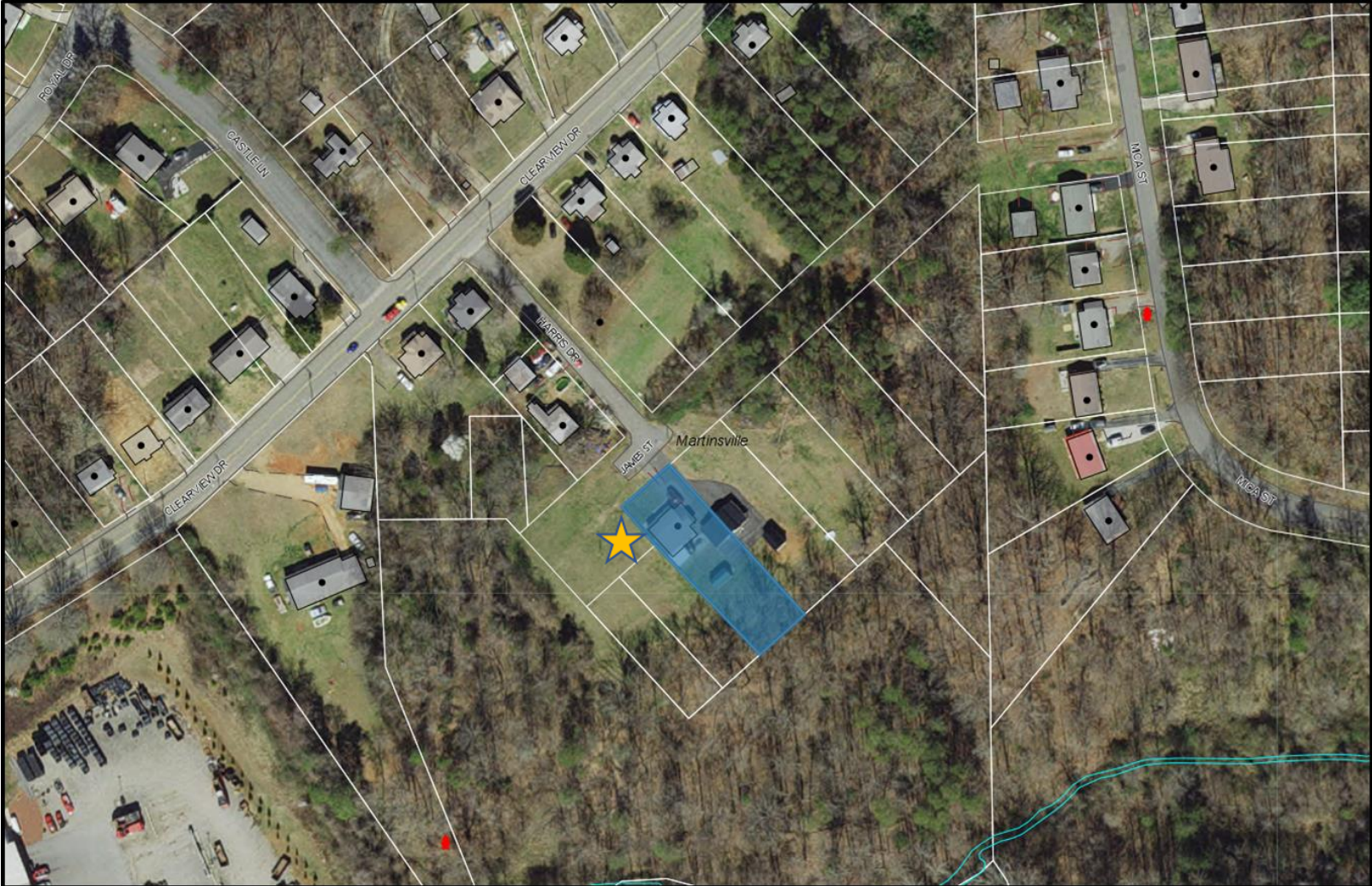


A CITY WITHOUT LIMITS

# Vicinity Map



City of Martinsville



A CITY WITHOUT LIMITS



**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE OF VACATION OF A PORTION  
OF THE UNUTILIZED RIGHT-OF-WAY  
IN THE VICINITY OF 406 JAMES STREET  
IN THE CITY OF MARTINSVILLE, VIRGINIA**

**WHEREAS**, Derek M. Brown, (the "Applicant"), record owner of the real property located at 406 James Street, has filed an application with the City of Martinsville, Virginia (the "City") requesting the City to vacate a portion of the right of way of James Street, and to transfer title therein to the Applicant; and,

**WHEREAS**, the real property in subject to the Applicant's request consists of approximately 2,500 square feet, as more specifically described in the application filed by the Applicant, including the preliminary plat attached thereto prepared by Christopher H. Waller, L.L.S., dated January 19, 2024 and titled "Plat of Survey for Derek Martino Brown" (the "Property"); and,

**WHEREAS**, the Applicant is the owner of real property bordering upon the Property and described as Tax Map Nos. 07 (05 )00 /10D, 07 (05 )00 /07 08 and 07 (04 )00 /13; and

**WHEREAS**, pursuant to Virginia Code § 15.2-2006 *et seq.*, the City is authorized to vacate or alter its public rights-of-way, subject to such conditions as determined by the City Council of the City of Martinsville, Virginia (the "City Council"); and,

**WHEREAS**, pursuant to Virginia Code §§ 15.2-2100 and 15.2-2008, the City is authorized to convey its streets or other public places, upon a three-fourths vote of City Council; and,

**WHEREAS**, in accordance with Virginia Code § 15.2-2006, the City Council held a public hearing on the proposed vacation of the Property at its meeting held \_\_\_\_\_, 2024, after notice as required by law; and,

**WHEREAS**, in addition to notice of the public hearing, the City also provided notice of the proposed vacation to the property owners adjacent to the Property; and,

**WHEREAS**, upon the above notices and public hearing, the City Council did not receive any objections to the proposed vacation, and referral of the matter to a Board of Viewers was not deemed necessary, as the Property in question has not been previously developed as a public street or actually used by the public as a public street; and,

**WHEREAS**, it appears to City Council that no public utilities would be affected by the proposed vacation, nor would any public inconvenience result by vacation of the Property and further that it would be advantageous to return the Property to the tax rolls by approving the vacation and transfer of the Property as requested by the Applicant; and,

Ord. No. \_\_\_\_\_

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Martinsville that the vacation and sale of the Property is hereby approved, subject to the following conditions:

1. That within ninety (90) days of the adoption of this Ordinance, the Applicant, at its sole expense, shall have a final survey prepared of the Property; and,

2. That within one hundred eighty (180) days of the adoption of this Ordinance, the Applicant shall pay the City \$ \_\_\_\_\_ for the Property; and,

3. That the Applicant shall provide the City with a copy of the final survey of the Property for purposes of preparing the deed of vacation; and,

4. That within twelve (12) months of the adoption of this Ordinance, the Applicant shall record this Ordinance, together with the deed of vacation and final plat, in the Martinsville City Circuit Court Clerk's Office; provided, however, that this Ordinance shall not be recorded until all conditions contained herein have been met; and,

5. That the Applicant shall be responsible for all costs associated with the preparation and recordation of this Ordinance, the final survey, and the deed of vacation; and,

6. That failure of the Applicant to satisfy any condition contained herein shall render this Ordinance, and any deed of vacation, null and void and of no force and effect; provided, however, that in the event that an appeal of this Ordinance is filed pursuant to Virginia Code § 15.2-2006, performance of the above conditions shall be stayed during the pendency of the appeal and all time periods contained in this Ordinance shall begin to run from the date that the City gives written notice to the Applicant that the appeal has been concluded.

**BE IT FURTHER ORDAINED** by the Council of the City of Martinsville that the City Manager is hereby authorized to take such actions and execute such documents on behalf of the City as are necessary to effectuate the purposes of this Ordinance, including, but not limited to, execution of one or more deeds of vacation, subject to review and approval by the City Attorney.

Date of Adoption: \_\_\_\_\_

Recorded Roll Call Votes:

|                                   |       |
|-----------------------------------|-------|
| Mayor L.C. Jones:                 | _____ |
| Vice Mayor Aaron Rawls:           | _____ |
| Council Member Kathy Lawson:      | _____ |
| Council Member Tammy Pearson:     | _____ |
| Council Member Lawrence Mitchell: | _____ |

**Ord. No.** \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk



Date: August 13, 2024

To: Martinsville Planning Commission

CC: Keith Holland, Director of Community Development  
Kris Bridges, Zoning Administrator

From: Hannah L. Powell, Community Development Specialist

RE: **Public Hearing:** Application for Right of Way Abandonment – 406 James Street

**SUBJECT:**

**REQUEST for RIGHT OF WAY ABANDONMENT-** Application of Derek Brown, Applicant and Owner, requesting the city's abandonment of an approximate 2500 square foot section of the right of way at property located at 406 James Street. The abandonment of streets, alleyways, right of ways or easements are a request that require review and approval of the Planning Commission and City Council, as it will amend the city's adopted Comprehensive Plan.

**BACKGROUND:**

The property located at 406 James Street was purchased by Derek M. Brown in October of 2021. The property consists of 0.596 acres and includes a single-family residential structure that is approximately 768 square feet in size and was built in 1960. The property also includes several out buildings and prefabricated carports.

The applicant/owner discussed with the Building Official/Zoning Administrator, Kris Bridges, the possibility of constructing an addition to the existing structure beginning in December of 2023. Mr. Bridges instructed the owner that a lot line adjustment would be necessary in order to meet the required setbacks for the area. The owner agreed to adjust the lot lines and building permits were issued for the addition and construction began.



The owner secured Chris Waller to complete the survey and lot line adjustment in January of 2024. Once the survey was completed, it was determined that a portion of the addition was actually located in the right of way owned by the city. The surveyor informed the owner that a right of way abandonment of approximately 2,500 square feet in size would be required by the city.

Once it was determined that a right of way abandonment would be necessary, the owner was informed by city staff and the application was completed by the owner. The owner and contractor were cautioned that continued construction of the addition would be risky since approval of the right of way abandonment is not guaranteed.

A public hearing was scheduled and held for this request last month, however, there were some questions regarding the legal advertisement of the meeting. A second public hearing is being held in August to ensure that all legal requirements for a public hearing are met.

**STAFF RECOMMENDATION:**

Staff recommends approval of the requested right of way abandonment, finding that the right of way abandonment will promote the health, safety, and general welfare of the public, and will not be a detriment to surrounding properties based on its secluded location.

**NEXT STEPS:**

Planning Commission will hold a public hearing on August 21, 2024 to consider the Right of Way Abandonment request and make a recommendation to City Council. The Planning Commission will either recommend approval, denial, or to delay action. Once the Planning Commission makes a recommendation of approval or denial, a public hearing will be held before City Council the following month for their final decision of approval or denial of the request.

**SUGGESTED MOTIONS:**

**(APPROVE)** I make a motion to recommend *APPROVAL* of the right of way abandonment request, finding that the request as presented on July 17, 2024 will promote the health, safety, and general welfare of the public and assist in the implementation of the City's adopted Comprehensive Plan for the orderly future development of the City.

**OR**

**(DENY)** I make a motion to recommend *DENIAL* of the right of way abandonment request, finding that the request as presented on July 17, 2024 will *NOT* promote the health, safety, and

general welfare of the public and assist in the implementation of the City's adopted Comprehensive Plan for the orderly future development of the City.

**OR**

**(DELAY ACTION)** I make a motion to delay action on this request until the Planning Commission can be provided with more information to effectively make a recommendation.

**Attachments:**

Right of Way Abandonment Application

Current Survey

Vicinity Map

GIS Property Card

## CITY OF MARTINSVILLE, VIRGINIA

**Application for Alleyway or Street Abandonment**

**Part I** (to be completed by applicant and submitted with non-refundable fee of \$100.00) Please type or print in ink the following information:

Applicant's Name: Derek M. Brown Telephone: 276-806-8982

Applicant's Address: 406 James Street, Martinsville, VA 24112 (formerly Harris Drive)

Agent's Name & Address (if applicable) N/A

Location of Alleyway or Street:

When facing the home, the space is to the right. The area is currently a grassy field. To my understanding, the space was reserved for the possibility of an extra large turnaround.

State why it is practical to abandon or close the alleyway or street space: The space seems extremely large for a turnaround. Also, a new addition on my home overlaps a portion of the space. I was not aware of this right-of-way prior to the start of construction.

(to be completed by City staff)

Name and complete address of the owners of all property located adjacent to or directly across a street from the property for which the vacation is being requested:

Name: \* See attached spreadsheet for adjoining. HP \*

Address: \_\_\_\_\_

Tax Map ID: \_\_\_\_\_ Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tax Map ID: \_\_\_\_\_ Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Tax Map ID: \_\_\_\_\_ Section \_\_\_\_\_ Block \_\_\_\_\_ Lot(s) \_\_\_\_\_

**Application for Alleyway or Street Abandonment**  
(Page 2)

I hereby apply for an abandonment for the property described herein subject to all City and State laws, ordinances and regulations. I hereby grant appropriate City officials the right to enter upon the above described property during normal business hours to conduct any inspection necessary. I hereby certify, under penalties of perjury, that the above information is true and correct.

Berch M. Bawn MSW, L MHP - 5  
Signature of Applicant/Agent

Owners's consent if different from applicant :

\_\_\_\_\_  
Signature of Owner(s)

**Part 2 (to be completed by City)**

Date Completed Application and Fee Received: 6-4-24

Date of Planning Commission Hearing: 7-17-24 / 8-21-24 Dates of Advertisements: 7-6 ; 7-13 / 8-10 ; 8-17

Date of City Council Hearing: \_\_\_\_\_ Dates of Advertisements: \_\_\_\_\_

I certify that, on \_\_\_\_\_, each of the property owners adjacent to and across the street from the property affected by this request were sent by first class mail a notification of the public hearing before the Martinsville Planning Commission.

Hand Bawn  
Certifying Signature of City Staff

\_\_\_\_\_  
Attest by Deputy Clerk of Circuit Court

Recommendation by Planning Commission: \_\_\_\_\_

Action by Martinsville City Council:      Date \_\_\_\_\_      Approved ☐      Denied ☐

Circle Size: 1" = 22'



# 406 JAMES STREET





| CURRENT OWNER                 |             |                    |                            | RECORD OF OWNERSHIP                                                |                |        |         | DEED BOOK                                                  |        | SALE DATE    |                      | Q/U         |                        | SALE PRICE              |      | VC       |      |     |      |
|-------------------------------|-------------|--------------------|----------------------------|--------------------------------------------------------------------|----------------|--------|---------|------------------------------------------------------------|--------|--------------|----------------------|-------------|------------------------|-------------------------|------|----------|------|-----|------|
| BROWN DEREK MARTINO           |             |                    |                            | BROWN DEREK MARTINO                                                |                |        |         | WF202100429                                                |        | 10-07-2021   |                      | U           |                        | 0                       |      | 1        |      |     |      |
|                               |             |                    |                            | JONES JAMES HENRY &                                                |                |        |         | LR202100566                                                |        | 05-18-2021   |                      | U           |                        | 0                       |      | 1        |      |     |      |
|                               |             |                    |                            | JONES JAMES H                                                      |                |        |         | GM202000006                                                |        | 10-01-2020   |                      | U           |                        | 0                       |      | 1        |      |     |      |
| 406 JAMES ST                  |             |                    |                            | JONES JAMES H                                                      |                |        |         | DB 176/144                                                 |        | 10-21-1987   |                      | U           |                        | 34,500                  |      | 0        |      |     |      |
|                               |             |                    |                            | PENN FRANK U &                                                     |                |        |         | DB 158/212                                                 |        | 03-15-1985   |                      | U           |                        | 30,900                  |      | 0        |      |     |      |
| MARTINSVILLE VA 24112         |             |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| ASSESSMENT EFFECTIVE 7/1/2023 |             |                    |                            | LEGAL DESCRIPTION                                                  |                |        |         | PREVIOUS ASSESSMENTS EFFECTIVE JULY 1st OF ASSESSMENT YEAR |        |              |                      |             |                        |                         |      |          |      |     |      |
| Description                   | Code        | Appraised          | Assessed                   | SE/S JAMES ST & HARRIS DR, LOTS 10&D, NO                           |                |        |         | Year                                                       | Code   | Assessed     | Year                 | Code        | Assessed               | Year                    | Code | Assessed |      |     |      |
| Building                      | 100         | 39000              | 39,000                     |                                                                    |                |        |         | 2022                                                       | 100    | 36300        | 2021                 | 100         | 36300                  | 2020                    | 100  | 21700    |      |     |      |
| Land                          | 100         | 5400               | 5,400                      | BLDG DESCRIPTION                                                   | 100            | 5400   | 100     |                                                            |        |              |                      |             |                        |                         |      |          | 5400 | 100 | 5400 |
| Outbldg                       | 100         | 12100              | 12,100                     |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Total                         |             | 56,500             | 56,500                     | Total                                                              |                | 41700  | Total   |                                                            | 41700  | Total        |                      | 27100       |                        |                         |      |          |      |     |      |
| SUPPLEMENTAL DATA             |             |                    |                            | BUILDING SUB-AREA SUMMARY SECTION                                  |                |        |         |                                                            |        |              |                      |             |                        | COST / MARKET VALUATION |      |          |      |     |      |
| # Of Parcels                  | 1           | Year Built         | 1960                       | SUB                                                                | Description    | LIVING | GROSS   | EFF AREA                                                   | Unit C | Undeprec Val | Base Rate            |             | 79.00                  |                         |      |          |      |     |      |
| Plat Ref                      | GM202000006 | Classification     | 01:Single Family-          | 1ST                                                                | 1st Floor      | 768    | 768     | 768                                                        | 58.42  | 44,868       | Rcn                  |             | 59,115                 |                         |      |          |      |     |      |
| Land Acres                    | 0.596       | Zoning             | R-N                        | DCK                                                                | Deck           | 0      | 374     | 0                                                          | 0.00   | 0            | Net Other Adj        |             | 14,247                 |                         |      |          |      |     |      |
| Land SF                       | 25,983      | Prop Use           | 01:Residential             | PAT                                                                | Patio          | 0      | 470     | 0                                                          | 0.00   | 0            | AYB                  |             | 1960                   |                         |      |          |      |     |      |
| Assoc. Parcel                 |             | District           | 11S3:Northside 1 Str S     | PEN                                                                | Enclosed Porch | 0      | 252     | 0                                                          | 0.00   | 0            | Effective Year Built |             | 1982                   |                         |      |          |      |     |      |
|                               |             |                    |                            | POP                                                                | Open Porch     | 0      | 48      | 0                                                          | 0.00   | 0            | Condition            |             | G                      |                         |      |          |      |     |      |
| CONSTRUCTION DETAIL           |             |                    |                            | OB - OUTBUILDING & YARD ITEMS(L) / EF - BUILDING EXTRA FEATURES(B) |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Element                       | Cd          | Description        | Ttl Gross Liv / Lease Area |                                                                    | 768            | 1,912  | 768     |                                                            |        |              | Remodel Rating       |             |                        |                         |      |          |      |     |      |
| Style                         | 01          | Residential        | Code                       | Description                                                        | La             | Size   | Rate    | %                                                          | Dep    | Qu           | Adj                  | Apprais Val | Year Remodeled         |                         |      |          |      |     |      |
| Model                         | 01          | Residential        | 071                        | OB-GARAGE                                                          | L              | 240    | 30.00   | 100                                                        | 0.00   |              | 0.00                 | 7,200       | Eyb Dpr                |                         |      |          |      |     |      |
| Grade                         | D           | FAIR               | 036                        | OB-CARPORT PREFAB 1 CAR WITH FL                                    | L              | 1      | 1200.00 | 100                                                        | 0.00   |              | 0.00                 | 1,200       | Functional Obsol       |                         |      |          |      |     |      |
| Stories                       | 1.00        |                    | 090                        | OB-MISC BLDG                                                       | L              | 1      | 2500.00 | 100                                                        | 0.00   |              | 0.00                 | 2,500       | Economic Obsol         |                         |      |          |      |     |      |
| Foundation Typ                | 04          | C/B                | 036                        | OB-CARPORT PREFAB 1 CAR WITH FL                                    | L              | 1      | 1200.00 | 100                                                        | 0.00   |              | 0.00                 | 1,200       | Cost Trend Factor      |                         |      |          |      |     |      |
| Exterior Wall 1               | 15          | WOOD SIDING        |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | Adjustment             |                         |      |          |      |     |      |
| Roof Structure                |             |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | Percent                |                         |      |          |      |     |      |
| Roof Cover                    | 03          | COMPOSITE SHINGLE  |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | Percent Good           |                         |      |          |      |     |      |
| Interior Wall 1               | 09          | DRY WALL           |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | RCNLD                  |                         |      |          |      |     |      |
| Interior Floor 1              | 05          | HARDWOOD           |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | % Good Ovr             |                         |      |          |      |     |      |
| Exterior Cond                 | 07          | Fair               |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | % Good Ovr Comment     |                         |      |          |      |     |      |
| Central Heat                  | 00          | No                 |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | Misc Imp Ovr           |                         |      |          |      |     |      |
| Central AC                    | 01          | Yes                |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | Misc Imp Ovr Comment   |                         |      |          |      |     |      |
| Bedrooms                      | 3           |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | Cost to Cure Ovr       |                         |      |          |      |     |      |
| Total Rooms                   | 6           |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             | Cost to Cure Ovr Comm. |                         |      |          |      |     |      |
| Full Baths                    | 1           |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Half Baths                    | 0           |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Chimneys                      | 0           |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Fireplaces                    | 0           |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Exterior Wall 2               |             |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Interior Wall 2               |             |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Sketch Factor                 | 01          | Use Effective Area |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Basement Type                 | 00          | NONE               |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Living Area                   | 768.00      |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Split Foyer                   | 00          | No                 |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Split Level                   | 00          | No                 |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| PROPERTY FACTORS              |             |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| PUB WATE                      | UG UTILITI  | TOPO               | SIDEWALK                   |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Y Yes                         | N No        | 0 Level            | N No                       |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| PUB SEWE                      | CURB & GU   | SOIL               |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| Y Yes                         | N No        | C Clay             |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| SEPTIC                        | VIEW        | LOCATION           |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
| N No                          | N No        | F Fair             |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
|                               |             |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
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|                               |             |                    |                            |                                                                    |                |        |         |                                                            |        |              |                      |             |                        |                         |      |          |      |     |      |
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