

March 8, 2022 Council Meeting

The regular meeting of the Council of the City of Martinsville, Virginia was held on March 8, 2022 in Council Chambers, Municipal Building, at 7:00 PM with Mayor Kathy Lawson presiding. Other Council Members present included Danny Turner, Chad Martin, Tammy Pearson and Jennifer Bowles. Staff present included City Manager Leon Towarnicki, Assistant City Manager and City Attorney Eric Monday, and Deputy Police Chief Rob Fincher.

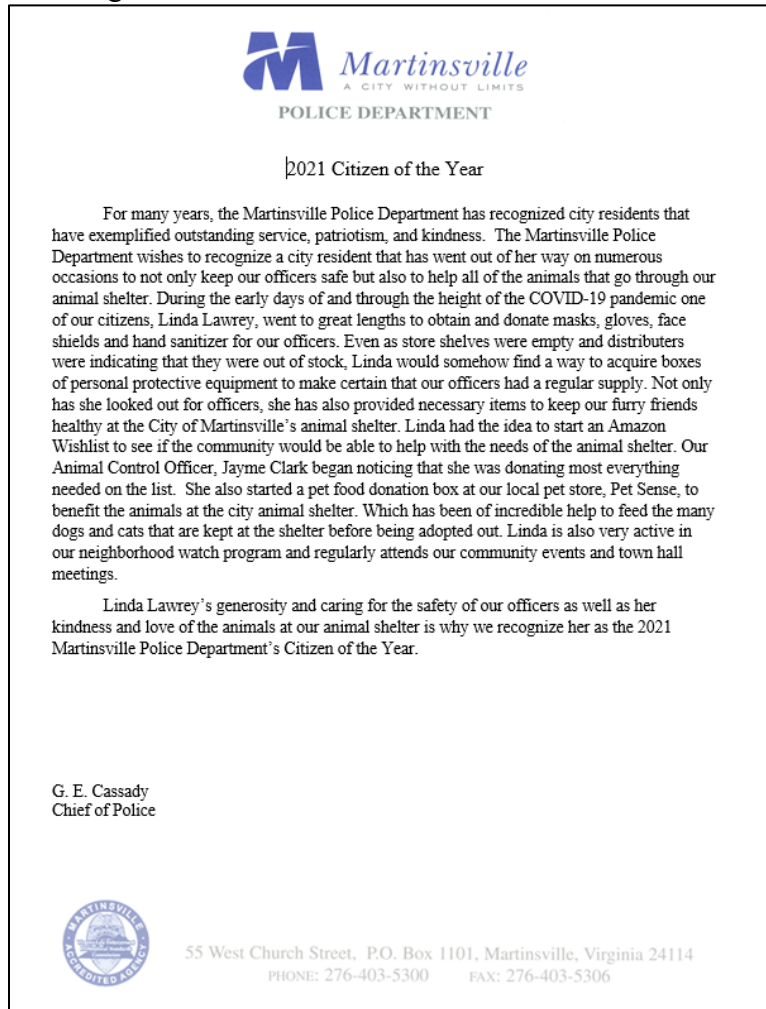
Mayor Lawson called the meeting to order. Following the Pledge to the American Flag and invocation by Rev. Matthew Brown, Pastor of St. Paul High Street Baptist Church, 401 Fayette Street in Martinsville, Lawson welcomed everyone to the meeting.

Council Member Turner announced that Council Member Pearson and himself are working with Rising Sun Bakery to sell cookies to raise funds for Doctor's Without Borders. Pearson said that any money raised and prayers are appreciated. Cookies can be purchased for \$5 at Shindig, Wild Magnolias, Tin Pin, Market Square, and Rising Sun Bakery.

Mayor Lawson explained item #4 on Rental Property Inspections and item #7 Uptown Partnership will be moved to a future meeting.

Approve minutes from the February 22, 2022 Council Meeting – Vice Mayor Bowles made a motion to approve the minutes as presented; Council Member Martin seconded the motion with all Council Members voting in favor.

Consider presentation of an award by the Martinsville Police Department to their 2021 Citizen of the Year – Police Chief Cassady recognized local resident Linda Lawrey as Martinsville's 2021 Citizen of the Year. Cassady and other members of the Police Department who were in attendance, presented her with a plaque. Lawrey thanked Council, Fire, EMS and the Police Departments, she knows they've gone through so much the past couple of years.



Consider presentation of a proclamation recognizing Martinsville High School student Vex Miller – Mayor Lawson read the proclamation which was presented to Vex Miller, a 9th grader at Martinsville High School. Miller was recognized for winning the Eastman Performance Films Black History Oratorical Contest. Martinsville City School Superintendent Zeb Talley thanked Council and said this was the second time a Martinsville High School student has won this contest. Miller stated that black people are intelligent and smart and should be proud of their heritage. Mayor Lawson said she was proud of Miller and could see her going far in her future.



PROCLAMATION
RECOGNIZING MARTINSVILLE HIGH SCHOOL
STUDENT VEX MILLER

WHEREAS, Eastman Performance Films recently sponsored a Black History Oratorical Contest open to local high school students, with the focus of the virtual contest to highlight African-Americans from the Commonwealth of Virginia who have made significant contributions to history; and

WHEREAS, the contest seeks to provide high school students with the opportunity to share their writing, public speaking, and leadership skills; and

WHEREAS, Martinsville High School ninth-grader Vex Miller won the contest, competing against four other finalists from local high schools; and

WHEREAS, Vex Miller's speech focused on the accomplishments of prominent African-American tennis professional Arthur Ashe from Richmond, Virginia, and the challenges he overcame rising to the pinnacle of success;

NOW, THEREFORE, I, Kathy Lawson, Mayor, and members of Martinsville City Council do hereby recognize and congratulate Martinsville High School student Vex Miller for her accomplishment in winning the Eastman Performance Films Oratorical Contest, and for being a source of pride for Martinsville City Schools and our entire community.

Kathy Lawson, Mayor

The addendum for the Martinsville High School football coach will be postponed until the next meeting so he can attend.

Conduct a public hearing to convey a narrow strip of right of way across the front of the former McCollum-Ferrell Building located at 16 – 18 East Church Street – City Attorney Monday explained this is a housekeeping step to correct a long-standing problem. The building was recently purchased and it was discovered that past improvements encroach upon the City's sidewalk by approximately 3 inches. New owners request the plat be corrected so that they can move forward with the new business. Mayor Lawson opened the floor for a public hearing. No one approached the podium so the public hearing was closed. Council Member Pearson made the motion to approve conveyance by the City Manager. Council Member Martin seconded the motion with all Council Members voting in favor.

Consider adoption on second reading, Ordinance 2022-1 repealing City disguise and mask restrictions – City Attorney Monday briefly described the need to repeal the mask restrictions, stating that part of the ordinance is unconstitutional and there is already a state law in place that more than adequately addresses the wearing of masks. The state law has been amended to allow the wearing of masks for health reasons during the pandemic. Vice Mayor Bowles made the motion to approve the ordinance on second reading. Council Member Pearson seconded the motion with the following 5-0 roll call vote: Turner, aye; Lawson, aye; Martin, aye; Pearson, aye; and Bowles, aye.

March 8, 2022 Council Meeting

City of Martinsville, Virginia

Ordinance No. 2022-1

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in Regular Session held on March 8, 2022, that Section 13-16 of the Code of the City of Martinsville be repealed and reserved.

Attest:

Karen Roberts, Clerk of Council

Martinsville City Code, Sec. 13-16. - Masquerading; disguises.

It shall be unlawful and a Class 1 misdemeanor for any person to appear upon the public streets or sidewalks of the city, or in any public place in the city, wearing a mask, hood, facial makeup or other means of disguise so as to conceal such person's identity, or for any person to wear any wig, costume, dress, garb, garment, either outer or undergarment, or makeup, or any combination thereof, so as to disguise or conceal such person's true gender; provided, however, that this section shall not apply to children twelve (12) years of age or under engaged in Halloween activities on Halloween, to persons taking part in any fair, carnival, circus, exposition or parade licensed by the city, or to publicly advertised theatrical productions conducted within auditoriums, theaters, amphitheaters, stadiums or enclosed buildings or on outdoor stages.

Code of Virginia § 18.2-422. Prohibition of wearing of masks in certain places; exceptions.

It shall be unlawful for any person over 16 years of age to, with the intent to conceal his identity, wear any mask, hood or other device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, to be or appear in any public place, or upon any private property in this Commonwealth without first having obtained from the owner or tenant thereof consent to do so in writing. However, the provisions of this section shall not apply to persons (i) wearing traditional holiday costumes; (ii) engaged in professions, trades, employment or other activities and wearing protective masks which are deemed necessary for the physical safety of the wearer or other persons; (iii) engaged in any bona fide theatrical production or masquerade ball; or (iv) wearing a mask, hood or other device for bona fide medical reasons upon (a) the advice of a licensed physician or osteopath and carrying on his person an affidavit from the physician or osteopath specifying the medical necessity for wearing the device and the date on which the wearing of the device will no longer be necessary and providing a brief description of the device, or (b) the declaration of a disaster or state of emergency by the Governor in response to a public health emergency where the emergency declaration expressly waives this section, defines the mask appropriate for the emergency, and provides for the duration of the waiver. The violation of any provisions of this section is a Class 6 felony.

Consider adoption on second reading, Ordinance 2022-2 amending the allowable height of uncut grass – City Attorney Monday explained the need to amend the ordinance related to the acceptable height of grass so the ordinance would match the property maintenance restrictions. Vice Mayor Bowles made the motion to approve the ordinance on second reading. Council Member Martin seconded the motion with the following 5-0 roll call vote: Bowles, aye; Turner, aye; Lawson, aye; Martin, aye; and Pearson, aye. Council discussed property maintenance concerns and procedures.

City of Martinsville, Virginia

Ordinance No. 2022-2

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in Regular Session held on March 8, 2022, that Sections 13-37 and 15.5-21 of the Code of the City of Martinsville be amended as follows:

Sec. 13-37. - Excessive growth of grass, weeds, etc., on vacant property.

(a) It shall be the duty of the owner of any parcel of land in the city to cut or cause to be cut all grass, weeds or like vegetative growth which exceeds a height of eighteen (18) inches above the ground and which is deemed by the director of public works to create a potential threat to public health or safety; and it shall be the duty of the owner of any legally established lot situated in the city fronting a city-maintained public street to cut thereon any weeds, brush, grass or like vegetative growth if an occupied building or residence is situated on an adjacent lot, subject to the following:

(1) Applicable growth shall be cut to a height of ten (10) inches above ground for a depth of eighty (80) feet from the street line measured at ninety (90) degrees with the street line; and

(2) Such vegetative growth shall be cut two (2) times per year between May 15 and June 15; and between August 1 and September 1.

The director of public works may grant a variance from these requirements if, in his opinion, steep slopes or terrain make it impractical to cut such vegetative growth as described above provided that the intent of these requirements is complied with. Should the owner of any such property fail or refuse to abide by this requirement, the director of public works shall give a written notice to such owner requiring him to cut or have cut such grass, weeds or vegetative growth within fifteen (15) days after the date of the notice.

(b) The notice referred to in subsection (a) above shall be given to the owner by personally serving a copy of such notice on the owner or his agent or by mailing a copy to the owner at his last known post office address by registered or certified mail, return receipt requested, or if the owner or his address is unknown, by publication of such notice in a newspaper of general circulation in the city once per week for two (2) successive weeks. A copy of such notice sent to the owner by registered or certified mail at the address of such owner listed on the land books of the city shall be deemed sufficient and equivalent to notice having been received by the owner, regardless of whether such copy is returned undelivered or not.

(c) Upon the failure or refusal of the owner, after serving of the notice pursuant to this section, to cut or cause to be cut the grass, weeds or vegetative growth within the time provided, the director of public works may have the necessary work done by city employees or city agents under contract. All of the actual costs and expenses of such work, plus the cost of serving the notice, shall be chargeable to and paid by the owner of the property. Any bill sent to the owner

which is not paid within thirty (30) days shall be transmitted to the city treasurer, who shall include such bill in the next regular real estate tax bill sent to the owner. Every such charge with which the owner has been assessed and which remains unpaid after the deadline for the payment of the next installment of real estate taxes shall constitute a lien against such property; provided, however, that such lien shall be recorded in the same manner as liens for real estate taxes are recorded. It shall be the duty of the city treasurer to assure the proper recording of any such lien.

(d) The failure or refusal of any property owner to comply with the terms of any notice to cut grass, weeds or other growth served pursuant to this section shall constitute a Class 4 misdemeanor. In any prosecution, there shall be a rebuttable presumption that any growth exceeding three (3) feet in height creates a potential threat to public health or safety.

(e) Nothing in this section shall be construed to require the cutting of any tree or ornamental shrubbery, unless it is creating a safety hazard.

Sec. 15.5-21. - Nuisances prohibited; term defined.

It shall be unlawful for the owner or owners, occupant or occupants of any property or premises located in the city to create, cause, or permit the continuation of any nuisance. The term "nuisance" to include, without limitation, the examples set forth as follows:

(1) Any condition which is breeding ground or harbor for mosquitoes or a breeding ground for rats or other pests.

(2) Any place of weeds, grass, or other noxious vegetation over ten (10) inches in height that is within fifty (50) feet of an inhabited residence or business firm.

(3) An open place of collection of water where insects tend to breed. For the purposes of this chapter, and "open place of collection of water" shall be held to mean and be that contained in ditches, pools, ponds (natural or artificial), excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, urns, cans, boxes, bottles, tubs, buckets, partially disassembled vehicles, defective house roof gutters, tanks of flush closets or similar containers.

(4) An open place of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, debris from the clearing or grading of lots, old clothes, rags or any other combustible materials or objects of a like nature.

(5) An open place of collection of garbage, food waste, animal waste or other rotten or putrescible matter of any kind.

(6) Any furniture, appliance or other metal products of any kind or nature openly kept which have rough or jagged edges of metal or glass.

(7) Any furniture or other articles not specifically intended for outdoor use or exposure to the elements and which would tend to absorb or retain moisture thereby attracting insects, pests or vermin.

(8) Any accumulation of rubbish, trash, old building materials or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation of mice, snakes or vermin of any kind which may be dangerous or prejudicial to the public health.

(9) Any condition detrimental to the public health which violates the rules and regulations of the health department.

The code official heretofore designated by council to enforce the building maintenance code in the city and alternatively the city attorney are hereby vested with discretionary authority to decline to undertake enforcement of this section with respect to nuisances which are (a) deemed to be of a private nature between neighboring property owners, or (b) deemed not to constitute a public nuisance, or (c) not visible to the unaided eye from street or ground level outside the boundaries of the property on which the subject nuisance exists.

Attest:

Karen Roberts, Clerk of Council

Hear an update from Uptown Partnership – Postponed until April 12

Business from the Floor – Aaron Rawls, 214 Oakdale Street approached the podium to express concerns that he, and other uptown residents and business owners have regarding the allocation of public funds to the Uptown Partnership. He requests to see Council's plans for those funds and will hold his comments until he has the opportunity to review the plans. He is sure there are some misunderstandings but feels that the folks in Uptown should be given input on those decisions. Mayor Lawson ask that any ideas Rawls has, to please share those with the City Manager and Council Members.

Comments by City Council – Council Member Pearson said she forwarded Council the information requested by other Council Members at the last meeting regarding ARPA funding. Pearson requests a more inclusive, transparent procedures when moving forward and assigning those funds. Council Member Martin asked if another employee stipend would be considered using the ARPA funds and what that would look like. Council Member Turner expressed concern on assigning ARPA funds during the reversion process. Vice Mayor Bowles thanked those who supported Dancing with the Arts and shared that they were able to raise more than \$89,000. Bowles made a motion to hold a public input session for the March 22 Council meeting related to the ARPA funding. Council Member Martin seconded the motion. Bowles suggested a PowerPoint at the beginning of the session to better explain how the ARPA funds could be used. Council Member Pearson suggested that the public be educated on what the funds can and can not be used for. She asked that Council get input from citizens, businesses and non-profits on how they believe the funds should be utilized. Pearson believes that Council should go out into

March 8, 2022 Council Meeting

the community for Town Hall meetings verses requiring residents to come to City Hall. She would like to see a committee formed with Council Members, the City Manager and residents representing various parts of the community. Pearson said if the committee is large then break-out committees could be formed. She has seen committees such as these be very successful in helping to make the right decisions. Council Member Martin explained that there is a free webinar about ARPA funding available to residents on March 10, Martin asked if the link could be added to the City website. Mayor Lawson said she agrees with the public information session but she is not disregarding Pearson's comments. Council Members voted 4-1 in favor of the information session: Bowles, Lawson, Turner and Martin, aye; Pearson voted nay. Bowles mentioned the possibility of online surveys related to ARPA funding. Bowles received Pearson's email but had questions about how some of those localities compared to Martinsville in the size of the population and the amount of funding received. Pearson denied that she was comparing the localities to Martinsville in funding, but was using those statistics in regards to public input and transparency. Pearson said she voted no to the information session because she believes that Council should go out into the community instead of the community coming to the meeting. Bowles does not believe that ARPA funds should be used on broadband because there are other grants to help cover those costs. Bowles addressed the signs on Pine Hall and suggested that some of the funds be allocated to that signage. Bowles had a conversation with the Chamber regarding the Incubator, she feels that money can be allocated to the Incubator to make Martinsville a better place for entrepreneurs. Bowles also mentioned business incentives, revitalizing buildings for new companies, etc. would be discussed in the Uptown Partnership conversation. Mayor Lawson referred back to Pearson's questions and recommendations from the last Council Meeting related to the ARPA funds. Lawson explained that the City Manager and Council Members have received hundreds of comments from residents over the past several months but not all suggestions qualify for ARPA funding. Lawson also supports an information session at the next meeting. Beginning in April, Lawson would like to reinstate the neighborhood meetings which were halted previously due to the pandemic. Lawson said there are some requests for ARPA funds that require additional information. The plans for Hooker Field have been in the works for over a year and are complete, the City Manager toured other ballfields along with an architect. The plans are final and ready to go out for bids. Pearson asked how that was possible if the funds were not approved. Lawson explained that the ARPA funds were not used towards the architect. The City had applied for a grant through the Harvest Foundation 2-3 years ago but those funds were retracted due to changes; Council had already put into play for those renovations. City Attorney Monday explained there were actually two potential grants for that remodel that fell through. Hooker Field is used 11 months out of the year by the Mustangs as well as the high school and collegiate tournaments and is vital to tourism in our area. The renovations at Hooker Field are badly needed. Lawson explained that the restrooms at Southside Park have not been updated since the 1980s and with the increase in tournaments

March 8, 2022 Council Meeting

in that area, those renovations are desperately needed. Lawson said Council will ask for public input on what should be done with parks in their community during the neighborhood meetings. MGTV needs updating, it needed repairs last week and is only partially working now; MGTV is a 30year old system so parts to repair the system are hard to find. Lawson made a motion to give favorable consideration to funding for Hooker Field, Southside Park, other City park upgrades, MGTV and also the \$50,000 to Piedmont Arts capital campaign. Vice Mayor Bowles seconded the motion. Mayor Lawson confirmed that The Harvest Foundation would not provide any funds towards Hooker Field. Council Member Turner mentioned using some of the funds to prevent tax increases in case the reversion process falls through. Turner also suggested that property demolition be considered for ARPA funding. Pearson agrees those are good projects but she does not feel comfortable voting on any decisions at tonight's meeting without going through a more stringent process. Turner says he will vote because these are projects that the City has dealt with for 12 years or longer. Council Members agree that the public should have input on the ARPA funds but there are some projects that require attention. Vice Mayor Bowles will vote for assigning ARPA funds to those projects because those projects have been concerns since she joined Council. Council Member Martin shared his father's advice when he was voted to Council, to take care of other people's money better than he takes care of his own. Martin pointed out that awarding funds to Hooker Field and Southside Park would make them ADA compliant which they are not at this time. Council had a 4-1 voice vote with Bowles, Lawson, Turner and Martin voting aye; Pearson voting nay. Lawson said Dancing with the Arts was very enjoyable and extremely well attended. Piedmont Arts does so much for our schools and citizens. The presentation from the Uptown group will be postponed until a later date; she looks forward to an update on those projects.

Comments by the City Manager/City Attorney – City Manager Towarnicki explained that the City is working on the online surveys. He has a detailed list of the Incubator needs to see what the City can accomplish within the existing maintenance budget and depending on the magnitude of the project, what, if any of the ARPA funds can be applied. City Attorney Monday shared that residents and staff are no longer required to wear masks at City Hall.

There being no further business, Vice Mayor Bowles made a motion to adjourn the meeting at 8:05pm.

Karen Roberts, Clerk of Council

Kathy Lawson, Mayor