

AGENDA--CITY COUNCIL
CITY OF MARTINSVILLE, VIRGINIA

Council Chambers – Municipal Building
6:00pm Closed Session 7:00pm Regular Session
Tuesday May 10, 2022

6:00 pm - Closed Session

Items to be considered in Closed Session, in accordance with the Code of Virginia, Title 2.2, Chapter 37—Freedom of Information Act, Section 2.2-3711(A)—Closed Meetings, the following:

- A. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, as authorized by Subsection 6.

7:00 pm - Regular Session

Pledge to the American Flag and Invocation by Council Member Pearson.

1. Recognize a student from Martinsville Middle School's 7th grade class as Virginia Municipal League's Region 2 winner of the 2022 "If I Were Mayor" essay contest. (10 mins)
2. Consider presentation of a Proclamation regarding National Police Week 2022 and Peace Officers' Memorial Day. (10 mins)
3. Read and Present a Proclamation recognizing the 50th anniversary of Piedmont Community Services. (10 mins)
4. Consider adoption on second reading, Ordinance 2022-3 enacting or amending certain sections of the Code of the City of Martinsville regarding use of electric scooters. (15 mins)
5. Conduct a Public Hearing on the City's FY22-23 Budget and consider approval of Budget Ordinance 2022-U-2 on first reading. (30 mins)
6. Business from the Floor -
The public comment portion of the Council meeting provides citizens 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 Karen Roberts, Clerk of Council, at kroberts@ci.martinsville.va.us, calling in their comments to 276-403-5182, faxing comments to 276-403-5280, or mailing comments to City of Martinsville, attn.: Karen Roberts, P.O. Drawer 1112, Martinsville, VA 24114. *Comments must be received by 12:00noon Monday May 9.* 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 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.
7. Comments by members of City Council. (5 mins)
8. Comments by City Manager and City Attorney. (5 mins)

Date: May 10, 2022

Item No: 1.

Department: City Council

Issue: Recognize a student from Martinsville Middle School's 7th grade class as Virginia Municipal League's Region 2 winner of the 2022 "If I Were Mayor" essay contest.

Summary: Each fall the Virginia Municipal League (VML) invites all Virginia 7th grade students to participate in its "If I Were Mayor" essay contest. The theme-based essays describe what the student would do as mayor to make their cities, towns, and counties great places to live

Martinsville Middle School's 7th grade class submitted entries to this contest with the eventual winning essay from Region 2 coming from Martinsville Middle School student Jordin Hernandez Machuca. Jordin is the third MMS student to win this award. A representative from Virginia Municipal League will be attending the meeting to present the award.

Attachments: None

Recommendation: Present an award certificate on behalf of Council

Meeting Date: May 10, 2022

Item No: 2.

Department: City Council

Issue: Consider presentation of a Proclamation regarding National Police Week 2022 and Peace Officers' Memorial Day.

Summary: Martinsville City Police Department representatives will be present to accept the Proclamation

Attachments: Proclamation

Recommendations: Mayor to read the Proclamation and present to Police Department representatives. No formal action by Council is necessary.



PROCLAMATION

NATIONAL POLICE WEEK 2022 & PEACE OFFICERS' MEMORIAL DAY

WHEREAS, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which it falls as National Police Week; and

WHEREAS, the men and women of the Police and Sheriff's Departments of the City of Martinsville are instrumental in creating peace of mind to all the citizenry through their many efforts to enhance public safety; and

WHEREAS, it is incumbent on all our citizens to recognize, know and understand the duties, responsibilities, hazards, dedication, and sacrifices of the men and women of the Police Department and the Sheriff's Department of the City of Martinsville, and it is also incumbent upon each law enforcement officer to serve the people by safeguarding life and property, by protecting against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the Police and Sheriff's Departments of the City of Martinsville are professional organizations that remain abreast in the latest scientific applications of criminalistics;

WHEREAS, I call upon all citizens of the City of Martinsville to observe May 15th as Peace Officers' Memorial Day to honor those men and women who, through their dedicated service and courageous deeds, have lost their lives or been disabled in the performance of their duties. I especially want to recognize Martinsville Policeman George F. Carter, who lost his life in the performance of his duty on June 14, 1919 while he was attempting to apprehend gamblers. I would also like to recognize Martinsville Police Officer Jonathan Bowling who lost his life on January 26, 2005 while fighting in Iraq during Operation Iraqi Freedom.

NOW THEREFORE, I, Kathy Lawson, Mayor of Martinsville, call upon all citizens of the City of Martinsville and upon all patriotic, civic and educational organizations to observe the week of May 15 through May 21, 2022, as National Police Week with appropriate ceremonies in which all our people may join in recognizing the women and men, both past and present, who by their faithful and loyal service and devotion to their charge have rendered a dedicated service to our community and the citizens within it, and in performing these duties have established an enduring reputation for preserving the rights and security of all the citizens of Martinsville.

Kathy Lawson
Mayor

Date: May 10, 2022

Item No: 3.

Department: City Council

Issue: Read and present a proclamation recognizing the 50th anniversary of Piedmont Community Services.

Summary: 2022 marks the 50th anniversary of Piedmont Community Services. A representative of PCS will attend Council's meeting to accept the proclamation and provide brief remarks.

Attachments: Proclamation

Recommendations: No action by Council needed - the Mayor will read and present the Proclamation.



PROCLAMATION

RECOGNIZING THE 50TH ANNIVERSARY OF PIEDMONT COMMUNITY SERVICES

WHEREAS, Piedmont Community Services was formed in 1972 to provide behavioral and mental health services for the City of Martinsville, and the counties of Henry, Patrick, and Franklin; and

WHEREAS, the mental health of every citizen is essential to the emotional and economic prosperity of our families, communities, and businesses; and

WHEREAS, we strive to create a community that supports behavioral and mental wellness by increasing access to treatment, educating ourselves and our communities about mental wellness and mental illness, and supporting our citizens as they seek to improve their mental health; and

WHEREAS, approximately 430 staff members at Piedmont Community Services serve d 7,257 individuals and families during 2021; and

WHEREAS, these services include but are not limited to outpatient counseling for mental health and substance abuse, case management services, parenting classes, school-based programs and residential services; and

WHEREAS, these services have positively impacted our local youth through partnerships with the school system to locate case managers, support early intervention programs and promote a Drug Free MHC through a youth task force represented in all of our area high schools; and

WHEREAS, Piedmont Community Services is celebrating its 50th anniversary this year, signifying a remarkable milestone of invaluable service to our community;

NOW, THEREFORE, I, Kathy Lawson, Mayor, and members of Martinsville City Council do hereby recognize Piedmont Community Services for its 50 years of service and we gratefully acknowledge the important role and tremendous impact PCS has made to our community over the years.

Kathy Lawson, Mayor

Meeting Date: May 10, 2022

Item No: 4.

Department: City Attorney

Issue: Consider adoption on second reading, Ordinance 2022-3 enacting or amending certain sections of the Code of the City of Martinsville regarding use of electric scooters.

Summary: In 2021, the City was approached by a representative of Bird, a company that partners with localities to bring electric scooter programs generally to downtown business areas to promote mobility while using electric rechargeable scooters. A number of discussions took place and ultimately, a survey was conducted with the assistance of Uptown Partnership to determine the level of interest by business owners and operators in the Uptown area in such a program. The responses to the survey were overwhelmingly in support with almost 80% of respondents in favor.

A number of City Code changes are necessary to allow electric scooters to operate in the Uptown area and should Council decide to allow scooters, the proposed ordinance changes reflect experiences in other Virginia localities which have allowed scooters, and are designed to address permitting, safety, and parking of scooters while not in use. At Council's April 26 meeting, Mr. Chris Stockwell with Bird participated virtually and provided additional details about their proposed scooter program.

Attachments: Ordinance 2022-3

Recommendations: Consider adoption on second reading by roll call vote.



City of Martinsville, Virginia

Ordinance No. 2022-3

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in Regular Session held on May10, 2022, that the Code of the City of Martinsville be enacted or amended, specifically that:

Section 12-68 be amended;

Sections 12-177 & 118, currently reserved, be enacted;

Chapter 12, Article VI, Sections 12-140, 12-142 & 12-155 be amended;

Section 19-22 be amended;

and Section 19-23, currently reserved, be enacted;

all as follows:

Sec. 12-68. - Application of article; definitions.

(a) The provisions of this article regulating the stopping, standing and parking of vehicles in this city shall apply at all times or at such times as specified herein or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with traffic or in compliance with the directions of a police officer or a traffic-control device.

(b) As used in this article, the term "vehicle" shall be construed to include everything encompassed by the term "vehicle," as that term is defined in section 46.2-100 and 46.2-800 of the Code of Virginia, and also scooters and bicycles.

(c) Whenever the term "chief of police" is used in this article, it shall include any acting chief of police or any police officer to whom the chief of police has delegated the responsibility for the duty described.

Sec. 12-117. - Parking on sidewalk, pedestrian crossing or driveway.

(a) It shall be unlawful for any person to park a vehicle on or near a sidewalk or pedestrian crossing in such a way as to block or obstruct the free passage of pedestrians or with any portion of the vehicle on or overhanging any portion of the sidewalk.

(b) It shall be unlawful for any person to park a vehicle, including a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized foot-scooter, or motorized skateboard, in such a manner as to block in whole or in part any driveway or entryway.

Sec. 12-118. - Parking in public rights-of-way.

It shall be unlawful for any person to park a bicycle, skateboard, electric personal assistive mobility device, electric power-assisted bicycle, motorized foot-scooter, or motorized skateboard in a manner that unreasonably impedes pedestrian or vehicular traffic on a public roadway, shared-use path, or sidewalk. For purposes of the section, parking unreasonably impedes pedestrian traffic on a sidewalk when it leaves a route width of less than four (4) feet.

ARTICLE VI. – BICYCLES, MOPEDS AND SCOOTERS

Sec. 12-140. - Definition, age of operation.

- (a) The term "bicycle" as used in this chapter, shall be deemed to mean any device propelled solely by human power, having pedals, two (2) or more wheels, and a seat height of more than twenty-five (25) inches from the ground when adjusted to its maximum height (a recumbent device shall be deemed a bicycle regardless of a seat height). For purposes of the city code, a bicycle shall be a vehicle when operated on a highway, street or alley.
- (b) For purposes of this chapter, the term "bicycle" shall also include mopeds as defined in Section 46.2-100, of the Code of Virginia, and all sections in this chapter shall apply to both bicycles and mopeds unless otherwise specifically stated. Mopeds are defined as a conveyance that is either (a) a bicycle-like device with pedals and a helper motor (gas or electric powered), which is rated at no more than two (2) brake horsepower and produces speeds up to a maximum of thirty (30) miles per hour or (b) a motorcycle with an engine displacement of fifty (50) cubic centimeters or less and a maximum speed of less than thirty (30) miles per hour.

(c) For purposes of this chapter, the term "bicycle" shall also include scooters, whether motorized or not motorized, as defined in Title 46.2 of the Code of Virginia.

(d) No person under the age of sixteen (16) years shall operate a moped as defined in this chapter, or a bicycle with a helper motor that is classified as a moped, or a scooter, on any highway or public vehicular area of the city.

(Ord. No. 2003-11, 9-9-2003)

Sec. 12-142. - Sale, rental of bicycles and mopeds-information required.

Information regarding the sale or rental of bicycles and mopeds and scooters shall be available to the city treasurer upon request.

(Ord. No. 2003-11, 9-9-2003)

Sec. 12-155. - Impoundment of abandoned or unregistered bicycles and mopeds.

(a) Any unattended bicycle found under such times and circumstances that indicate it has been lost or stolen, or in a manner which in the reasonable professional opinion of a law enforcement officer violates and section of the either this Code or the Code of Virginia, shall be deemed abandoned. If a reasonable attempt to locate the owner or user in the immediate vicinity of the bicycle fails to produce the owner or user, any bicycle so abandoned shall be taken into custody and impounded by the chief or police or any officer of the police department.

(b) No abandoned bicycle or moped shall be released or removed from impoundment except upon satisfactory showing of ownership and in the case of mopeds, display of a city registration certificate and proper display of a tag or number plate by the owner or an agent of the owner.

(c) If an abandoned bicycle or moped is not reclaimed, within thirty (30) days from the date of impounding, the chief of police or his agent shall provide for the public sale of such bicycle or moped.

(d) Any bicycle or moped found and delivered to the police department by a private person which thereafter remains unclaimed for thirty (30) days after the final date of publication as required herein may be given to the finder; however, the location and description of the bicycle or moped shall be published at least once a week for two (2) successive weeks in a newspaper of general circulation in the city. In addition, if there is a decal affixed to the bicycle or moped, the record owner shall be notified directly.

(Ord. No. 2003-11, 9-9-2003; Ord. No. 2006-3, 4-25-2006)

Sec. 12-117. - Parking on sidewalk, pedestrian crossing or driveway.

(a) It shall be unlawful for any person to park a vehicle on or near a sidewalk or pedestrian crossing in such a way as to block or obstruct the free passage of pedestrians or with any portion of the vehicle on or overhanging any portion of the sidewalk.

(b) It shall be unlawful for any person to park a vehicle, including a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, motorized foot-scooter, or motorized skateboard, in such a manner as to block in whole or in part any driveway or entryway.

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Sec. 19-22. - Skating and skateboarding in the city.

(a) It shall be unlawful and a Class 4 misdemeanor for any person over the age of fourteen (14) years to skate on any paved public sidewalk of the city.

(b) It shall be unlawful for any person [to] ride or ~~use~~ use rollerskates, rollerblades, skateboards, ~~scooters~~ or similar devices on wheels or runners in any area whatsoever located within the area bounded as follows: beginning at the intersection of Market Streets and Commonwealth Boulevard, thence along Market Street to its conversion to Mulberry Road; thence along Mulberry Road to Oakdale Street, thence along Oakdale Street to East Church Street, thence along East Church and its conversion to Church Streets and including those lots on the north side thereof and Letcher Court and Scuffle Hill Road and their adjoining lots; thence along Clay Street and those adjoining lots on the eastern side thereof to Mineral Street; thence along Mineral Street to Lester Street; thence along Lester Street to Depot Street; thence along Depot Street to its intersection with Liberty Street; thence along Liberty Street to Commonwealth Boulevard; thence along Commonwealth Boulevard to the point of beginning; provided however, that this prohibition shall not apply to on-duty police or other law enforcement officers and other uniformed emergency services personnel.

(c) A violation of subsection (b) shall be subject to a civil penalty of fifty dollars (\$50.00).

(1) Any city officer, or employee of the city who is (a) responsible for the enforcement of any provision of this code, (b) wearing a uniform and (c) carrying identification, may approach and question any person concerning a civil violation of this code and may cause a notice of the violation to be served on any or all persons committing or permitting such violation.

(2) The notice shall state that the person served has been charged with violating this subsection and shall provide that the person may elect to make an appearance in person before or in writing by mail to the treasurer of the city, and admit liability for or plead no contest to the violation and pay the civil penalty, all within the time period fixed in the notice.

(3) If a person charged with a violation does not elect to admit liability or plead no contest the violation shall be tried in the Martinsville general district court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law. In the event the violation exceeds the jurisdictional limits of the general court, the violation shall be tried in the circuit court.

(4) A finding or admission of liability for, or a plea of no contest to, a civil violation shall not be deemed a criminal conviction for any purpose. An admission of liability shall have the same force and effect as a judgment in court.

(Code 1971, § 15-11; Ord. No. 2013-1, 2-12-2013)

Sec. 19-23. - Storing, etc., goods on sidewalk or in gutter.

It shall be unlawful for any person to store, keep or expose for show, sale, or rental any goods, wares, vehicles, or other merchandise or property on public right-of-ways without a license, permit, or franchise issued by the city. Any such merchandise or property encroaching on public rights-of-way without a license, permit, or franchise may be taken into custody and impounded by the chief of police, any officer of the police department, or any employee of the department of public works, and require the payment of a reasonable fee as established by the city manager for such impoundment prior to the return of such merchandise or property.

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Attest:

Karen Roberts, Clerk of Council

Meeting Date: May 10, 2022

Item No: 5.

Department: City Council

Issue: Conduct a Public Hearing on the City's FY22-23 Budget and consider approval of Budget Ordinance 2022-U-2 on first reading.

Summary: The City's proposed FY23 Budget was presented to Council at the April 26, 2022 meeting. Work sessions were held on Wednesday, April 27th with Schools, Fire, and PD, and with remaining City departments and certain outside agencies on Tuesday, May 3rd and Wednesday, May 4th.

The budget as presented includes leaving all tax rates and fees at the FY22 levels with the exception of a recommended 7% increase in Refuse collection fees. One issue still under consideration is in regard to an increase in personal property tax revenue resulting from higher assessments.

Attachments: Ordinance 2022 -U-2, outlining fund details of the proposed City's FY22-23 Budget.

Recommendations: Conduct the public hearing and approve on first reading (roll call vote), subject to changes or modifications Council desires to make.



Ordinance 2022-U-2

The Budget for Fiscal Year 2022-2023

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session assembled May 24, 2022, that the following sums of money be and hereby are appropriated — by specific Fund — for the City's fiscal year ending June 30, 2023, from the following Fund sources of estimated revenue:

**SUMMARY STATEMENT OF BUDGET ESTIMATES
2022-2023**

FUND	PROJECTED REVENUES	BUDGETED EXPENDITURES	CHANGES FUND BALANCE
General	\$33,172,346	\$37,107,876	(\$3,935,530)
Meals Tax	\$2,722,721	\$2,722,721	\$0
Capital Reserve	\$1,451,116	\$1,451,116	\$0
Refuse	\$2,018,795	\$2,226,077	(\$207,282)
Telecom	\$2,183,801	\$2,193,309	(\$9,508)
Water	\$3,925,600	\$3,292,264	\$633,336
Sewer	\$4,597,012	\$6,208,661	(\$1,611,649)
Electric	\$20,093,563	\$21,350,864	(\$1,257,301)
CDBG	\$1,183,320	\$1,090,360	\$92,960
Cafeteria*	\$1,705,775	\$2,293,640	(\$587,865)
School Operating*	\$27,404,205	\$27,404,205	\$0
TOTALS:	\$100,458,254	\$107,341,093	(\$6,882,839)

*Cafeteria and School Operating Funds information provided by School Personnel.

Tax Rates:

Real Estate:	\$1.03975 per \$100 assessed value
Personal Property:	\$2.30 per \$100 assessed value (unchanged)
Machinery/Tools:	\$1.85 per \$100 assessed value (unchanged)

Refuse Collection Fees:

7% increase across all categories

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Attest:

Karen Roberts, Clerk of Council