

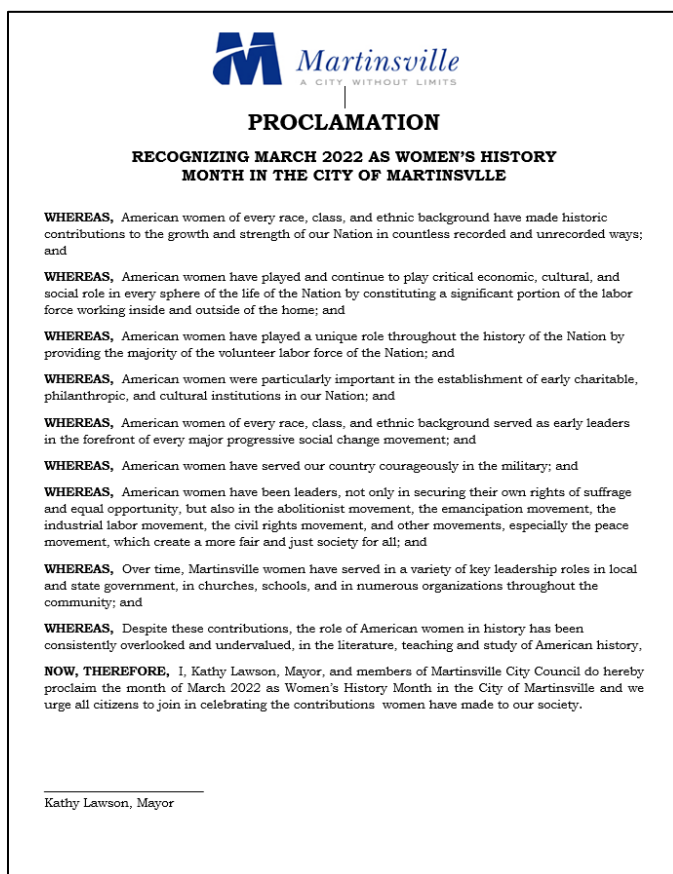
February 22, 2022 Council Meeting

The regular meeting of the Council of the City of Martinsville, Virginia was held on February 22, 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, Clerk of Council Karen Roberts, and Deputy Police Chief Rob Fincher.

Mayor Lawson called the meeting to order. Following the Pledge to the American Flag and invocation by Council Member Martin, Lawson welcomed everyone to the meeting.

Approve minutes from the January 25, 2022 Council Meeting and the January 27, 2022 Special Session – Vice Mayor Bowles made a motion to approve the minutes as presented; Council Member Turner seconded the motion with all Council Members voting in favor.

Read a Proclamation acknowledging March 2022 as Women's History Month – Council Member Martin read the proclamation.



Consider adoption on first reading, Ordinance 2022-1 repealing City disguise and mask restrictions – City Attorney Monday summarized the need to update the ordinance related to disguise and masks. This restriction has been in place since 1971 and there is no longer a need for this in the City Code. Council Member Pearson made the motion to adopt Ordinance 2022-1 repealing the restrictions on first reading; Vice Mayor Bowles seconded the motion with the following roll call vote: Vice Mayor Bowles, aye; Mayor Lawson, aye; Council Member Pearson, aye; Council Member Martin, aye; and Council Member Turner, aye.

February 22, 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Virginia, in Regular Session held on March 8, 2022, that Section 13-16 of the Code of the City of Martinsville be repealed and reserved. ***** <i>Attest:</i> <u>Karen Roberts, Clerk of Council</u>	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 first reading, Ordinance 2022-2 amending the allowable height of uncut grass – City Attorney Monday explained that the current City code states “applicable growth should be cut to a height of 18 inches. The Property Inspections policy states grass should be no higher than 10 inches. Amending the ordinance would allow those two policies to match. Vice Mayor Bowles made the motion to adopt Ordinance 2022-2 on first reading, amending the allowable height of uncut grass; Council Member Martin seconded the motion. Council discussed property maintenance guidelines and policies. The ordinance was approved on first reading with the following roll call vote: Council Member Pearson, aye; Council Member Martin, aye; Vice Mayor Bowles, aye; Mayor Lawson, aye; and Council Member Turner, aye.

February 22, 2022 Council Meeting

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 ~~eighteen (18)~~ 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 ~~eighteen (18)~~ 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

Consider information related to ARPA (American Rescue Plan Act of 2021) funds the City is receiving and potential use of those funds – City Manager Towarnicki summarized the proposed projects to be addressed using the ARPA funds. The City was approved for \$15,463,451 with

February 22, 2022 Council Meeting

half of the funds received in June 2021 and remaining funds expected to be received in June 2022. Funds must be used by 2024 and specific guidelines that must be followed. Of the \$15million awarded, \$10million can be used towards lost revenue if the City decides to do so. Towarnicki explained that the totals on the project list are approximate and would vary depending on contractor bids. City Attorney Monday explained that water line repairs typically qualify for grants while other projects on the list do not. Mayor Lawson explained that the City is being proactive and has purchased a camera to inspect sewer lines. Council Member Pearson would like to see the City do surveys and public meetings to get public input on which projects would be most important. She would like to see a process that would gain more public input and more detailed plans along with return investment on the projects. Pearson shared details from other localities Mayor Lawson asked Pearson to share the information she's researched with Council Members, the City Manger and the City Attorney so they can use that information to move forward. All Council Members agree that the Summit View project needs immediate attention and that the project should move forward to accept bids.

Project	ARPA Category	Estimated Cost	Funding Other	Funding ARPA	7/1/21 to 6/30/2022	7/1/22 to 6/30/2023	7/1/23 to 6/30/2024	7/1/24 to 6/30/2025	7/1/25 to 6/30/2026	7/1/26 to 12/31/2026	Status
Projects Already Completed or Committed	*see below	\$1,918,073		\$1,918,073	\$ 1,918,073						
Install Backup Generator @ Reservoir	Water/Sewer	\$130,000	80% EDA	\$0	\$0						WP working on EDA Application. City match to come from water budget
Broadband Expansion City Fiber Infrastructure	Broadband	\$4,000,000		\$0	\$0	\$0	\$0	\$0			Expansion of broadband into neighborhoods - look at other grant options
Hooker Field Restrooms, Conc., Seating	Tourism	\$2,000,000		\$1,850,000		\$1,850,000					Design work underway now. On schedule to bid in April
Allocate for Misc Stormwater Repairs	Stormwater	\$200,000		\$200,000	\$100,000	\$100,000					Public/private agreement on certain stormwater projects
Southside BallPark, Restrooms	Tourism	\$400,000		\$400,000							Construct new/more ADA compliant restrooms for larger events
Uptown Revitalization	Tourism/ComDev	\$4,500,000		\$4,500,000		\$1,500,000	\$1,000,000	\$1,000,000	\$1,000,000		UP will present details at later Council meeting
Summit View Water Line Project	Water/Sewer	\$804,070		\$804,070		\$804,070					Plans & permits complete. Project ready to bid
Establish City-wide Historic Districts	Comm Dev	\$200,000		\$200,000	\$100,000	\$100,000					estimated
Blighted Property Demolition	Comm Dev			\$500,000	\$200,000	\$150,000	\$150,000				high priority
Municipal Bldg Upgrades	Revenue Replace			\$500,000		\$250,000	\$250,000				post-reversion changes, renovations to accommodate revised space usage
Citywide Park Upgrades	Tourism/ComDev			\$500,000	\$250,000	\$150,000	\$100,000				high priority
Affordable Housing	Comm Dev	\$400,000		\$500,000	\$200,000	\$300,000					\$350K Aaron Mills Loan, 5 pts, others
Usage for Lost Revenue	Revenue Replace			\$4,000,000	\$2,000,000	\$1,000,000	\$1,000,000				Will review during budget prep
Piedmont Arts Capital Campaign	Tourism/ComDev			\$50,000	\$ 50,000						City participation in PA Capital Campaign, tourism-related
Totals:				\$15,922,143	\$ 5,218,073	\$6,204,070	\$2,500,000	\$1,000,000	\$1,000,000	\$0	
*Activity to date by category:	Expended	Encumbered	Total								
PPE-Public Health EC 1.5	28,083.14		28,083.14								
Public Health Other EC 1.12	69,324.00	265824.25	335,148.25								
Public Health Physical Plant EC 1.7		10151	10,151.00								
General Admin EC 7	3,179.06		3,179.06								
Revenue Replacement EC 6.1		33881.75	33,881.75								
Law Enforcement EC 4	151,786.50		151,786.50								
EMS EC 4	106,250.55		106,250.55								
Sheriff Corr EC 4	53,286.75		53,286.75								
Storm Water EC 5.6	65,056.50		65,056.50								
Broadband EC 5.17	774,424.12	151231.83	925,655.95								
Sewer Infrastructure EC 5.2	181,105.38	24488.62	205,594.00								
			0.00								
			0.00								
Grand Total to date:	1,432,496.00	485,577.45	1,918,073.45								
Updated: 2/8/2022											

Consider a review and possible update to the City's Strategic Plan – City Manager Towarnicki explained that the Strategic Plan was last updated in 2017. The last time an update was done, work sessions were held with a facilitator. There are several categories that need “freshening up” while others would not need to be updated at this time because of the ongoing reversion process. Towarnicki explained that Council could do a series of evening sessions working on a few sections at a time or they could meet on a weekend and address the entire plan. Mayor Lawson explained that department heads have had the opportunity to update the strategic plan but most have let it fall to the wayside the past few years. Council asked Towarnicki to look into facilitators and the cost involved. Council's consensus is to do the meetings on weeknights instead of a weekend.

February 22, 2022 Council Meeting

Consider a proposed schedule for the FY22-23 budget process – City Manager Towarnicki shared the dates for the budget process with the budget being presented to Council on April 26 and final adoption scheduled for May 24. Towarnicki suggested possible dates for the budget work sessions and Council shared their preferences.

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

Business from the Floor – Council Member Martin shared a letter dated February 21 from residents on Smith Lake Road regarding the condition of the road. The patchwork and potholes are causing hazardous conditions and repairs should be made to avoid accidents or potential fatalities. Vice Mayor Bowles questioned the date of the last paving and felt that it has been paved since the 1980s as the letter states. Public Works is aware, they plan to patch this Spring once the plants open back up along with repaving soon after.

Comments by City Council – Council Member Turner invited everyone to a Ribbon Cutting at Uptown Bella Salon at 6pm on Friday. The Lester Group plans to use a recently cleared lot to plant trees and possibly make a walking trail. Vice Mayor Bowles wished residents a happy Black History Month. Today is her Mothers heavenly birthday and her god-daughters 12th birthday. On February 28 in Fayette Square at 11am, there will be an unveiling of the new street banners. Mayor Lawson explains that there is a portal on the website with a list of scholarships for Martinsville students. Lawson thanked Vice Mayor Bowles for her social media posts for recognizing residents and local businesses during Black History month. Vice Mayor Bowles is participating in Dancing with the Stars on March 5 at 4:00pm at Piedmont Arts; since this is a fundraiser, Lawson encouraged residents to vote for their favorite. This past Saturday night, Lawson went to the open house at Uptown Bella Salon. Lawson wishes the owner of Uptown Bella luck in her new business as well as her brother who will be opening a business across the street from the municipal building. Lawson received a complaint regarding no security lighting, overgrown trees and an overabundance of trash at the Liberty Fair Mall. Since they are serving the City, managers of that location should be required to turn those lights and clean up the mess.

Comments by the City Manager – Towarnicki is getting calls about high power bills received in February for January services. The electric rates have not been increased since July 2020. The utility bill includes all utilities, not just the electric bill. January was an excessively cold month so the total bill would be higher. The Utility Billing department can work with residents on payment plans and potential grant money. Vice Mayor Bowles asked if there could be a presentation at an upcoming meeting about peak periods, audits, etc. There are resources for residents depending on the circumstances. Mayor Lawson encouraged residents to contact the City Electric Department about payment plans before the bill becomes delinquent. Towarnicki

February 22, 2022 Council Meeting

encouraged any resident with a bill higher than \$500 to contact the City, no single-family home should have a bill that high under normal circumstances.

There being no further business, Vice Mayor Bowles made a motion to adjourn the meeting at 8:30pm.

Karen Roberts, Clerk of Council

Kathy Lawson, Mayor