

AGENDA--CITY COUNCIL
CITY OF MARTINSVILLE, VIRGINIA

Council Chambers – Municipal Building
7:00pm Regular Session
Tuesday December 19, 2023

7:00 pm - Regular Session

Pledge to the American Flag and Invocation by Council Member Kathy Lawson.

1. Consider approval of minutes for October 24, 2023. (5 mins)
2. Consider approval of the Nuisance Ordinance amendment. (5 mins)
3. Conveyance of public property to Danville Housing and Redevelopment Authority. (10 mins)
4. Update from the Finance Department related to the requested electric rate increase. (10 mins)
5. Consider approval of proposed changes to the City Charter. (10 mins)
6. Consider information related to the City proposed 2024 Legislative Agenda. (10 mins)
7. 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, December 18, 2023.* 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.
8. Comments by members of City Council. (5 mins)
9. Comments by City Manager. (5 mins)

Meeting Date: December 19, 2023

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes

Summary: None

Attachments: October 24, 2023 Council Meeting

Recommendations: Motion to approve minutes as presented.

Meeting Date: December 19, 2023

Item No: 2.

Department: Community Development

Issue: Consider approval of the Nuisance Ordinance amendment

Summary: In an effort to reduce the number of times the City must abate the frequently cited properties, we are proposing to amend the ordinance to allow the City to replant these properties in clover, or other low and slow growth ground cover. There are also some adjustments to the language concerning how much of the lot is applicable to be cited and cleaned up. This also clears up how we are currently enforcing this ordinance through the Community Development office instead of Public Works.

Attachments: Ordinance amending Sect 13-37 of 15.5-21 and 15.5-22 of the Code of Martinsville regulating excessive growth of grass, weeds, etc on vacant property.

Recommendations: Staff recommends approval of the new ordinance amendments.

City of Martinsville, Virginia

Ordinance No. 2023-____

WHEREAS, the City of Martinsville is empowered through Chapter 1, Section 2-20 of the Martinsville City Charter to compel the abatement and removal of all public nuisances within the city; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds; and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city; and,

WHEREAS, the City of Martinsville is likewise empowered pursuant to § 15.2-901 and of the Code of Virginia, 1950, as amended, to require that owners of occupied or vacant undeveloped or developed property within the city to cut the grass, weeds and other vegetative growth on such property or any part thereof at such time or times as the City Council may prescribe; and,

WHEREAS, the City of Martinsville is further empowered pursuant to § 15.2-1115 of the Code of Virginia, 1950, as amended, to compel the abatement or removal of all nuisances, including but not limited to the removal of weeds from private and public property; to abate such nuisances at the cost of noncompliant landowners; and to assess liens against properties for such abatement expense; and,

WHEREAS, the Council of the City of Martinsville has determined that the excessive and untrimmed growth of grass, weeds and invasive or noxious vegetation on real property located within the city tends to accumulate trash, debris and litter; tends to harbor or serve as a breeding ground for mosquitos, rodents and other animals harmful to public health; tends to diminish neighborhood housing values and is otherwise injurious to the public health, safety and welfare and constitutes a public nuisance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of -Martinsville, Virginia, in Regular Session held _____, 2023 that Sections 13-37, 15.5-21 and 15.5-22 of the Code of the City of Martinsville be amended to hereafter read as follows:

Sec. 13-37. Excessive growth of grass, weeds, etc., on real property within the City.

- (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 so that such growth at no time exceeds a height of ten (10) inches above the ground for a depth of one hundred fifty (150) feet measured from the property line abutting a city-maintained public street, at an angle of ninety (90) degrees with such property line.
 - (1) Such vegetative growth shall be cut as often as necessary to comply with the standards stated herein, which shall be no less frequent than two (2) times per year, with a cutting to occur at least once between May 15 and June 15; and another cutting to occur at least once between August 1 and September 1.
- (b) The director of community development may grant a variance from these requirements upon a determination that 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.
- (c) Should the owner of any such property fail or refuse to abide by this requirement, the director of community development 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.
- (d) The notice referred to in subsection (b) above shall be given to the owner in the same manner permitted under Section 15.5-22 of the Code of the City of Martinsville.

- (e) 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 community development 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.
- (f) 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. Nothing herein shall constitute an election of remedies or prevent the City from maintaining a civil action to require the owner or occupant of any property in violation of this section to remedy and abate such violation.
- (g) Nothing in this section shall be construed to require the cutting of any tree or ornamental shrubbery, unless it is creating a safety hazard.
- (h) Nothing in this section shall be deemed to require the cutting of growth on a wooded lot which is covered by tree canopy at the time of enforcement primarily containing existing trees 4 inches or more in diameter, or upon a lot which is being returned to a wooded state pursuant to a landscaping plan approved by the Zoning Administrator.
- (i) In the event that the director of community development finds it necessary to abate violations of this section in accordance with subsection (c) herein, upon the fourth such abatement within a calendar year for any specific parcel the director of community development may have such property reseeded in non-invasive clover or other non-invasive, low-growth vegetative cover as the director deems appropriate.

Charter reference(s)—Authority of city to require premises be kept clean, sanitary and free from weeds, Ch. 1, § 2(20).

Cross reference(s)—Penalty for Class 4 misdemeanor, § 1-11; removal or screening of accumulations of waste material on private property, § 18-2.

State law reference(s)—Authority for above section, Code of Virginia, §§ 15.2-901, 15.2-1115.

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 one hundred fifty (150) feet of an inhabited residence or other occupied structure or within one hundred fifty (150) feet of the front property line of any parcel of land, measured at an angle of ninety (90) degrees from the property line abutting a city-maintained street.
- (3) An open place of collection of water where insects tend to breed. For the purposes of this chapter, an "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. An accumulation of more than forty (40) used automobile tires in any open place shall constitute a nuisance.
- (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.

Nothing in this section shall be deemed to require the cutting of growth on a wooded lot which is covered by tree canopy at the time of enforcement primarily containing existing trees 4 inches or more in diameter, or upon a lot which is being returned to a wooded state pursuant to a landscaping plan approved by the Zoning Administrator. 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.

Sec. 15.5-22. Notice of abatement; correction by city.

- (a) Whenever it shall be reported to the code official heretofore designated by council to enforce the building maintenance code in the city that there exists on any lot or parcel of land in the city any such nuisance, he shall forthwith give the owner or owners, occupant or occupants of said premises written notice to promptly remove, raze, or abate such nuisance and specify a reasonable time for

such discontinuance or abatement. The council conclusively finds that three (3) days from the receipt of such notice is a reasonable amount of time for completion of removal razing or abatement of any nuisance, and also finds any longer period prescribed by the notifying official to be reasonable. Such notice shall be in writing and shall be served upon the owner or owners, occupant or occupants by mailing a copy thereof to the last known post office address of said person or persons, or by delivery in person or by delivering it and leaving it in possession of any person in charge of the premises, or by posting the notice in a conspicuous place on the premises if such person or persons cannot be found on said premises; and if the person or persons receiving the notice to abate fail to comply within the given period of time, the code official shall cause the corrections to be made, either through other city agencies or by contract or arrangement with private persons, and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.

- (b) In the event that the director of community development finds it necessary to abate violations of section 15.5-21 of the city code in accordance with subsection (a) herein, upon the fourth such abatement within a calendar year for any specific parcel the director of community development may have such property reseeded in non-invasive clover or other non-invasive, low-growth vegetative cover as the director deems appropriate.

Adopted upon second reading this ____ day of January, 2024. This ordinance shall become effective after ten days have elapsed from the date of adoption recited herein.

Attest:

Karen Roberts, Clerk of Council

Meeting Date: December 19, 2023

Item No: 3.

Department: Community Development

Issue: Conveyance of Public Property to Danville Housing and Redevelopment Authority

Summary: The Danville Redevelopment and Housing Authority has requested the donation of properties owned by the Martinsville Redevelopment and Housing Authority located on West Church Street and Rives Road, for the purpose of developing housing. They have also requested any utility hookups for units developed in the future be waived. The West Church properties consists of 6 parcels totaling approximately 1.547 acres. DHRA is anticipating building a minimum of 20 affordable housing units. The Rives Road property consists of approximately 42.305 acres and would also be developed for future housing of not less than 200 units. The Rives Road property is currently Zoned ED-1 (Economic Development – Generally) and formerly zoned as M-2. In order for the property to develop housing, a Traditional Neighborhood Development Overlay District would have to be approved, or the property rezoned. The West Church properties are zoned Commercial Corridor (C-C, formerly C-3), which allows multi-family but not single family and other residential uses are not allowed under current zoning. The DHRA is seeking immediate site control to begin environmental studies and preliminary design and engineering.

Attachments: None

Recommendations: Authorize the City Manager or designee to draft and execute a contract between the MHRA and DRHA to convey the properties to DRHA by deed, for the purpose to develop the two properties for housing under the minimum guarantees within a negotiated time frame, commit to all utility connections be waived for future housing, and subject to be taxable or subject to tax equivalent, or any other terms to be reasonably negotiated to be identified by the City Manager. Any agreement would need to be approved true to form by the City Attorney.

Meeting Date: December 19, 2023

Item No: 4.

Department: Finance

Issue: Update from the Finance Department related to the requested electric rate increase.

Summary:

Attachments:

Recommendations:

Meeting Date: December 19, 2023

Item No: 5.

Department: City Council

Issue: Consider approval of proposed changes to the City Charter.

Summary:

Attachments: Revised City Charter will be available at the meeting.

Recommendations: Consider approval of City Charter updates on first reading

Date: December 19, 2023

Item No: 6.

Department:

Issue: Consider information related to the City proposed 2024 Legislative Agenda.

Summary: The City annually determines its legislative priorities. Attached is 2023 legislative agenda for your consideration for deletions, additions, and prioritizations for 2024.

This matter will be placed on Council's agenda again at the January 9 meeting for final action and then forwarded to City's General Assembly delegation.

Attachments: 2023 Legislative Agenda.

Recommendations: Discussion, possible amendment. Adoption would be by voice vote at Council's next meeting.



The City of Martinsville appreciates the efforts its legislators undertake at both the state and federal level on behalf of its citizens. Listed below are the City's priorities requested of its legislative delegation in 2023.

Virginia General Assembly

Transportation

1. Fund and upgrade seven miles of US Route 220 between the Martinsville Bypass and North Carolina line with the Southern Connector and/or other significant upgrades to improve safety and accommodate/facilitate imminent industrial growth at Commonwealth Crossing.
2. Continue to place priority on Route 58 improvements, particularly the section between Stuart and Hillsville, Virginia.
3. Increase VDOT funding for road construction and repaving.

Education

1. City Council endorses the concept asserted by Sen. Bill Stanley that the Virginia Constitution and United States Supreme Court precedent requires statewide parity in state funding for school construction, maintenance and operations.
2. City Council endorses the agenda proposed by the Martinsville City School System and also endorses the educational priorities adopted by Henry County, on behalf of its school system.
3. Oppose the imposition of unaided education mandates and in the event of revenue cuts by the Commonwealth opposes targeted cuts by the Commonwealth, instead preferring local decision making authority on where to make any such cuts.
4. Request the Commonwealth to fully fund the expenditures imposed upon local school systems by implementing the Standards of Quality.
5. Encourage the Commonwealth to continue or increase the current levels of financial support provided to Patrick & Henry Community College.
6. Request the Commonwealth to provide incentives for consolidation of school systems.
7. Continue to support funding for school resource officers and ensure that decisions regarding usage of resource officers in schools remain as a local choice/option.

Economic Development

1. Maintain current levels of funding for economic development incentives, including but not limited to the Governor's Opportunity Fund.
2. **Enhance the authority granted to localities to address and eliminate blighted properties, and the formation of interstate compacts to allow expedited recourse against out-of-state property owners.** (City Priority)
3. Increase funding levels for the Virginia Museum of Natural History.
4. Request enhanced state and federal financial assistance for localities which exceed the average state unemployment rate by 150% for a period of five consecutive years.
5. Support continued tourism awareness initiatives in the Martinsville-Henry County region.
6. Expand local authority to designate Enterprise Zones and establish incentives.

7. Oppose efforts by Henry County PSA to reopen the Lower Smith River Wastewater Treatment Plant, absent a regional study concluding that such is in the best interests of Martinsville-Henry County taxpayers, customer base, economic needs and state environmental policy.
8. **Expand grants and resources available to fiscally stressed localities, and to business development entities in such localities, to aid in the encouragement or development of small and entrepreneurial businesses.** (City Priority)
9. Support the Virginia Grocery Investment Fund, as a public-private initiative to improve nutrition and access to quality food, and enhance economic development by encouraging the development of grocery stores in neighborhoods where none exist.
10. Support continued funding of the Virginia Food Access Investment Fund Grants program.

Governance

1. Adopt the recommendations of the Virginia Commission on Local Government in its 2018 Annexation Moratorium Study, and urge the General Assembly to enact those recommendations in the 2023 Session.
2. Amend Code of Virginia 51.1-155.2 to allow Constitutional Offices, abolished by reversion of any city to town status, to take early VRS retirement, free of penalty.
3. Urge the General Assembly to conform the state tax code to the 2018 changes in the Federal income tax code.
4. Require full funding for HB 599 funds, in fulfillment of the Commonwealth's commitment to cities in return for their acquiescence in the annexation moratorium.
5. Require that the Commonwealth fully fund its obligations to the Virginia Retirement System, and refrain from borrowing from VRS funds.
6. Request the elimination of "local aid to the Commonwealth" in the state budget; local aid artificially inflates state revenues by shifting responsibility for cuts in vital services onto localities.
7. **Elimination of all unfunded mandates from the Commonwealth to localities.** (City Priority)
8. Oppose any elimination or alteration of local revenue streams, and specifically oppose any amendment to the current manner in which the Business Occupation and Licensing Tax and the Machinery and Tools Tax are levied, unless a replacement revenue stream, not subject to biennial appropriation, is guaranteed by the Commonwealth.
9. Preserve intact local authority to regulate zoning, land use, and regulation of the installation of wireless communication equipment.
10. Request at a minimum, level funding for operational requirements of the Henry-Martinsville Department of Social Services.
11. Request that the General Assembly leaves intact the fire programs fund and the rescue squad assistance funds and not use these funds as a way to balance the state budget.
12. Request that the Commonwealth fully fund its obligations to constitutional officers.
13. Oppose any attempt to curtail the doctrine of sovereign immunity for localities.
14. Oppose any attempt to permit collective bargaining for state and local government employees.
15. Oppose any amendment of the existing burden of proof or process in local tax appeals cases.
16. Request authority to refund erroneously paid taxes at an interest rate which differs from that imposed on delinquencies, and to refund taxes erroneously paid through the fault of the taxpayer at no interest.
17. Support VML's endorsement of a JLARC study of assigning a proportional share of lottery sales revenue to the localities generating such sales.
18. Require the Commonwealth to fund 100% of the per-diem costs of housing state inmates in local jails.
19. Support all state efforts to provide aid and support services to fiscally stressed localities, but oppose any attempts to interfere with localities' right to solve their own financial problems locally.

20. Support the alteration of award criteria in the “REACH Virginia” and all other VHDA programs to a per-capita income-based model.
21. Request that any legislation adopted by the General Assembly concerning the decriminalization of marijuana include local authority to regulate commercial distribution and use.
22. Amend Code of Virginia 15.2-4106 to provide explicit guidance on consolidation of school systems upon municipal reversion. Grant authority to special courts established via 15.2-41 authority to consolidate small school systems based on the criteria enumerated in 22.1-25.
23. Amend Code of Virginia 22.1-25 to grant BOE direct authority to consolidate school systems with small & declining student populations based on the criteria enumerated in the same section.
24. Properly fund the local Public Defender’s office

United States Congress

1. Request the addition of the urban center of micropolitan statistical areas to the eligibility list of “Entitlement Cities.”
2. Oppose any effort to impose additional taxation or regulation of electrical power generation by coal or natural gas.
3. Fund and upgrade seven miles of US Route 220 between the Martinsville Bypass and North Carolina line with the Southern Connector and/or other significant upgrades to improve safety and accommodate/facilitate imminent industrial growth at Commonwealth Crossing. .
4. Request \$3.75M in funds for the redevelopment of brownfields located within the City.
5. Request \$6.25M in funds for the elimination and redevelopment of blighted areas in the City.
6. Request legislation to provide special federal incentives to businesses locating in regions which have experienced job losses in excess of 5% of the total workforce and/or declines in median incomes since the adoption of NAFTA, WTO or GATT. Target such areas for increased federal funding in education or workforce retraining.
7. Extend high speed broadband service throughout southern Virginia.
8. Request enhanced state and federal financial assistance for localities which exceed the average state unemployment rate by 150% for a period of five consecutive years.
9. Oppose the elimination or reduction of the federal Historic Rehabilitation Tax Credit.

Staff Designations

City Council empowers the following staff members to speak on its behalf and in its best interests to the Virginia General Assembly and United States Congress, its members and committees:

City Manager Leon Towarnicki

Other department heads as appointed by the City Manager