

AGENDA--CITY COUNCIL
CITY OF MARTINSVILLE, VIRGINIA
Council Chambers – Municipal Building
5:00pm Work Session 6:00pm Executive/CLOSED Session
7:00pm Regular Session
Tuesday April 23, 2024

5:00 pm – WORK SESSION / BRIEFING

1. Discuss Consent Agenda Items
 - A. Policy for Review and Approval of Murals and Public Art
2. Briefings and Presentations
 - A. Consider an Amendment to the Zoning Ordinance related to building height restrictions and handicapped parking space requirements.
 - B. Presentation by Ariel Johnson and Pam Chitwood regarding Community Overdose Spike Response Planning Team objectives.
3. Quarterly Department Updates:
 - A. Community Development

6:00 pm – EXECUTIVE/CLOSED SESSION

1. 2.2-3711.A.3: Discussion or consideration of the acquisition of real property for a public purpose or disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, concerning the former BB&T Building agreement.

7:00 pm - Regular Session

1. Call to Order
2. Pledge to the American Flag by Council Member Tammy Pearson.
3. Invocation –
4. Proclamations and Presentations
 - A. Proclamation for Gbs-Cidp Awareness Month
 - B. National Correctional Officers and Employees Week
5. Consent Agenda
 - A. Items Previously Discussed
 1. Policy for Review and Approval of Murals and Public Art
6. Public Hearing
 - A. Public Hearing and Consider Amendment to Zoning Ordinance related to building height restrictions and handicapped parking space requirements.
7. Regular agenda or New business
8. Take any action necessary as a result of the Executive Session

9. Communications from Visitors / Business from the Floor

The public comment portion of the Council meeting provides citizens with the opportunity to discuss matters relevant to the operation of the City, which are not listed on the printed agenda. Citizens who wish to participate in a meeting's public comment period may do so by emailing their comments to Richard Phipps, Deputy Clerk of Council, at rphipps@ci.martinsville.va.us, calling in their comments to 276-403-5177, faxing comments to 276-403-5280, or mailing comments to the City of Martinsville, attn.: Richard Phipps, P.O. Drawer 1112, Martinsville, VA 24114. Comments must be received by 12:00noon April 22, 2024. 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 AGENDA--CITY COUNCIL CITY OF MARTINSVILLE, VIRGINIA Council Chambers – Municipal Building 5:00pm Work Session 7:00pm Regular Session DATE is given to City residents, taxpayers, and business owners. Speakers may not yield time. Groups of speakers on the same topic must designate a single representative. Comments violating these rules may not be presented at the Council meeting. Any speaker violating these rules may be removed from the podium or from the Council chamber. This policy does not apply to public hearings, at which any citizen of Martinsville may appear and speak on the subject of the public hearing.

10. Comments by Members of City Council (5 mins)

11. Communications

A. City Manager

B. City Attorney

C. Monthly Financial Update

12. Adjournment

MEETINGS: April 23, 2024

TITLE: Policy for Review and Approval of Murals and Public Art

STAFF RESPONSIBLE Keith Holland, Community Development Director

BACKGROUND/HISTORY

The City of Martinsville has used murals and public art, particularly Uptown, to enhance the character and vibrancy of the community. Recently, we were made aware of a new mural being planned for Uptown. It was determined that there is no clear approval authority for murals, as they are not considered signage subject to review and approval by the Zoning Administrator. Community Development staff have reviewed how other cities in Virginia handle murals, and the resulting policy is the result of best practice solutions common in the state.

The Policy on Murals and Public Arts incorporates responsibility for review and approval to the Arts & Culture Committee that was recently formed. The ACC will act as a facilitator to encourage appropriate public arts throughout the city, while the Architectural Review Board will review and approve applications for any murals or public art within all historic districts.

POLICY EXPLANATION

As no clear policy currently exists to address murals and public art, it is in the City's best interest to establish a policy that defines public art and establish a line of responsibility for the review and approval of such amenities that are encouraged as a tool for community vitality.

FISCAL IMPACT/FUNDING SOURCE

None

AVAILABLE BUDGET
NA

PURCHASE AMOUNT
NA

ACTION REQUESTED/ALTERNATIVES:

1. Adopt the attached Policy on Murals and Public Art
2. Table the matter for further review

3. Reject the attached Policy

ATTACHMENTS:

1. Policy on Review and Approval of Murals and Public Art

Murals & Public Art

Review and Approval Policy for the City of Martinsville

Purpose:

The City of Martinsville encourages the use of art as a way to engage residents and visitors, create community identity and highlight creativity. The display of murals and public art also assists in supporting the city's arts, tourism, and economic initiatives. The purpose of this policy is to strengthen the role of the City as a facilitator for the display of art in public spaces and implement an appropriate review process for public art. For the purpose of this policy, public art is defined as any work of art or structural design element, including installations, sculptures, and murals, that are situated and visible in a public place and open for the public to experience, regardless of whether or not it is on public or private property.

Goals:

The City of Martinsville strives to use murals and public art to obtain the following community goals:

- 1) To foster the public's understanding and enjoyment of public art;
- 2) Integrate public art into all aspects of the community and make it available to everyone;
- 3) Create distinct places and attractive spaces to be enjoyed by city residents;
- 4) To highlight the efforts of local artists and make Martinsville a haven for artists to work, live, and thrive in the community.

Review Process:

Proposed murals and public art projects in the City of Martinsville must be reviewed and approved by the appropriate city board prior to project implementation. The Architectural Review Board (ARB) reviews murals/public art that are proposed within the Historic District boundaries. The Arts & Cultural Committee (ACC) reviews murals/public art in areas of the city that are not located within the Historic District.

Murals & Public Art in Designated Historic Districts

Architectural Review Board (ARB)

The Architectural Review Board, or ARB, is responsible for reviewing and approving any exterior alterations to properties located within the boundaries of the city's historic district. The ARB does not review the content of the art, but instead review how the proposed art installations will impact historic architecture and the overall character of the historic district. The City of Martinsville Zoning Ordinance designates the exterior painting of historic structures resulting in a non-similar color, such as mural art, as a substantial alteration requiring the issuance of a Certificate of Appropriateness by the ARB. The painting of mural art on small building elements, such as individual bricks and utility appurtenances (such as downspouts) will not be considered a substantial alteration. The ARB does not review art-based projects on public property that are temporary installations such as rotating public art exhibits.

Murals & Public Art in Non-Historic Districts

Arts & Cultural Committee (ACC)

The Arts & Cultural Committee, or ACC, is responsible for reviewing and approving any public art projects located in any area of the city that is not designated as historic. General responsibilities of the ACC include:

- 1) Facilitating public art in public buildings and spaces;
- 2) Guiding the subject matter and direction of public art projects;
- 3) Developing procedures for selection of art and artists, to include input from the public and city staff;
- 4) Making recommendations to City Council on public art policy and acquisitions of works of art;
- 5) Advancing the city as an “arts destination” and attracting artists, cultural tourism, and economic development through public art.

The ARB and ACC will use the following criteria when reviewing a mural or other form of public art:

Review Criteria of Murals:

A. Location

- 1) Murals must be painted on side or rear walls of the building and not on its primary façade or above roof line.
- 2) Existing historically significant murals cannot be painted over unless being rehabilitated.
- 3) The number of murals will be limited to no more than three (3) murals per city block.
- 4) The installation of a mural should compliment and enhance the building and be incorporated architecturally into the façade.
- 5) The location of the mural on the building should not cover or detract from significant architectural features or character defining design.

B. Design & Materials

- 1) The scale of the mural should be appropriate to the building and the site.
- 2) The theme of the mural should be appropriate within the context of the surrounding neighborhood and complement the existing character.
- 3) The mural should be an original design.
- 4) A color palette should be used that compliments the colors or architecture found on the property and the streetscape.
- 5) The sponsor and/or artist’s names may be incorporated but should be discreet and not exceed five percent (5%) of the design or two (2) square feet of the area, whichever is less.
- 6) Artists should use paints and materials that will not chemically corrode nor compromise the integrity of the building’s exterior or structure.
- 7) All murals must be coated with a clear layer of anti-graffiti coating or sealant.
- 8) Paints that are reflective, neon, and/or fluorescent should not be used.
- 9) All costs associated with installing the mural, artist fees, and the selection of the artist will be managed by the property owner.

Maintenance:

- 1) The property owner will be responsible for proper maintenance of the mural, including peeling paint.
- 2) The property owner will sign a written agreement for maintenance.
- 3) The property owner may be contacted for mural maintenance at any time the city determines repairs or maintenance is required.

General Public Art Guidelines

- 1) The subsequent guidelines will be applied to contributing, landmark, and non-historic structures in the same manner.
- 2) Alterations made to buildings within the Historic District(s) for arts-based projects should be reversible and not damage the features of historic landmarks or contributing buildings.
- 3) Existing historic architectural details on primary facades should not be altered, covered over, or diminished by arts-based projects.
- 4) Arts-based projects that include information related to a business, product or service will be considered a sign and are required to meet current zoning regulations. When an official interpretation is deemed necessary, the Director of Community Development will determine if a proposal is a mural, sculpture, or sign. Generally, arts-based projects do not include trademarks, service marks, or other markings associated with a business, profession, trade, or occupation.
- 5) Mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl, are not permitted.
- 6) Murals or public art that is displayed in the City of Martinsville must be safe, citizen-friendly and suitable for all in the community. The ARB or the ACC will not approve plans for murals or public art that it considers to be unsafe, offensive, or contrary to community standards, including but not limited to:
 - 1) Displays of nudity
 - 2) Displays of violence or threatening imagery
 - 3) Displays of a sexual nature or theme
 - 4) Displays of hostility to any religion(s)
 - 5) Displays that violate copyright/trademark laws
 - 6) Displays that desecrate the American flag or other revered objects
 - 7) Displays that are racially or ethnically offensive.
 - 8) Displays that are harmful or inappropriate for minors.
 - 9) Displays that defame others.

Appeals:

Decisions of the Architectural Review Board and the Arts & Cultural Committee can be appealed within 15 days to Martinsville City Council. City Council can overturn their decision, if they choose, and approve a mural or public art project in both the historic and non-historic districts.



Policy on Review and Approval of Murals and Public Art

April 23, 2024

Purpose

- Public art is generally commissioned by government or private property owners and is considered culturally enriching, socially acceptable, and viewable from the public realm. Martinsville has several existing examples of public art that help to define our history and promote the vitality of our community.
- The Community Development office was recently contacted by Sarah Capps, who is coordinating a mosaic mural in a public alley in Uptown in memorial to her brother.
- A mural that does not expressly advertise or promote a business does not meet the definition of a sign, and thus not subject to approval or permits typically issued by the Zoning Administrator.
- No current policies or procedures are in place for City staff or public body to review or approve the painting of murals on private buildings or other public art initiatives such as sculptures, statutes, mosaics, photography, textile hangings, etc.
- The MHC Chamber of Commerce, Uptown Partnership, and the Harvest Foundation have largely led the development and placement of public art.

Purpose

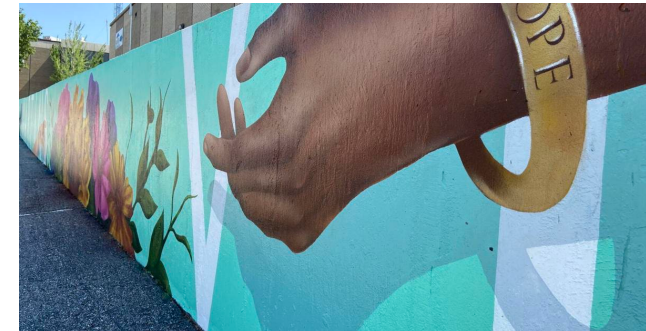
- In 2022, the City Council established an Arts & Culture Committee to promote and encourage various arts and cultural amenities that can increase tourism and visitation, spur economic activity, enhance revitalization efforts, as well as promote local artists and crafts persons in Martinsville and Henry County.
- Utilizing the Virginia Institute of Government, several examples of similar policies were received by staff and reviewed to incorporate best practices for Martinsville. The cities of Manassas, Roanoke, Fredericksburg, Williamsburg, Alexandria, and Lynchburg, as well as the town of Purcellville, provided information that staff reviewed for common practices.
- The proposed policy allows for murals and other public art throughout the city to be reviewed and approved by the Martinsville Arts & Cultural Committee. Any public art proposed in any of the city's 3 historic districts must also be reviewed and approved by the Architectural Review Board for appropriateness using the criteria and guidelines listed in the policy.
- The policy allows appeal of decisions made by the ARB and ACC to City Council to be filed within 15 days of such decisions.



Questions?

"The object isn't to make art; it is to be in that wonderful state which makes art inevitable."

-Robert Henri



MEETINGS: April 23, 2024

TITLE: Public Hearing on Amendment to Zoning Ordinance Related to Building Height Restrictions and Handicapped Parking Space Requirements

STAFF RESPONSIBLE Keith Holland, Community Development Director

BACKGROUND/HISTORY

Following extensive discussion and review, the Martinsville Planning Commission determined that the current building height restrictions in the existing Zoning Ordinance can potentially have a negative impact on development within the city. Current height restrictions would not allow the new Holiday Inn Express on Commonwealth. Many localities have removed building height restrictions, as modern building and fire codes have made buildings safer. Historically, many localities placed maximum building heights to the length of existing fire truck ladders. It was also determined that the handicap space requirements are redundant in the Zoning Ordinance, as accessible parking requirements are already addressed by the Uniform Statewide Building Code (USBC). The Planning Commission initiated the process of amending these sections of the Zoning Ordinance by scheduling a public hearing for March.

The Martinsville Planning Commission held a legally advertised public hearing on Wednesday, March 20, 2024, to make a recommendation to City Council regarding proposed amendments to the Zoning Ordinance that relate to the removal of building height restrictions and handicap space requirements.

POLICY EXPLANATION

The Martinsville Planning Commission voted to recommend APPROVAL of the proposed amendments to the Zoning Ordinance by a vote of 5-0, allowing for the removal of building height restrictions and handicap space requirements.

FISCAL IMPACT/FUNDING SOURCE

None

AVAILABLE BUDGET
NA

PURCHASE AMOUNT
NA

ACTION REQUESTED/ALTERNATIVES (after conducting a public hearing):

1. Adopt the Amendments to the Zoning Ordinance as presented
2. Table the matter for further review
3. Reject the attached Amendments to the Zoning Ordinance

ATTACHMENTS:

1. Policy on Review and Approval of Murals and Public Art



Proclamation

RECOGNIZING THE MONTH OF MAY 2024 AS GBS/CIDP AWARENESS MONTH

WHEREAS, The Month of May has been designated as " GBS and CIDP Awareness Month " to educate the public and to focus attention on Guillain-Barre' Syndrome (GBS) and Chronis Inflammatory Demyelinating Polyneuropathy (CIDP), rare, paralyzing, and potentially Catastrophic disorders of the peripheral nerves; and

WHEREAS, the cause of GBS and CIDP is unknown. The length of the illness is unpredictable. It is characterized by rapid onset of weakness and, often, paralysis of the legs, arms, breathing muscles, and face. Usually, months of hospital care are required with patients and families facing an uncertain future, not knowing if and when recovery will occur. Some may face long-term disabilities of varying degrees. GBS or CIDP can develop in any person at any age, regardless of gender or ethnic background; and

WHEREAS, in 1980, the Guillain-Barre Foundation International (now the GBS/CIDP Foundation International), was founded to provide a support network to patients and their families through the national office headquartered in Philadelphia and its 180 chapters with more than 40,000 members throughout the United States, Canada, Asia, Europe, Australia, South America, and South Africa; and

WHEREAS, Rick Forney is the Liaison for the local area chapter serving as the link between patients, physicians, nurses, and families. The Foundation provides educational materials including a comprehensive booklet, " GBS, an Overview for the Layperson, " and newsletters as well as funding medical research and conducting symposia; and

WHEREAS, the Foundations Medical Advisory Board includes prominent neurologists active in GBS and CIDP research, leading physicians in rehabilitation medicine, and physicians who, themselves, have had the disorder;

NOW, THEREFORE, I, LC Jones, Mayor of the City of Martinsville, Virginia, do hereby proclaim the month of May, 2024 as " GBS/CIDP AWARENESS MONTH "in the City of Martinsville and I encourage all the citizens to recognize the importance of raising awareness of GBS and CIDP.

LC Jones, Mayor



PROCLAMATION

National Correctional Officers and Employees Week

WHEREAS, in 1984, President Ronald Reagan signed Proclamation 5187, creating “National Correctional Officers’ Week” and each year the first full week in May is recognized to commemorate the contributions of correctional officers and personnel who work in jails, prisons, and community corrections across the country; and

WHEREAS, one of the primary goals for the City of Martinsville is to provide its citizens with an effective judicial system that concentrates on quality for all of our citizens; and

WHEREAS, the City of Martinsville’s dedicated correctional officers are essential to the success of our judicial process, and our correctional officers’ work includes daily exposure to a hostile environment with many of the most dangerous individuals in our society; and

WHEREAS, correctional officers contribute daily to the protection of our citizens by housing dangerous felons in a humane environment, often at great risk to the officers’ own protection; and

WHEREAS, the City of Martinsville is pleased to join with officials and distinguished correctional officers across America to recognize the achievements of these dedicated individuals. We are indebted to the International Association of Correctional Officers for continuing to emphasize the accomplishments of correctional officers worldwide;

NOW, THEREFORE, for these significant reasons, I, LC Jones, Mayor of the City of Martinsville, Virginia, do hereby proclaim May 5-11, 2024, as **NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK** in the City of Martinsville and commend this observance to all of our citizens.

LC Jones
Mayor