

February 12, 2013

The regular meeting of the Council of the City of Martinsville, Virginia, was held on February 12, 2013, in Council Chambers, Municipal Building, at 7:30 PM, Closed Session beginning at 7:00PM, with Mayor Kim Adkins presiding. Council Members present included: Mayor Kim Adkins, Vice Mayor Gene Teague, Mark Stroud, Danny Turner and Sharon Brooks Hodge. Staff present included: Leon Towarnicki, Interim City Manager, Brenda Prillaman, Eric Monday, and Mike Rogers.

Closed Session: Mayor Adkins called the meeting to order and advised Council will go into Closed Session. In accordance with Section 2.1-344 (A) of the Code of Virginia (1950, and as amended) and upon a motion by Mark Stroud, seconded by Sharon Brooks Hodge, with the following 5-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; Hodge, aye; and Turner, aye, Council convened in Closed Session, for the purpose of discussing the following matters: (A) Appointments to Boards and Commissions as authorized by Subsection 1. (B) Consultation with legal counsel and briefings by staff members, attorneys, or consultants pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal advice by such counsel, as authorized by Subsection 7. (C) A personnel matter as authorized by Subsection 1. Council then returned to open session and Mayor Adkins advised Closed Session is recessed until end of meeting.

Action taken following closed session recess--Board appointments:

West Piedmont Planning District Commission-on a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Sharon Brooks Hodge, 203 Greyson St., was appointed to fill the elected official vacancy.

Transportation Safety Commission-on a motion by Gene Teague, seconded by Mark Stroud, with a 5-0 vote, Abby Ozbun, 530 Plantation Rd., was appointed to fill the student vacancy with term ending 6/30/13.

Southern VA Recreation Facilities Authority-on a motion by Sharon Brooks Hodge, seconded by Gene Teague, with a 5-0 vote, James S. Esters, 1007 Graves St., was appointed to an unexpired 4 year term ending 10/31/16.

Southern Area Agency on Aging-on a motion by Mark Stroud, seconded by Danny Turner, with a 5-0 vote, Lisa Smith, 803 Banks Rd., was appointed to an unexpired 3 year term ending 2/28/15.

Following the invocation by Council Member Stroud and Pledge to the American Flag, the Mayor welcomed everyone to the meeting including members of a Boy Scout troop working on merit badges.

Minutes: On a motion by Gene Teague, seconded by Danny Turner, with a 5-0 vote, Council approved the minutes of the December 11, 2012 and January 2, 2013 meetings.

Proclamation-Mayor Adkins presented a proclamation recognizing February 2013 as Martinsville Henry County and Patrick County Re-Entry Awareness Month. Harold Clarke, Director of the VA Department of Corrections, made brief remarks after accepting the proclamation and introduced other representatives in attendance.

Shop Local update from MURA-Martinsville Uptown Revitalization Association Director Laura Bowles updated Council on the Shop Local initiative and pointed out the new Shop Local website will be active on March 5 and any business that is for profit can be listed for free on the website.

Skateboarding ordinance-second reading-City Attorney Eric Monday briefed Council on the amended language on the proposed skateboarding ordinance. A motion was made by Gene Teague,

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seconded by Mark Stroud, with a 5-0 vote, to amend the ordinance as presented by the City Attorney. Mr. Monday pointed out only a voice is required on the amendments themselves, but a roll call vote will be required to approve the ordinance on second reading. After citizen comments from Ernest Harr of Ridgeway and comments from each Council member, a motion was made by Sharon Brooks Hodge, seconded by Danny Turner, with following 5-0 recorded vote: Adkins, aye; Teague, aye; Stroud, aye; Hodge, aye; and Turner, aye, to approve the following skateboarding ordinance on second reading:

**Ordinance No. 2013-1
(City Code Section 19-22)**

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on February 12, 2013, that Section 19-22 of the Code of the City of Martinsville be, and hereby is, amended to read as follows:

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 shall ride or 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 \$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 district 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)

Cross reference— Penalty for Class 4 misdemeanor: Code of Virginia §18.2-11.

State law reference— Riding bicycles on sidewalks, Code of Virginia, §46.2-904.

Overview of February 11, 2013 Northside Neighborhood meeting-Mayor Adkins gave an update on Council's tour of the Northside area and citizen concerns expressed at the meeting held at Clearview Wesleyan Church.

Business from floor: No comments were made.

Council comments: Stroud-reminded citizens about Valentine's Day and reported he was appointed to the Legislative and Planning Committee representing VML on the state EMS Advisory Board. Hodge-noted this is National Marriage Week and congratulated married couples; Adkins-reported she has been invited to make remarks on behalf of the city for Pastor Richardson on February 23.

Interim City Manager comments: reported on upcoming Council capital worksession advising that Mrs. Prillaman will poll Council for worksession date; reported the PART transit program has surpassed the ridership numbers from last year which shows the service is being used and is serving a widespread need.

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City Attorney Eric Monday noted that the city code does say that it is illegal to ride bicycles on the sidewalks.

Closed Session: Council then recessed open session and re-convened Closed Session. At the conclusion of Closed Session, each returning member of Council certified that (1) only public business matters exempt from open meeting requirements were discussed in said Closed Session; and (2) only those business matters identified in the motion convening the Closed Session were heard, discussed, or considered during Session. On a motion by Gene Teague, seconded by Mark Stroud, with the following recorded 5-0 vote: Adkins, aye; Hodge aye; Teague, aye; Stroud, aye; and Turner, aye, Council returned to Open Session. No action was taken.

There being no further business, the meeting adjourned at 9:23 pm.

Brenda Prillaman
Clerk of Council

Kim Adkins
Mayor