

AGENDA--CITY COUNCIL -- CITY OF MARTINSVILLE, VIRGINIA
Council Chambers – Municipal Building
7:30 pm Regular Session
Tuesday, August 28, 2018

7:30—Regular Session

Pledge to the American Flag and Invocation by Mayor Teague

Circuit Court Clerk Ashby R. Pritchett issues Oath of Office to newly appointed Council member James N. Woods

1. Consider approval of minutes from the August 14, 2018 Council Meeting, August 16, 2018 Council Meeting and the August 20, 2018 Council Meeting. (2 mins)
2. Recognize City Employees who are eligible for Service Awards for the period July 1-September 30, 2018. (10 mins)
3. Read and present a proclamation honoring George W. Lester II. (5 mins)
4. Consider approval of a Memorandum of Understanding with the Martinsville-Henry County Family YMCA regarding contracting for services related to City Parks & Recreation programs. (10 mins)
5. Consider adoption of a resolution setting the allocation percentage for personal property tax relief for qualifying vehicles in the City of Martinsville for tax year 2018. (5 mins)
6. Consider setting a public hearing on a request by Planning Commission for a Zoning Text Amendment to modify the requirements of the Architectural Review Board's membership. (10 mins)
7. Hear information regarding the Virginia Commission on Local Government's Draft Report on Annexation Alternatives and consider submitting written comments for the public hearing process. (10 mins)
8. Consider approval of consent agenda. (2 mins)
9. Business from the Floor
This section of the Council meeting provides citizens the opportunity to discuss matters, which are not listed on the printed agenda. Thus, any person wishing to bring a matter to Council's attention under this Section of the agenda should:
 - (1) come to the podium and state name and address;**
 - (2) state the matter that they wish to discuss and what action they would like for Council to take;**
 - (3) limit remarks to five minutes;**
 - (4) refrain from making any personal references or accusations of a factually false and/or malicious nature. Persons who violate these guidelines will be ruled out of order by the presiding officer and will be asked to leave the podium.****Persons who refuse to comply with the direction of the presiding officer may be removed from the chambers.**
10. Comments by members of City Council. (5 minutes)
11. Comments by City Manager. (5 minutes)



City Council Agenda Summary

Meeting Date: August 28, 2018

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes

Summary: None

Attachments: August 14, 2018 Council Meeting
August 16, 2018 Council Meeting
August 20, 2018 Council Meeting

Recommendations: Motion to approve minutes as presented.

August 14, 2018 Council Meeting

The regular meeting of the Council of the City of Martinsville, Virginia was held on August 14, 2018 in Council Chambers, Municipal Building, at 7:30 PM with Mayor Gene Teague presiding. Council Members present included Gene Teague, Jennifer Bowles, Chad Martin and Kathy Lawson. Staff present included City Manager Leon Towarnicki, City Attorney Eric Monday, Assistant City Manager Wayne Knox, Clerk of Council Karen Roberts, Finance Director Linda Conover, Police Chief Eddie Cassady, and Superintendent of Electrical Operations Daniel Morrison.

Mayor Teague called the meeting to order and advised Council would go into Closed Session beginning at 7:00 PM. In accordance with section 2.1-344 (A) Code of Virginia (1950, and as amended) and upon a motion by Council Member Lawson, seconded by Council Member Bowles, with the following 4-0 recorded vote: Council Member Lawson, aye; Council Member Bowles, aye; Mayor Teague, aye and Vice Mayor Martin, aye. Council convened in Closed Session to discuss 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, and (C) Discussion or consideration of the acquisition of real property for a public purpose, or of the 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, as authorized by Subsection 3, and (D) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, as authorized by Subsection 29.

Council Member Bowles made a motion to appoint Brenda Ephriam to the Piedmont Regional Community Services Board for an unexpired 3-year term ending June 30, 2020; Vice Mayor Martin seconded the motion with all council voting in favor.

Council Member Lawson made a motion to appoint Johnathan Phillips to the Patrick Henry Community College Board for an unexpired 4-year term ending June 30, 2022; Council Member Bowles seconded the motion with all council voting in favor.

Following the Pledge to the American Flag and invocation by Vice Mayor Martin, Teague welcomed everyone to the meeting.

Consider approval of minutes from the June 25, 2018 Neighborhood Meeting, June 26, 2018 Council Meeting, July 10, 2018 Council Meeting, July 24, 2018 Council Meeting, and July 31, 2018 Special Session – Council Member Bowles made a motion to approve the minutes as presented; Council Member Lawson seconded the motion with all members voting in favor.

August 14, 2018 Council Meeting

Conduct a public hearing for the purpose of receiving names of citizens interested in an appointment to a partial term on City Council ending December 31, 2020 – Mayor Teague read the names from the applications received. No one else approached the podium to express interest. Mayor Teague explained the process to review the applications and explained that applicants would be contacted to schedule interviews within the next week.

Hear a brief update from Martinsville City School Superintendent Dr. Zeb Talley, Jr. – Dr. Talley thanked Council, law enforcement and local clergy members for showing their support on the first day of school. Talley is proud of the students, faculty and administrators for their work towards getting the schools accredited. The students are performing and behaving at a high level. The 3-year and 4-year old programs are full with a waiting list. Talley explained that enrollment is about the same as last year. 124 new students were enrolled last year before September 24 so in the first month of the school year the enrollment will vary. Talley shared his vision of a new community gym in 2022 at Martinsville High School.

Hear a staff update from the Electric Department regarding recent power outages – City Manager Towarnicki detailed some of the most recent power outages and the City's plans to begin an aggressive tree-trimming project. Daniel Morrison explained what happened during the most recent outage, stating that residents lost power and surges entered some homes causing damage to both customer equipment and appliances as well as to some City equipment. Towarnicki said the cost to bury the lines would be considerable and repairs to underground lines would take more time than repairing lines on the poles. Daniel explained that the last outage took about 6 hours to repair, stating if the lines were underground, it would have taken a lot more time to fix. All three major outages were attributed to trees falling from across the road, not on City right-of-way. Morrison explained that beginning next week, Skyline Tree Service will begin maintenance on the right-of-way in addition to aggressive limb removal to remove limbs that could potentially cause outages in the near future. Skyline will cut and drop the wood; the Sheriffs' Department will take care of cutting the wood and clean up. Some lines will be installed underground and the Electric Department will continue to apply wildlife protection. Customers can help by maintaining their property, trimming tree limbs, grounding in the house and using surge protectors.

Consider setting a schedule and location for FY19 Council neighborhood meetings – Council Members agreed on the following dates and locations for the FY18-19 Neighborhood meetings for each location:

Druid Hills/Uptown – September 24 at Patrick Henry School

Westside Area – October 22 at Albert Harris School

Northside/Chatham Heights – March 25, 2019 at McCabe Church

Southside Area – April 22, 2019 at Wesley Memorial Methodist.

August 14, 2018 Council Meeting

Hear information regarding the Virginia Commission on Local government's Draft Report on Annexation Alternatives and consider submitting written comments for the public hearing process – City Manager Towarnicki directed Council to the 80-page report that was shared in the DropBox for Council's review. Towarnicki reviewed highlights of that report. September 3 is the final public hearing in Staunton and comments can be submitted before that date to be included in the report. Towarnicki touched on the comments previously submitted by the Martinsville City Attorney's office that have been recorded in the report. If council wants to review or revise the comments already submitted, that may be done before the September 3 public hearing deadline.

VML Urges Its Localities to Provide Written Comments

As you know, the Commission on Local Government will hold its final public hearing on the Annexation Study in Staunton on September 4th (2:00 pm, Central Shenandoah Planning District Commission Board Room 112, ~~Macranly~~ Place) and they will take written comments until September 3rd at david.commy@dhcd.virginia.gov.

VML's Policy Statement says that "The Virginia Municipal League supports the General Assembly's provision of financial incentives to promote consolidation of local government services and cooperative agreements among local governments."

We recognize that our members have diverse views on Annexation, Consolidation and Reversion and that it is an incredibly complex topic. What we all may agree upon is this: the status quo isn't working.

The [draft report](#) identifies 9 matters for consideration:

1. Modify reversion and consolidation statutes to remove obstacles.
2. Make reversion and consolidation more cost-effective through incentives.
3. Grant additional powers to counties through reversion and other interlocal agreements
4. Evaluate mandated service delivery methods to identify appropriate service level.
5. Relax the requirements for the establishment of joint authorities and special districts.
6. Provide planning grants to explore interlocal agreements and other operational efficiencies.
7. Evaluate adequacy of local fiscal resources to identify enhancements.
8. Create or expand programs to reduce local fiscal stress.
9. Incentivize additional regional cooperation and regional programs.

The draft report also includes a good summary of the history of Virginia and the evolution of the system of independent cities. Cities have traditionally been the economic engines of their areas; however, with increased urban sprawl over time, their ability to grow and be successful has been stymied. One local manager pointed out that as the State has expanded its presence with more buildings that are exempt from real estate taxation, the fiscal stress for localities increases and places a significant burden on residents. Other localities may observe that these inherent limitations on taxing authority negatively impact their ability to raise necessary school funding. This poses a particular challenge as other local taxes, like the Communication Sales and Use Tax, which fails to include mobile devices, become progressively obsolete (Note: Although VML advocated for adding prepaid phone cards and streaming services under the Communication Sales and Use Tax during the 2018 Session, the concept found little momentum within the General Assembly). The tendency for the State to pass costs onto local governments, as in the case of benefits under the Line of Duty Act and health insurance credits for teachers, puts additional pressures on local governments. Also prevalent are the discussions of "hold harmless funding" and the lack of the ability to consolidate school systems.

These represent only a few of the issues that have been identified and discussed. Our request is this: VML asks that your locality take the time to review the draft report and consider making comments. It is imperative that the State take some definitive action so that localities can move forward with certainty and in a manner that makes them successful. At stake is the fiscal viability of local governments to deliver the public services mandated by the Commonwealth and expected by our citizens.

Consider approval of consent agenda – Council Member Lawson made a motion to approve the Consent Agenda as presented; Council Member Bowles seconded the motion with all members voting in favor.

BUDGET ADDITIONS FOR 8/14/18				
ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY18				
BUDGET ADDITIONS				
General Fund:				
01102926	436401	Categorical Federal - Confiscated Assets - Police		1,143
01311085	506079	Police Dept. - Federal Asset Forfeitures	1,143	
		Funds received 5/2/18		
01100909	490801	Recovered Costs - Senior Services		2,354
01714212	501300	Senior Services - Part-time Wages	1,524	
01714212	502100	Senior Services - Social Security	95	
01714212	502110	Senior Services - Medicare	22	
01714212	506049	Senior Services - Vehicle Fuels	713	
		Transportation Grant - April through June		
01101916	434103	Categorical - Shared - Comm Atty Additional Allow.		17,000
01913250	503150	General Expense - Prof. Serv. Legal	17,000	
		Reimbursement of Expenses		
Total General Fund:			20,497	20,497
Capital Reserve Fund:				
16102927	436143	Federal Grant - FEMA Firefighters Grant Program		205,000
16572362	508080	Fire Dept. - Tools & Equipment	205,000	
		Grant for SCBA purchase		
Total Capital Reserve Fund:			205,000	205,000

Business from the Floor – Police Chief Cassady thanked the local churches, the neighborhood watch captains and the citizens who made National Night Out events successful.

Comments by Members of City Council – Council Member Lawson said she attended the school administration convocation with Council Member Bowles; the speaker was amazing and it was a very nice event. Lawson thanked Vice Mayor Martin for coordinating the back to school event. Council Member Bowles wished family members a happy birthday; she thanked Lawson and Martin for their participation during the back to school events. The Harvest Foundation had a wonderful open house and the Youth organization did a good job. Another highlight of National Night Out was seeing the Police Department and Council Members going live on social media during the events. Vice Mayor Martin thanked the Police Department and Neighborhood Watch Captains again for successful National Night Out events.

Council recessed regular session and reconvened back to closed session. Returning from 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 the Session. Mayor Teague explained that the Closed Session would recess until 7:00pm Thursday August 16, 2018.

Karen Roberts
Clerk of Council

Gene Teague
Mayor

August 16, 2018 Council Meeting

The closed session meeting of the Council of the City of Martinsville, Virginia from August 14, 2018 resumed at 7:00pm on August 16, 2018 in Council Chambers, Municipal Building, with Mayor Gene Teague presiding. Council Members present included Gene Teague, Jennifer Bowles, Chad Martin and Kathy Lawson. Staff present included City Manager Leon Towarnicki, City Attorney Eric Monday, Assistant City Manager Wayne Knox,

Mayor Teague called the meeting to order. Teague advised that following the public hearing, Council would return to Closed Session which was previously recessed on August 14, 2018. In accordance with section 2.1-344 (A) Code of Virginia (1950, and as amended) upon a motion by Council Member Lawson, seconded by Council Member Bowles, Council certified that the closed session meeting on August 14, 2018 was limited to the following items with the following 4-0 recorded vote: Council Member Lawson, aye; Council Member Bowles, aye; Mayor Teague, aye and Vice Mayor Martin, aye. Council convened in Closed Session to discuss 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, and (C) Discussion or consideration of the acquisition of real property for a public purpose, or of the 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, as authorized by Subsection 3, and (D) Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, as authorized by Subsection 29.

Public hearing to receive input regarding candidates who have applied for appointment to fill a vacant City Council seat - Mayor Teague explained that a public hearing would be held for input on Council candidates before Council resumes to Closed session to begin interviews. Timothy Martin, 913 Mulberry Road spoke on behalf of Joseph Martin and expressing his opinion that Mr. Martin would be a benefit to Council. A. Riggs Roberson, 1227 Mulberry Road publicly expressed his support for Joseph Martin for the vacant Council seat. John Martin, 617 Each Church Street is Joseph Martin's father and shared Mr. Martin's passion for the City and feels that he would be a good candidate for the council vacancy. Joe Martin said he hoped Council would consider appointing him to the vacancy.

Mayor Teague closed the public hearing.

Mayor Teague advised Council would return to 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: Appointments to boards and commissions, as authorized by

August 16, 2018 Council Meeting

Subsection 1. Council Member Lawson made a motion to return to Closed Session; Council Member Bowles seconded the motion with the following 4-0 recorded vote: Council Member Lawson, aye; Council Member Bowles, aye; Vice Mayor Martin, aye; and Mayor Teague, aye.

Closed Session recessed at 9:30pm and will resume on Monday, August 20, 2018 at 6:00pm.

There being no further business, Council Member Bowles made a motion to adjourn the meeting; the motion was seconded by Vice Mayor Martin with all Council Members voting in favor. The meeting adjourned at 9:30pm.

Karen Roberts
Clerk of Council

Gene Teague
Mayor

The closed session meeting of the Council of the City of Martinsville, Virginia from August 16, 2018 resumed at 6:00pm on August 20, 2018 in Council Chambers, Municipal Building, with Mayor Gene Teague presiding. Council Members present included Gene Teague, Jennifer Bowles, Chad Martin and Kathy Lawson. Staff present included City Manager Leon Towarnicki, City Attorney Eric Monday, and Assistant City Manager Wayne Knox,

Mayor Teague called the meeting to order. Teague advised that Council would return to Closed Session, which was previously recessed on August 16, 2018. 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) Appointments to boards and commissions as authorized by Subsection 1. Upon a motion by Council Member Lawson, seconded by Council Member Bowles, with the following 4-0 recorded vote: Council Member Lawson, aye; Council Member Bowles, aye; Mayor Teague, aye and Vice Mayor Martin, aye. Council returned to 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 the Session. A motion was made by Council Member Lawson; seconded by Council Member Bowles, with the following 4-0 recorded vote in favor to return to Open Session: Council Member Bowles, aye; Mayor Teague, aye; Vice Mayor Martin, aye; and Council Member Lawson, aye.

Vice Mayor Chad Martin made a motion to appoint Jim Woods to the remainder of Sharon Brooks Hodge’s Council term ending December 31, 2020; the motion was seconded by Council Member Kathy Lawson with all Council Members voting in favor 4-0.

Council Members thanked all of the candidates who applied for the vacancy and who expressed interest in the position.

There being no further business, Council Member Bowles made a motion to adjourn the meeting; the motion was seconded by Council Member Lawson with all Council Members voting in favor. The meeting adjourned at 8:00pm.

Karen Roberts
Clerk of Council

Gene Teague
Mayor

Meeting Date: August 28, 2018

Item No: 2.

Department: Human Resources

Issue: Recognize City Employees who are eligible for Service Awards for the period July 1 – September 30, 2018.

Summary: The Service Award Program is designed to build individual morale and show appreciation to the long-service employee for their faithful service to the City of Martinsville.

**SERVICE AWARD RECIPIENTS
FIRST QUARTER - FISCAL YEAR 18-19
FOR THE PERIOD OF July 1 – September 30, 2018**

Name	Department	Years of Service
ZACH MORRIS	PURCHASING	5
ANDY POWERS	FIRE DEPARTMENT	10
ERIC EGGLESTON	POLICE DEPT	10
REVA KEEN	SHERIFF'S DEPARTMENT	10
TAMMY DAVIS	INSPECTIONS	15
BRENDA EGGLESTON	SHERIFF'S DEPARTMENT	20
JIM MINTER, JR.	POLICE DEPT	35
DOUG HUSTON	PUBLIC WORKS	40

Attachment: None

Recommendation: The Mayor will read the list.

Meeting Date: August 28, 2018

Item No: 3.

Department: City Council

Issue: Read and present a proclamation honoring George W. Lester II.

Summary: In 2018, George W. Lester II is retiring as Chief Executive Officer of The Lester Group after more than four decades of exceptional company leadership and growth. During that time Mr. Lester and The Lester Group have continued to be strong community partners supporting numerous causes, events, and organizations.

Attachments: Proclamation

Recommendations: Mayor to read and present the proclamation.



PROCLAMATION

HONORING RETIRING CEO OF THE LESTER GROUP MR. GEORGE W. LESTER II

WHEREAS, George W. Lester II is retiring as chief executive officer of the Lester Group in 2018 after more than four decades of exceptional leadership; and

WHEREAS, the Martinsville-based Lester Group was founded in 1896 as Lester Lumber Co., and George W. Lester II joined the family business in 1959; and

WHEREAS, in the 1960s, George Lester helped the company diversify into a three-state operation with divisions for forest products and building materials, manufacturing, and real estate development and management; and

WHEREAS, George Lester rose through the ranks to become president in 1974 and was subsequently chief executive officer, becoming the fourth member of his family to lead the company; his able leadership helped the company thrive during building booms and weather economic downturns; and

WHEREAS, during George Lester's tenure as chief executive officer, the Lester Group played a vital role in the economy of not only the Martinsville-Henry County area but also the region, partnering with communities in Virginia and North Carolina to develop projects that created many new jobs; and

WHEREAS, George Lester will continue to offer his wise counsel to the Lester Group as chair of the board of directors; and

WHEREAS, George Lester and The Lester Group have continued to be staunch community supporters and partners, providing leadership and assistance in making Martinsville and Henry County a better place for all;

NOW THEREFORE, I, Gene Teague, Mayor, and members of Martinsville City Council assembled this 28th day of August, 2018 do hereby commend George W. Lester II on the occasion of his well-earned retirement as CEO of the Lester Group and do hereby proclaim our sincere thanks and appreciation for being an outstanding community supporter and partner, making the Martinsville-Henry County area better for all.

Gene Teague, Mayor

Meeting Date: August 28, 2018

Item No: 4.

Department: City Manager

Issue: Consider approval of a Memorandum of Understanding with the Martinsville-Henry County Family YMCA regarding contracting for services related to City Parks & Recreation programs.

Summary: With a recent reassignment of personnel within the City organization leaving the Parks & Recreational Program Coordinator position vacant, discussions were held with YMCA representatives to determine any interest they might have in contracting for services related to operations of City Parks & Rec programs. This same discussion occurred a number of years ago, also as a result of personnel changes within the City's Parks & Recreation office.

As a result of those discussion and interest expressed by the YMCA, a Memorandum of Understanding has been developed covering key elements of a contract for services. City and YMCA staff have reviewed the MOU on multiple occasions, and the YMCA Board of Directors approved the MOU at their meeting on Tuesday, August 21st.

YMCA staff will be in attendance at Council's August 28th meeting to provide additional information and answer questions.

Attachments: City/YMCA Memorandum of Understanding

Recommendations: Staff recommends approval of the MOU as presented.

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, (the “MOU”) made and entered into this the _____ day of August, 2018 by and between the City of Martinsville, a municipal corporation created and existing under and by virtue of the laws of the State of Virginia (hereinafter referred to as “City”), party of the first part, and Martinsville-Henry County Family YMCA (hereinafter referred to as “YMCA”), party of the second part;

WITNESSETH:

THAT, WHEREAS the City of Martinsville desires to contract for services related to the management and programming of activities and tasks handled by the City’s office of Parks & Recreations; and,

WHEREAS, the YMCA has agreed to contract with the City to provide those and related services for the FY19 fiscal year as outlined in detail below;

NOW, THEREFORE, in consideration of the mutual and respective covenants and agreements contained herein and made with respect to the performance of the services by the YMCA, the parties to this MOU hereby agree as follows:

1. **Term**– The initial term of this MOU shall cover a ten (10) month period from September 1, 2018 through June 30, 2019 and shall be renewed only by the parties’ execution of a new MOU. During and as part of the FY20 City budget deliberations, City Council and the YMCA will evaluate the results/success of the program and mutually agree regarding extension of the MOU for additional periods of time and/or any changes or modifications as may be needed in regard to the scope of work. This MOU may be terminated by either party upon no less than 90 days written notice; in the event YMCA so terminates, it shall repay to the City any compensation paid to it by the City under section 2 hereof, prorated for the unexpired remaining portion of the MOU term.
2. **Payment** – The City will compensate the YMCA for the services described in this MOU in the annual amount of \$50,000, prorated at \$41,667 for the FY19 contract period beginning September 1. Thereafter, should the MOU be extended, two equal payments will be made semi-annually - at the start of the contract period, and in January. Subsequent renewal amounts will be negotiated during the City’s annual budget process.
3. **Council Updates** – The YMCA will provide updates to City Council no less than on a quarterly basis, and more frequently if necessary to keep Council apprised of activities and efforts in regard to the execution of this MOU.
4. **Scope of Work** – The scope of work included under this MOU shall include at a minimum, the following:
 - a) YMCA agrees to advertise and accept applications for youth football, basketball, baseball, co-ed adult softball, etc. and other existing programs currently offered by the City’s Parks & Recreation office; assign teams and schedules, coordinate venues, arrange officiating, etc. related to these activities. The YMCA may collect registration/participation fees as deemed appropriate but any such fees must be reasonable and competitive with comparable programs

and activities offered within close proximity to the Martinsville-Henry County area.

- b) YMCA agrees to identify a staff person who will be the point of contact for City recreational programs. The staff contact will maintain an office and telephone number for meeting with visitors, answering questions, resolving complaints, etc. The City will post the name and contact information on its website and in other areas for public information.
 - c) YMCA will investigate and implement new programs as may be appropriate to meet the changing needs and interests of the City's residents.
 - d) YMCA will coordinate with Henry County Parks & Rec and Smith River Sports Complex on activities as needed, where mutual interests are concerned.
 - e) The City agrees to make available to the YMCA, existing equipment and supplies (bats, balls, football equipment, etc.) related to the various programs operated by City Parks & Rec. The City will inventory said supplies and should this MOU be terminated, a comparable inventory of such supplies shall be returned to the City. YMCA will be responsible for replenishing and maintaining this inventory as needed for its programs.
 - f) The City agrees to maintain, provide, and "make ready" City ballfields, courts, and other facilities as may be necessary for the YMCA's operation of City recreational programs. A City point of contact will be provided for such coordination.
5. Changes/Additions – During the execution of tasks related to this MOU, through frequent interaction between the YMCA and City Staff, there may be opportunities or the need to make modifications or adjustments. City and YMCA staff will remain in constant communication to ensure a smooth transition from City to YMCA operations, to ensure issues/problems/complaints are promptly and fairly addressed, and to ensure the parks & recreation programs provided to the City's residents meet their needs and expectations.

IN WITNESS WHEREOF, Martinsville City Council, party of the first part, has caused this MOU to be executed in its name by its City Manager; and the YMCA, party of the second part, has caused this MOU to be executed in its name by its CEO/Executive Director; this the day and year first above written.

MARTINSVILLE CITY COUNCIL

YMCA

BY: _____

BY: _____

City Manager

CEO/Executive Director

Meeting Date: August 28, 2018
Item No: 5.
Department: Commissioner of the Revenue

Issue: Consider adoption of a resolution setting the allocation percentage for personal property tax relief for qualifying vehicles in the City of Martinsville for tax year 2018.

Summary: On December 13, 2005 City Council adopted an ordinance that established a local program of personal property tax relief that requires the Council to annually set the relief allocation percentage that is anticipated to fully use the PPTRA relief funds provided to the City by the Commonwealth.

The Commissioner of the Revenue has completed the annual assessment of motor vehicles that have a Martinsville tax situs for tax year 2018. By ordinance, qualifying vehicles assessed at \$1,000, or less, receive 100% relief. Qualifying vehicles with assessed values between \$1,001 and the first \$20,000 receive a calculated annual percentage of relief based on the number of qualifying vehicles and their associated assessments. The Commissioner of the Revenue estimates that a percentage rate of 51.40% will fully use all state PPTRA funds allocated to the City for Tax Year 2018.

Attachments: Resolution

Recommendations: Adopt resolution

Council Members
Gene Teague, Mayor
Chad Martin, Vice-Mayor
Jennifer Bowles
Kathy Lawson
Jim Woods



City Manager
Leon E. Towarnicki
City Attorney
Eric H. Monday
Clerk of Council
Karen Roberts

RESOLUTION
SETTING THE ALLOCATION PERCENTAGE FOR PERSONAL
PROPERTY TAX RELIEF IN THE CITY OF MARTINSVILLE FOR TAX
YEAR 2018

WHEREAS, on December 13, 2005 by Ordinance 2005-8 the Martinsville City Council established a local program of tax relief that serves the best interests of its citizens regarding personal property tax on qualifying use vehicles, pursuant to modifications made by the General Assembly of Virginia to the Personal Property Tax Relief Act of 1998 (PPTRA); and

WHEREAS, the City's relief program requires the City Council to adopt an annual percentage of local tax relief for personal use vehicles valued between \$1,001 and the first \$20,000 that will fully exhaust the PPTRA relief funds provided to the City by the Commonwealth of Virginia; and

WHEREAS, the Commissioner of the Revenue has completed the annual assessment of motor vehicles with Martinsville tax situs for Tax Year 2018; and

WHEREAS, the Commissioner of the Revenue estimates that a percentage of relief of 51.40% applied to the first \$20,000 of assessed values for qualifying vehicles valued over \$1,000 will fully use all available state PPTRA relief allocated for tax year 2018,

NOW, THEREFORE BE IT RESOLVED by the Martinsville City Council that 51.40% shall be the percentage of relief to be applied to the first \$20,000 in value of each qualifying vehicle with an assessed value more than \$1,000 pursuant to and in accordance with provisions of Sec. 21-10 of the Martinsville City Code.

Adopted this 28th day of August, 2018.

Gene Teague, Mayor

ATTEST: Clerk of Council

Jennifer Bowles
Kathy Lawson
Chad Martin
M. Gene Teague
Jim Woods

VOTE

Meeting Date: August 28, 2018
Item No: 6.
Department: Community Development

Issue: Consider setting a public hearing on a request by Planning Commission for a Zoning Text Amendment to modify the requirements of the Architectural Review Board's membership.

Summary: According to the City of Martinsville's Zoning Ordinance, Chapter 21, Paragraph G, "ARB Membership and Organization", item #3 "Membership and Terms of ARB" the Architectural Review Board is allowed seven (7) members that are City residents, with one residency exception which is a licensed architect. The Board has never reached its full membership, nor has a licensed architect been a member.

On May 17, 2018, Planning Commission discussed the membership requirement and developed recommendations for a Zoning Text Amendment representing 3 changes to the current language – (1) reducing membership on the ARB from 7 to 5 members; (2) including language that will allow members to serve 3 consecutive terms on the ARB, a provision allowing reappointment for a 4th term if a vacancy occurs and no one qualified applies, and a provision allowing a member to serve the remainder of a term if the member moves from the City, subject to Council approval; and (3) removal of the provision allowing a waiver of the membership requirements.

After conducting a duly advertised public hearing on June 5, 2018, Planning Commission unanimously approved the proposed Zoning Text Amendment and voted to send it to City Council for its consideration.

Attachments: Draft Ordinance 2018 Z-4, Proposed Zoning Text Amendment, Historic Preservation Overlay (HP-O), Chapter 21; Letter from Planning Commission.

Recommendation: Schedule a public hearing for Council's September 11, 2018 meeting on the Zoning Ordinance Text Amendment.



ORDINANCE 2018-Z-4
Zoning, Architectural Review Board Membership

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on September 25, 2018 that Chapter 21, HP-O Historic Preservation Overlay, Paragraph G “ARB Membership and Organization”, Item 3 “Membership and Terms of ARB, of the Zoning Ordinance, be amended as follows:

- a. The Architectural Review Board shall consist of ~~seven (7)~~ *five (5)* citizens, all of whom shall be residents of the City of Martinsville, except that one member may be a licensed architect or landscape architect who is not a resident of the City.

The members shall be appointed by the City Council and serve without compensation.

- b. The Architectural Review Board members shall serve a term of three (3) years, except that original appointments shall be made such that terms expire on a staggered basis.

A member of the Board may serve three (3) consecutive terms. City Council may reappoint the board member for a fourth term if no one qualified has applied. If a Board member moves from the City during his/her term of appointment, he/she may continue to serve as a member with approval of the City Council.

- c. At the first meeting of the Architectural Review Board, the members, by majority vote, shall elect one member to serve as chairman. Thereafter, a chairman shall be elected to a two year term at the first meeting to be held on or after July 1, in such year. Similarly, the members shall elect a vice-chairman and secretary who will also serve for a term of two years. The secretary may or may not be a member of the board.
- d. Appointments to the Architectural Review Board to fill vacancies shall be only for the unexpired term of the departing member.
- e. Members of the Architectural Review Board may be reappointed to succeed themselves. A member whose term expires may continue to serve until a successor is appointed and qualifies.
- f. ~~A waiver of the membership constituency of the ARB may be provided in the event that the City Council cannot fulfill the membership requirements as outlined hereinabove.~~
- f. The Architectural Review Board shall adopt rules of procedure and keep written minutes of its meetings.

Attest:

Karen D. Roberts, Clerk of Council

Date Adopted

Date Effective



August 22, 2018

Mayor Gene Teague
City of Martinsville
55 W Church Street
Martinsville, VA 24112

Dear Mayor Teague,

On Tuesday, June 5, 2018 at 2 PM in Council Chambers, during a duly advertised public hearing, the Planning Commission voted unanimously (4-0) to approve a request to amend Chapter 21 of the Historic Preservation Overlay (HP-O). The amendments are:

3. Membership and Terms of Architectural Review Board:

- a. The Architectural Review Board shall consist of ~~seven (7)~~ **five (5)** citizens, all of whom shall be residents of the City of Martinsville, except that one member may be a licensed architect or landscape architect who is not a resident of the City.
- b. The Architectural Review Board members shall serve a term of three (3) years, except that original appointments shall be made such that terms expire on a staggered basis.

A member of the Board may serve three (3) consecutive terms. City Council may reappoint the board member for a fourth term if no one qualified has applied. If a Board member moves from the City during his/her term of appointment, he/she may continue to serve as a member with approval of the City Council.
- f. ~~A waiver of the membership constituency of the ARB may be provided in the event that the City Council cannot fulfill the membership requirements as outlined hereinabove.~~

The Commission respectfully requests that Martinsville City Council consider the issue for the Zoning Text Amendment and set a public hearing. Thank you for your consideration.

Regards,

Joe Martin
Chair, City of Martinsville Planning Commission

XXI. HP-O, Historic Preservation Overlay District

A. Purpose and Intent

The Historic Preservation Overlay (HP-O) District fulfills the Comprehensive Plan's goal of recognizing Martinsville's unique character and promoting the conservation and preservation of the City's historic resources, buildings, and properties. The preservation and effective growth management of the areas in and around the City's central business district and historic residential neighborhoods are fundamental to implementing Martinsville's goals for future land use.

The HP-O District is established in accord with Section 15.2-2306 of the Code of Virginia, as amended, to maintain, preserve, protect and enhance the architectural excellence, cultural significance, economic vitality, tourist appeal, visual quality and historic importance of the City. The purpose of this district is to provide for protection against destruction or encroachment upon historic areas, buildings, monuments or other features, or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic or architectural heritage of Martinsville and the Commonwealth of Virginia.

The HP-O District is designed to preserve designated landmarks, neighborhoods, and other historic or architectural features, and their surroundings within a reasonable distance, from destruction, damage, defacement and obviously incongruous development or uses of land and to ensure that buildings, structures, or signs shall be erected, reconstructed, altered or restored so as to be architecturally compatible with the historic landmark buildings or structures within the district.

B. Application of the HP-O District

The boundaries of the HP-O District shall be delineated on the Official Zoning Map as adopted by City Council, and updated as necessary from time to time. All properties falling within the overlay shall be subject to the provisions of this section, in addition to the provisions of the applicable underlying zoning district.

C. District Administration: Architectural Review Board

1. Architectural Review Board Power to Approve: No zoning, site plan, subdivision plat, or building permit shall be issued for the erection, reconstruction, exterior alteration, restoration, rehabilitation, razing, relocation or demolition of any building, structure, sign, fence, wall, light fixture, accessory building, grading, site improvement, significant landscaping feature or other appurtenant element in an HP-O District until such building or site element has been approved by the issuance of a Certificate of Appropriateness by the Architectural Review Board for the City (abbreviated as "ARB"). Issues of code compliance affecting the above mentioned elements of a building within an HP-O District shall also be referred to the ARB for consideration prior to any action, including demolition.

2. The Architectural Review Board will also serve as a consulting party to any required review under Section 106 of the National Historic Preservation Act, whether or not the project under review lies within the Historic Preservation Overlay District.
3. General Considerations for Review: The Architectural Review Board shall promptly review each application for any zoning, site plan, subdivision plat, and building permit for a building, structure, or property located within an HP-O District. In reviewing applications, the Architectural Review Board shall consider only those design features as seen from the street and shall not make any requirements except for the purpose of preventing development that is incompatible with the historic aspects of the HP-O District subject to review.

The Architectural Review Board shall consider, among other things, the following in determining appropriateness of any structural erection, reconstruction, exterior alteration, demolition, or restoration:

- a. The compatibility with the design and development standards and criteria as included in this section, in the Historic District Design Guidelines and, further, with amendments thereto as may be adopted from time to time
- b. The appropriateness of the general design geometry and proportions, structural arrangement, building materials, texture and color of the proposed building, structure or appurtenant element in relation to such factors as the compatibility with similar features of buildings or structures within the area circumscribed by the subject HP-O District. This shall include consideration of, but not be limited to, the following design elements:
 - (1) General design
 - (2) Character and appropriate of design
 - (3) Form
 - (4) Proportion and scale
 - (5) Mass
 - (6) Configuration
 - (7) Arrangement
 - (8) Texture
 - (9) Materials
 - (10) Color
- c. The historical or architectural value and significance of the building, structure or appurtenant element and its relationship to the historic or architectural value of the area in which it is proposed to be located
- d. The extent to which the building, structure or appurtenant element will be harmonious with or architecturally incompatible with the historic buildings within the subject overlay district(s)
- e. The compatibility of planned improvements and renovations with the architectural and historic quality, character and scale of the historic buildings in the City
- f. The effect of the building, structure or appurtenant element on the Comprehensive Plan's goals for tourism, economic development, and land use in and around the City's designated historic areas and entrance corridors

- a. Statement of proposed use and user
 - b. Statement of estimated construction time
 - c. Historic photographs or maps relating proposed use to the surrounding property and/or the corridor on which it is located
 - d. Site plan drawings, prepared to meet the City site development plan submission requirements for a Preliminary Site Plan or Preliminary Subdivision Plat, and other exhibits showing the location of the existing and proposed building and site improvements, including:
 - (1) existing property boundaries, building placement and site configuration
 - (2) existing topography and proposed grading
 - (3) location of parking, pedestrian access, signage, exterior lighting, fencing and other site improvements
 - (4) relationship to adjacent land uses
 - (5) proposed site improvements, including location of parking, access, signage, exterior lighting, fencing, buildings and structures and other appurtenant elements
 - (6) proposed building color and materials
 - (7) relationship of building and site elements to existing and planned corridor development
 - (8) relationship of parking, pedestrian facilities, and vehicular accessways to existing and planned corridor development
 - (9) other site plans and subdivision plats as may be required by Martinsville for development approval
 - e. Architectural drawings showing plan view and elevations of new planned construction or renovations, including drawings of original building
 - f. A landscaping and buffer plan
 - g. Designs for exterior signing, lighting and graphics, to include description of materials, colors, placement and means of physical support, lettering style and message to be placed on signs
 - h. Graphic exhibits depicting compliance with other design elements
7. Required Action by Architectural Review Board:
- a. The Architectural Review Board, on the basis of the required information received from the applicant and upon application of the appropriate criteria as set forth in this section, shall review and act upon the application within sixty (60) calendar days upon submission of a complete application, unless the application was extended by mutual agreement of the Architectural Review Board and the applicant.
 - b. The Architectural Review Board shall act to approve, approve with modification, extend, or deny the application or Temporary COA (see #11 below).
 - c. The Zoning Administrator shall notify the applicant in writing of a decision by the Architectural Review Board within fourteen (14) calendar days from such action.
 - d. If no decision has been made by the ARB within sixty (60) days after the Zoning Administrator has received the application, and no mutual agreement between the

applicant and the architectural review board has been made for the extension of this time period, the Zoning Administrator may submit the application to the Clerk of the City Council and the City Council shall review the application, in the same manner as if a decision of the ARB had been appealed.

8. Incomplete Applications: Applications deemed incomplete by either the Zoning Administrator or the Architectural Review Board shall be returned to the applicant within fourteen (14) calendar days of initial application submission. In cases of returned applications, the Zoning Administrator shall provide guidance to inform the applicant of additional information required to complete the submission. The Architectural Review Board will not act upon an incomplete application.
9. Conditions and Limitations on Approval: Architectural Review Board approval of an application submitted under the provision of this section shall expire one (1) year after the date of such approval unless:
 - a. A building permit has been obtained for construction
 - b. An extension has been granted by the Architectural Review Board. Such extension grant shall not exceed six (6) months
10. Temporary Certificates of Appropriateness: The architectural review board may, at its discretion, issue a temporary certificate of appropriateness under the following circumstances:
 - a. To allow work to begin on a project while the final Certificate of Appropriateness is still being considered, and where such work will not affect the substance of the final certificate.
 - b. An application does not meet the necessary requirements for architectural compatibility, but the applicant meets all of the following requirements:
 - (1) Strict application of this section would produce undue hardship
 - (2) The proposed work would not be of such a permanent nature as to preclude future activity which would meet compatibility compliance
 - (2) No such temporary certificate shall be issued in this condition which allows the proposed work to exist for a period longer than five (5) years.
11. Appeal of Architectural Review Board Decision:
 - a. Any person aggrieved by any decision of the Architectural Review Board may appeal such decision to the City Council, provided that such appeal is filed within thirty (30) calendar days from the date of notification of Architectural Review Board decision.
 - b. The appeal shall be filed with both the City Council and the Architectural Review Board, stating in writing the reasons therefore.
 - c. The City Council shall consult with the Architectural Review Board in relation to any appeal and may require documentation of any Architectural Review Board decision prior to hearing the appeal.
 - d. The City Council may affirm, reverse or modify the Architectural Review Board decision and shall notify the Zoning Administrator of its action.
12. Appeal of City Council Decision:
 - a. Any person aggrieved by any decision of the City Council may appeal such decision to the Circuit Court of Martinsville provided that such appeal is filed within thirty (30) days after a final decision is rendered by the City Council.

- b. The filing of the said petition shall stay the decision of the City Council pending the outcome of the appeal to the circuit court, except that the filing of such petition shall not stay the decision of the City Council if such decision denies the right to raze or demolish a historic landmark, building or structure located within the HP-O District or on the City's designated list of historic properties.
 - c. The Circuit Court may reverse or modify the decision of the City Council, in whole or in part, if it finds upon review that the decision of the City Council is contrary to law or that its decision is arbitrary and constitutes an abuse of power or discretion, or the Circuit Court may affirm the decision of City Council.
13. Provisions for Demolition and Razing: In addition to the right of appeal herein set forth, the owner of a site, object, building or structure within the HP-O District, the razing of which is subject to the provisions of this district shall, as a matter of right be entitled to raze or demolish such site, object, building or structure provided that:
 - a. The owner has applied to the Architectural Review Board for such right.
 - b. The owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such site, object, building or structure and the land pertaining thereto to whomever gives reasonable assurance that it is willing to preserve and restore the landmark, building, or structure and the land pertaining thereto.
 - c. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to court from the decision of the governing body, whether instituted by the owner or by any other proper party, notwithstanding the provision heretofore stated relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above.
 - d. No offer to sell shall be made more than one year after a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows:
 - (1) Three (3) months when the offering price is less than twenty-five thousand dollars
 - (2) Four (4) months when the offering price is twenty-five thousand dollars or more but less than forty thousand dollars
 - (3) Five (5) months when the offering price is forty thousand dollars or more but less than fifty-five thousand dollars or more but less than seventy-five thousand dollars
 - (4) Six (6) months when the offering price is fifty-five thousand dollars or more but less than seventy-five thousand dollars
 - (5) Seven (7) months when the offering price is seventy-five thousand dollars or more but less than ninety thousand dollars
 - (6) Twelve (12) months when the offering price is ninety thousand dollars or more
 - e. During the timeframe for the offer to sell, the Architectural Review Board may take steps as deemed necessary to preserve, acquire or relocate the buildings, structures or

appurtenant elements in accord with the purposes of this section, including, but not limited to, coordination with public agencies, civic groups and citizens.

D. Protective Maintenance Required

1. The owner of any building or structure located in a historic district shall keep such structure properly maintained and repaired.
2. The degree of maintenance and repair hereby required is that degree sufficient to prevent all permanent damage to the structural components and/or the exterior by any foreseeable force, including but not limited to weather, fire and termites.
3. The Zoning Administrator may require such owner to discharge this maintenance duty. Acts which the Zoning Administrator may require such owner to perform, pursuant to this subsection, shall include, but shall not be limited to, the following: exterior painting; replacing broken window panes; securing abandoned structures by boarding up, or otherwise; maintaining a sound roof, eaves and roof gutters; termite treatment, if the board suspects that the structure contains termites.
4. The Zoning Administrator may use whatever legal processes are needed to assure that this duty is discharged fully and properly. The Zoning Administrator, to the extent that their powers permit, shall honor requests made by the board for the purpose of enforcing this subsection.

E. Permitted Uses and Limitations

1. All uses shall be governed pursuant to the underlying district regulations of the zoning district in which the HP-O District is located.
2. Nothing in this section shall be construed to prevent the application of the City's building code. In cases of conflict between this section and the building code, the provisions of the building code shall supersede the HP-O district and ARB.
3. Parking and loading provisions shall be in accordance with the provision of the zoning ordinance unless otherwise restricted by the conditions of Architectural Review Board approval or waived by the City Manager.
4. The normal maintenance of a historic area or structure, or the charging of admission fees for visitors or tours within the HP-O District shall not be considered as a commercial use.

F. Additions to Historic Districts

The City Council may adopt an ordinance setting forth the historic landmarks within the City (as established by the Virginia Board of Historic Resources), and any other property, buildings or structures within the City having an important historic, architectural or cultural interest, and any historic areas within the City as defined by Section 15.2-2201 of the Code of Virginia, and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the

existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land continuous to arterial streets or highways found by the City Council to be significant routes of tourism access to designated historic landmarks, buildings, structures, or districts within the City or the contiguous jurisdictions.

The City Council may also amend the existing zoning ordinance by delineating one or more historic districts adjacent to such landmarks, buildings and structures or encompassing such historic areas, provided, that such amendment of the zoning ordinance and the establishment of such district or districts shall be in accordance with the provisions of the Code of Virginia and the provisions of the City Code relative to amendments to the zoning ordinance.

G. ARB Membership and Organization

1. Establishment of Architectural Review Board: For the purpose of administering the provisions of this section, there shall be established an Architectural Review Board (“or “ARB”.)
2. General Powers and Duties of Architectural Review Board: Based on the criteria established in this section and by other adopted design guidelines of the City, it shall be the function of the Architectural Review Board to pass upon the appropriateness of the exterior architectural features and appurtenant elements (including site development and landscape features) of new structures, buildings or appurtenant elements reconstructed, altered or restored in any HP-O District wherever such features are sited on property contiguous to or in public view from the designated arterial corridor.
3. Membership and Terms of Architectural Review Board:
 - a. The Architectural Review Board shall consist of ~~seven (7)~~ **five (5)** citizens, all of whom shall be residents of the City of Martinsville, except that one member may be a licensed architect or landscape architect who is not a resident of the City.

The members shall be appointed by the City Council and serve without compensation.
 - b. The Architectural Review Board members shall serve a term of three (3) years, except that original appointments shall be made such that terms expire on a staggered basis.

A member of the Board may serve three (3) consecutive terms. City Council may reappoint the board member for a fourth term if no one qualified has applied. If a Board member moves from the City during his/her term of appointment, he/she may continue to serve as a member with approval of the City Council.
 - c. At the first meeting of the Architectural Review Board, the members, by majority vote, shall elect one member to serve as chairman. Thereafter, a chairman shall be elected to a two year term at the first meeting to be held on or after July 1, in such year. Similarly, the members shall elect a vice-chairman and secretary who will also serve for a term of two years. The secretary may or may not be a member of the board.
 - d. Appointments to the Architectural Review Board to fill vacancies shall be only for the unexpired term of the departing member.
 - e. Members of the Architectural Review Board may be reappointed to succeed themselves. A member whose term expires may continue to serve until a successor is appointed and qualifies.

- ~~f. A waiver of the membership constituency of the ARB may be provided in the event that the City Council cannot fulfill the membership requirements as outlined hereinabove.~~
 - g. The Architectural Review Board shall adopt rules of procedure and keep written minutes of its meetings.
4. Duties of the Zoning Administrator:
- a. The Zoning Administrator shall act as agent to the Architectural Review Board.
 - b. Upon issuance of a Certificate of Appropriateness, the Zoning Administrator shall from time to time inspect the alteration or construction approved by such certificate and shall give prompt notice to the applicant of any work not in accordance with such certificate or violation any ordinances of the City.
 - c. The Zoning Administrator may revoke the Certificate of Appropriateness or the building permit if violations are not corrected by the applicant in a timely manner.
5. General Rules of the Architectural Review Board:
- a. There shall be a regular monthly meeting of the Architectural Review Board except that, at the discretion of the Chairman, a regular meeting may be canceled if there is no business pending before the Architectural Review Board, and after inquiry of the other members there is no new business to be presented. A schedule of the dates of the monthly meetings shall be established, and the dates of upcoming meetings posted on the City's website.
 - b. Special meetings of the Architectural Review Board may be called by the Chairman or by two members upon written request to the secretary. The secretary shall mail to all members of the Architectural Review Board, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.
 - c. For the conduct of any meeting and the taking of any action, a quorum shall be not less than a majority of the current members of the Architectural Review Board.
 - d. The Architectural Review Board may make, alter, or rescind rules and forms for its procedures, consistent with the ordinances of the City and the general laws of the Commonwealth of Virginia.
 - e. It shall be the continuing duty of the Architectural Review Board to define, update and adopt architectural review standards and design criteria deemed appropriate to the City. These standards and criteria shall serve as the guideline for making decisions on specific applications to the Architectural Review Board.
 - f. It shall be the continuing duty of the Architectural Review Board to investigate and delineate buildings, structures, places and areas in the City having historic interest or value which should be protected to achieve the purposes and objectives of this section. The Architectural Review Board shall report from time to time to the City Council to make recommendations on district boundaries, architectural review criteria, design standards and other related initiatives and considerations deemed appropriate to the effective operation of the Architectural Review Board and the implementation of this section.

- g. Notwithstanding the provisions of this section, the Architectural Review Board may perform other duties under the authority of the Zoning Ordinance and as may be designated by the City Council.

Meeting Date: August 28, 2018

Item No: 7.

Department: City Council

Issue: Hear information regarding the Virginia Commission on Local Government's Draft Report on Annexation Alternatives and consider submitting written comments for the public hearing process.

Summary: During the 2016 session of the General Assembly, the existing moratoria on city annexation, county immunity from annexation, and the granting of new city charters was extended through 2024. Additionally, the Commission on Local Government was directed to study and provide a report to the General Assembly by December 1, 2018 on the following:

1. Evaluate the structure of cities and counties in the Commonwealth;
2. Evaluate the impact of annexation upon localities;
3. Consider alternatives to the current moratorium on annexation by cities;
4. Consult with and seek input from the Virginia Municipal League, Virginia Association of Counties and localities directly affected by moratorium.

A draft report from the Commission on Local Government has been prepared and the Commission will hold its final public hearing on the Annexation Study in Staunton on September 4th. Written comments will also be accepted until September 3rd.

At the August 14th meeting, staff presented a brief review of the draft report which includes comments previously submitted by Martinsville.

Attachments: Comments submitted earlier by Martinsville and included in Appendix B of the COLG draft report.

Recommendations: Review the information and attached comments. Revise/amend comments as Council deems appropriate. Also consider setting a date for a possible work session on reversion discussion.

COMMONWEALTH OF VIRGINIA:

Commission on Local Government, Annexation Moratorium Study

Comments from the City of Martinsville

The annexation moratorium, and the special-legislation immunity certain counties have from annexation, has locked local government into the 1980s. Since that time, massive changes in population and demographics, industry and economy, and governmental growth have occurred in Virginia, but the inability of cities to grow through annexation ignores all of this, and forces cities to address 21st century issues within a footprint which is now almost four decades out of date.

The annexation moratorium was originally intended to be a short-term solution to the antagonism inherent in growth scenarios arising between independent and separate cities and counties. It was anticipated that a comprehensive, rather than stop-gap, solution to local government structure would be developed, but over 35 years later this has yet to occur.

The concept of cities completely independent from counties, with the respective tax bases being a zero-sum game, is rooted in the 18th and 19th centuries. Virginia is the only state in the Union which still follows this system of local government, and it puts the Commonwealth at a competitive disadvantage against all of the 49 other states. The annexation moratorium is merely one symptom of this antiquated system. Virginia should adopt comprehensive reform in its system of local government, to conform to the structure of the rest of America. It is imperative that the Commonwealth address the urgent need to bring local government in Virginia into the modern age. It is essential that reform actually occur through the passage of legislation, and that such reform occur quickly. Merely conducting a study, or forming a special commission to make recommendations which are then shelved, will do nothing to alleviate the fundamental challenges facing Virginia's outdated local government structure.

Under the current structure, independent cities are landlocked. With changes in the economy shifting manufacturing out of the country, or in some cases simply ceasing to exist as changes in manufacturing and technology occurs, many cities experience financial stress as costs to provide city services escalates while revenue to support those services shows little to no growth. Coupled with unfunded mandates, the state consistently underfunding its share of local obligations and responsibilities (599 funding for example), and the state reaching into local government coffers to address state budget shortfalls, cities are forced to continually raise taxes and fees, cut services, or examine reversion scenarios to survive, all of which serves to widen a clear division between how independent cities and counties function in the Commonwealth.

Efforts should be placed on much higher priority issues in our communities— education, economic development, and employment opportunities for example, than playing shell games with taxpayer’s money to stretch already meager resources year after year to simply survive through another budget season.

Specifically:

1. The Commonwealth should immediately adopt financial incentives, similar to those offered in the Bedford City/County reversion, to encourage consolidation of school systems in the bottom quartile of the LCI, or which are experiencing declining enrollment in excess of 5% per annum.
2. The Commonwealth should consider additional financial incentives to encourage consolidation of duplicative departments in contiguous localities—such as social services, parks and recreations, and public safety. Consolidation or elimination of constitutional offices should also be made an easier option for localities.
3. The Commonwealth should consider conversion of the system of local government to that of the county as the preeminent unit of local government, and abandoning the concept of completely independent cities. Such a system (North Carolina being an example) would dramatically reduce the adversarial, zero-sum nature of annexation between counties and cities, would create enhanced opportunities for economic development, and would enable greater economies of scale in the provision of public services.
4. The Commonwealth must fulfill the commitment it made to localities at the time the annexation moratorium was originally imposed by fully funding its commitment to local public safety in the HB 599 formula. The Commonwealth should increase HB 599 funding for cities to a higher rate to provide more support of Public Safety similar to Sherriff’s criminal operations in counties. If HB 599 is not fully honored or increased, then the annexation moratorium should be repealed.



City Council Agenda Summary

Meeting Date: August 28, 2018

Item No: 8.

Department: Finance

Issue: Consent Agenda

Summary:

The attachment amends the FY18 and FY19 Budgets with appropriations in the following funds:

FY18

General Fund: \$ 45,392 - Reimbursements; Grants

FY19

General Fund: \$ 66,300 – Sale of Surplus; Grants; Donation

Capital Fund: \$ 205,000 – FEMA Grant*

CDBG Fund: \$ 30,000 - Grant

*incorrectly appropriated in FY18 at previous Council meeting

Attachments:

Consent Agenda 8-28-18

Recommendations: Approve

BUDGET ADDITIONS FOR 8/28/18

ORG	OBJECT	DESCRIPTION	DEBIT	CREDIT
FY18				
BUDGET ADDITIONS				
General Fund:				
01102926	405555	Categorical Federal - Brownfields Grant - EPA		45,392
01812247	503136	Brownfields - Prof. Services, Consultant	42,779	
01812247	505500	Brownfields - Travel	2,613	
		Grant appropriation		
Total General Fund:			45,392	45,392

FY19				
BUDGET ADDITIONS				
General Fund:				
01100905	450209	Sale of Salvage/Surplus		1,214
01127060	506104	Garage - Non-capital Equipment	1,214	
		Replacement of Garage Equipment		
01102926	443406	Categorical Federal - Local Emer Mgmt Prog Sub-award		4,986
01334122	506143	Safety - LEMP Supplemental Grant	4,986	
		Grant appropriation		
01100908	482901	Miscellaneous Unclassified Revenue		100
01122022	502815	Employee Services/Development - Wellness Program	100	
		Donation to Wellness Program		
01101917	405555	Categorical Other State - Brownfields - VBAF		10,000
01812247	503165	Brownfields - Prof. Serv. - Grant Consultant	10,000	
		Grant funding for R.P. Thomas Property Project		
01101917	405555	Categorical Other State - Brownfields - VBAF		50,000
01812247	503165	Brownfields - Prof. Serv. - Grant Consultant	50,000	
		Grant funding for Salvation Army Site Project		
Total General Fund:			66,300	66,300

Capital Reserve Fund:				
16102927	436143	Federal Grant - FEMA Firefighters Grant Program		205,000
16572362	508080	Fire Dept. - Tools & Equipment	205,000	
		Grant for SCBA purchase		
Total Capital Reserve Fund:			205,000	205,000

CDBG Fund:				
47102926	447065	Categorical Federal - Pinehall Neighborhood Planning		30,000
47836527	503130	Pinehall Neighborhood Planning - P.S.-Consulting	29,000	
47836527	503600	Pinehall Neighborhood Planning - P.S.-Advertising	1,000	
		Budget for new planning grant		
Total Capital Reserve Fund:			30,000	30,000