

August 28, 2018

A meeting of the Council of the City of Martinsville, Virginia was held on August 28, 2018, in Council Chambers, Municipal Building, at 7:30 PM with Mayor Gene Teague presiding. Council Members present included Gene Teague, Jennifer Bowles, Kathy Lawson and Chad Martin. Staff present included City Manager Leon Towarnicki, Assistant City Manager Wayne Knox, City Attorney Eric Monday, Clerk of Council Karen Roberts, Deputy Police Chief Rob Fincher, Commissioner of Revenue Ruth Easley, Circuit Court Clerk Ashby Pritchett, Community Development Susan McCulloch, and Finance Director Linda Conover.

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

Circuit Court Clerk Ashby R. Pritchett issues Oath of Office to newly appointed Council Member James N. Woods – Mayor Teague introduced Circuit Court Clerk Ashby Pritchett and new Council Member James Woods. Pritchett issued the Oath of Office to Woods.

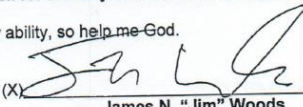
CM18000192-00

STATE OF VIRGINIA, CITY OF MARTINSVILLE, to-wit:

I, **James N "Jim" Woods** solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the Commonwealth of Virginia, and that I will faithfully and impartially discharge and perform all duties incumbent upon me as

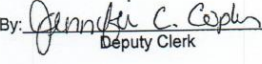
Member of the City Council for the City of Martinsville, Virginia

according to the best of my ability, so help me God.

(X) 
James N. "Jim" Woods

I, Jennifer C. Coplin, Deputy Clerk of the Circuit Court in and for the City of Martinsville, do certify that James N. "Jim" Woods on this the 21st day of August, 2018 personally appeared before me and took and subscribed the above oath.

Ashby R. Pritchett, Clerk

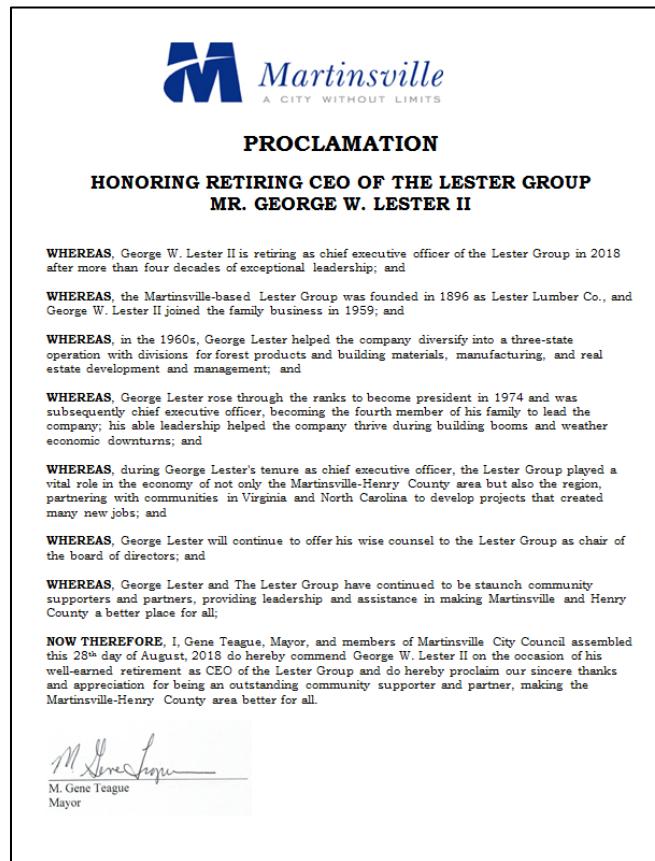
By: 
Deputy Clerk

Consider approval of minutes from the August 14, 2018 Council Meeting, August 16, 2018 Council Meeting and the August 20, 2018 Council Meeting – Council Member Bowles made a motion to approve the minutes as presented; Council Member Lawson seconded the motion with all members voting in favor.

Recognize City Employees who are eligible for Service Awards for the period July 1-September 30, 2018 – City Manager Towarnicki explained that employees were recognized for their service and received certificates Monday morning. Mayor Teague read the list and thanked those employees for the dedication.

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

Read and present a proclamation honoring George W. Lester II – Mayor Teague explained the Mr. Lester was under the weather and was not feeling well enough to attend. Jim O'Bryan accepted the proclamation and a Key to the City on Mr. Lester's behalf. Mayor Teague read the proclamation and detailed some of Mr. Lester's actions that benefitted the community over the years. Mr. O'Bryan thanked council on Mr. Lester's behalf, stating that Mr. Lester is a unique, generous individual.



Consider approval of a Memorandum of Understanding with the Martinsville-Henry County Family YMCA regarding contracting for services related to City Parks and Recreation programs – City Manager Towarnicki explained that this concept has been discussed numerous times over the past 10-15 years to provide a more efficient service. The former Parks and Recreation programmer moved to the City's Purchasing department, leaving the position vacant. Allowing the YMCA to handle services related to the City Parks and

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Recreation programs would be a good option for both the YMCA as well as the City. It will cost the City \$50,000 per year for the contract to have the YMCA run the Parks and Recreation department as the City has done up to this point. Brad Kinkema said the YMCA is excited to take over the program; they have always had a good relationship with the City and the County. Towarnicki explained that contracting with the YMCA will save the City \$35,000-\$40,000 per year and would be beneficial for the YMCA also. Kinkema introduced Courtney Jones who will be the program contact through the YMCA. The City website will be updated for residents to easily find information. Park rentals will be handled by the Public Works department and canoe rentals will be handled by the City Reservoir. The YMCA will have a more flexible schedule since the front desk is open from 5:30am-9:00pm daily. Council Member Bowles made a motion to approve the MOU; Council Member Lawson seconded the motion with all council voting in favor.

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 & Recreation; 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 day and year first above written.

MARTINSVILLE CITY COUNCIL

YMCA


BY: _____

BY: _____

City Manager

CEO/Executive Director

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 - Commissioner of Revenue Ruth Easley detailed the need for the annual resolution and provided background of the PPTRA ordinance. Easley requested that Council adopt the resolution provided. Council Member Lawson made a motion to adopt the resolution, Council Member Woods seconded the motion with the following roll call: Vice Mayor Martin, aye; Mayor Teague, aye; Council Member Woods, aye; Council Member Bowles, aye; and Council Member Lawson, aye.

<p><i>Council Members</i> Gene Teague, Mayor Chad Martin, Vice-Mayor Jennifer Bowles Kathy Lawson Jim Woods</p>		<p><i>City Manager</i> Leon E. Towarnicki <i>City Attorney</i> Eric H. Monday <i>Clerk of Council</i> Karen Roberts</p>
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**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.

<hr style="width: 80%; margin: 0 auto;"/> <p>Gene Teague, Mayor</p>	<hr style="width: 80%; margin: 0 auto;"/> <p>ATTEST: Clerk of Council</p>
<p>Jennifer Bowles Kathy Lawson Chad Martin M. Gene Teague Jim Woods</p>	<p>VOTE</p> <p>_____ _____ _____ _____</p>

55 West Church Street, P. O. Box 1112, Martinsville, VA 24114-1112 276-403-5180 Fax: 276-403-5280
www.martinsville-va.gov

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

– Susan McCulloch of the Community Development department detailed the requirements for the Architectural Review Board and what changes the Planning Commission requests. The Planning Commission approved the attached Zoning Text Amendment and requests Council to approve those changes. City Attorney Monday said the hearing could not be advertised in time to add to the next Council Meeting, it will need to be held September 25, 2018. Council Member Lawson made a motion to set the public hearing on September 25, 2018 Council meeting, Council Member Bowles seconded the motion with all council voting in favor.



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 C "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

55 W Church Street • Martinsville, VA 24112 • PO Box 1112 • Martinsville, VA 24114 • 276/403-5156

XXXI. 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

- g. The compatibility of the proposed building, structure or appurtenant element with the Comprehensive Plan's goals for historic preservation and architectural design review
 - h. The ability of the owner to put one's property to reasonable and beneficial use
4. Certificates of No Effect: Certain minor actions that will not permanently affect the historic character of a given HP-O District do not require a Certificate of Appropriateness, or the review of the ARB. Such minor actions may, upon application, be issued a Certificate of No Effect by the Zoning Administrator, certifying that no further review is required. Such actions shall include the following and any similar actions which in the opinion of the Zoning Administrator will have no more effect on the character of the district than those listed here:
- a. Interior building arrangements or exterior features of a building, structure or appurtenant element which are not subject to public view from a public street, public way or other public place, except when necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration, demolition or repair of a building or structure which will be inconsistent with the preservation and protection of the historic aspect, setting and environment of the HP-O District and other buildings, structures, signs, land, places or areas therein
 - b. Addition/deletion of windows, storm windows, shutters, canopies and doors of a similar design type, color or texture that match existing windows, storm windows, and doors, including the addition or deletion of removable window air conditioners
 - c. Application or use of exterior materials (including roofing and siding) of a similar kind, type, color, or texture from those already in use which will substantially cover one or more sides of the structure but which will not result in destruction or replacement of original exterior material
 - d. Repainting resulting in the same or similar color
 - e. Planting of grass, trees and shrubs, but not including landscape treatment which substantially alters the contour of a landmark site
 - f. Construction of accessory buildings which are in keeping with the architectural character, materials and scale of the existing structure and its surroundings except on a site adjacent to a designated landmark site
 - g. Permitted outside storage in a residential which is not visible from a public street (provided screening and buffers for such storage is provided in accord with the Landscape Regulations, Section XXII of this ordinance)
- Notwithstanding the above, the Zoning Administrator shall have the authority to order that work be stopped and that an appropriate application be filed for review in any case where in his opinion the action may produce arresting and spectacular effects, violent contrasts of materials or colors and intense and lurid colors or patterns, or incongruous details clearly inconsistent with the character of the present structures or with the prevailing character of the HP-O District.
5. Application Process: Applications for Architectural Review Board approval under the provisions of this section shall be made to the Zoning Administrator at least twenty-one (21) calendar days prior to the next regularly scheduled meeting of the Architectural Review Board, unless otherwise waived by the Zoning Administrator.
6. Application Submission Requirements: In consideration of a complete application, the Zoning Administrator and the Architectural Review Board may require any or all of the following information and any other materials as may be deemed necessary for its review:

- 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
 - (3) 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.

b. 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.

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 detailed the process to submit additional

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comments by Martinsville City Council that would be added to the comments already included. Mayor Teague said he felt it important to comment City Council's support for some specific recommendations already in place. City Attorney Monday suggested a Council representative attend the public hearing in Staunton. Mayor Teague recommended a possible work session for September to discuss updated numbers and asked the City Manager to look into potential dates.

<p>COMMONWEALTH OF VIRGINIA: Commission on Local Government, Annexation Moratorium Study <i>Comments from the City of Martinsville</i></p> <hr/> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p><i>Specifically:</i></p> <ol style="list-style-type: none">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 Sheriff's criminal operations in counties. If HB 599 is not fully honored or increased, then the annexation moratorium should be repealed.
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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 Council Members voting in favor.

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	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.-Consu	29,000	
47836527	503600	Pinehall Neighborhood Planning - P.S.-Advert	1,000	
		Budget for new planning grant		
Total Capital Reserve Fund:			30,000	30,000

Business from the Floor – Brian Burgess, 1109 A Street expressed concern with turning over the Parks and Recreation to the YMCA and the opportunity for the YMCA to increase the fees for families that already struggle to pay those costs. City Manager Towarnicki explained that was a topic of discussion when the agreement was being discussed, however the YMCA is aware that an increase in fees will reduce the amount of participation. It has been written in the agreement that the YMCA can only charge what is comparable to surrounding areas. Burgess expressed concern about the majority of referees being from the County and how those officials tend to be partial to the County teams over the City teams. Teague explained that the agreement is not a permanent contract and asked that Burgess contact Council Members with his concerns if they continue. Ural Harris, 217 Stuart Street said he was surprised that the news stations have reported that Mr. Boaz would be arrested to prevent him from fleeing the country. City Attorney Monday explained that it is not a “gag order” and the City is allowed to discuss details with the media. Harris suggests that Council do their research to find out who released information to the media.

Comments by members of City Council – Vice Mayor Martin said he is happy to have Council Member Woods serving on Council. Martin thanked Woods family for their support and sacrifice for his service. Martin expressed that residents should have taken better advantage of the Town Hall meeting and the Lieutenant Governor’s visit to the community.

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Council Member Bowles said it is a pleasure to serve with Council Member Woods. Bowles congratulated the Salvation Army Open House for the Pathways of Hope project. Council Member Lawson said she thought it was a good Town Hall meeting with good conversation. Lawson welcomed Woods to City Council and looks forward to working with him. The flags will be flying in the City on Monday for Labor Day. Bowles, Lawson and City Manager Towarnicki attended the 2018 Business Appreciation luncheon. Danny Wulff, Owner/Operator of Chick-fil-A gave a good speech and several businesses were recognized including Mr. Haley of Uptown Pinball who was voted Business of the Year. Mayor Teague welcomed Woods also and offered his support in anyway needed. Council Member Woods thanked Council for appointing him and praised Council Members for their dedication and service. He is already being inundated with emails and information. Woods said the Council Members want to see the City succeed; Service above Self. Woods thanked his wife, his children, his friends and his family and he looks forward to serving.

Comments by City Manager – City Manager Towarnicki said during the business luncheon, the young professional of the year would now be known as Campbell/Lester award. Labor Day is Monday so City Hall will be closed. Cherokee paving is being bid and the goal is for that road to be paved within two weeks. Towarnicki referenced a handout he provided to Council at the beginning of the meeting. Since the most recent neighborhood tour, he has been looking for ideas to interact better with residents and other City departments. Andy Lash has created a program, which would include the refuse department documenting any areas of concern in the neighborhoods as they make their rounds. When the driver recognizes an issue, he can touch a button, which captures the exact coordinates of the concern, date, etc., and the program will generate an email, which will be automatically sent to the appropriate department. There are additional fields within the program where that department can document follow-up and resolution details. Council questioned whether this type program could be customized for residential use also.

There being no further business, Council Member Bowles made the motion to adjourn the meeting; motion was seconded by Council Member Lawson with all Council Members voting in favor. The meeting adjourned at 8:51pm.

Karen Roberts
Clerk of Council

Gene Teague
Mayor