

AGENDA--CITY COUNCIL -- CITY OF MARTINSVILLE, VIRGINIA
Council Chambers – Municipal Building
7:00 pm Closed Session 7:30 pm Regular Session
Tuesday, July 26, 2016

7:00 pm --Closed Session

1. Items to be considered in 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:
 - a. 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

7:30—Regular Session

Invocation & Pledge to the American Flag- Council Member Mark Stroud

1. Consider approval of minutes of the July 12, 2016 Meeting. (2 mins)
2. Present a proclamation to Jim Tobin on his retirement as Executive Director of Piedmont Community Services. (5 mins)
3. Presentation of Proclamation regarding Tuesday, August 2, 2016 National Night Out (5 mins)
4. Conduct a public hearing regarding rezoning property located at 925 Boden Street from R-9 Residential to C-3 Commercial. (10 mins)
5. Hear a presentation from Virginia First Cities. (30 mins)
6. Hear a presentation from Police Animal Control regarding a summer intern project related to pets, pet safety, and microchipping. (15 mins)
7. Consider setting a public hearing for Council's August 9, 2016 meeting for the purpose of receiving names of citizens interested in an appointment for one unexpired 3-year term on the Martinsville City School Board ending June 30, 2017. (5 mins)
8. Consider adoption of draft Firearms Ordinance on first reading. (10 mins)
9. Comments by members of City Council. (5 minutes)
10. Comments by City Manager. (5 minutes)

11. Business from the Floor (*not televised*)

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.



City Council Agenda Summary

Meeting Date: July 26, 2016

Item No: 1.

Department: Clerk of Council

Issue: Consider approval of minutes from July 12, 2016 Council Meeting Council Meeting.

Summary: None

Attachments: July 12, 2016 Council Meeting minutes

Recommendations: Motion to approve minutes as presented.

July 12, 2016

The regular meeting of the Council of the City of Martinsville, Virginia was held on July 12, 2016, in Council Chambers, Municipal Building, at 7:30 PM with Mayor Danny Turner presiding. Council Members present included: Danny Turner, Jennifer Bowles, Gene Teague, Mark Stroud and Sharon Brooks Hodge. Staff present included: Assistant City Manager Wayne Knox, City Attorney Eric Monday, Clerk of Council Karen Roberts, Community Planner Susan McCulloch, Police Chief Sean Dunn and Finance Director Linda Conover.

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

Consider approval of minutes from the June 28, 2016 Council Meeting – Vice Mayor Bowles corrected the name of her intern Sophia Esdaile, which was listed incorrectly on the minutes. A motion was made by Vice Mayor Bowles to approve the minutes as edited, seconded by Council Member Hodge, with a 5-0 Council vote in favor to approve the minutes as presented.

Hear a presentation regarding a possible project involving changes and upgrades to the City's wastewater treatment plant – City Manager Towarnicki reminded Council of previous discussions with Johnson Controls involving sludge disposal including improvements to the lagoon aeration process and sludge handling. He said there is a possibility of receiving interest free financing to fund this project. Whit Blake of Johnson Controls detailed the project summary for phase 1, which includes bio-solids sludge handling disposal, dewatering savings summary including cost of disposal which is \$541,000, project financials for phase 1, financials with 15% reuse, and financials with 3% interest 15% reuse. Towarnicki said the first step would be to apply for the clean water revolving loan program to receive financing options. Mayor Turner asked about the run-off regulations, Blake stated that waste product fertilizer is managed more closely than synthetic fertilizer. Council Member Teague made a motion approving the City Manager to apply for the Clean Water Revolving Loan Program financing, Council Member Hodge seconded the motion and all Council Members voted in favor.

Hear an update on the City's 2016 Strategic Plan – Towarnicki detailed the Strategic Plan program that has been created by Andy Lash and Esther Artis and stated that the report had been added to the City's website for residents to view status updates. Hodge requested that the mobile application be reviewed since it varies from the desktop version. Towarnicki demonstrated how actions taken could be added to individual line items of the plan and viewed by the public. Hodge asked about adding analytics to the program to see how often the program is being updated. Mayor Turner asked if there could be some kind of notification when updates are added. Vice Mayor Bowles suggested that a notice be added to the What's Happening section to alert residents of status updates. Hodge asked if Towarnicki had noticed any specific element of the plan that has been neglected. Towarnicki replied that there are

July 12, 2016

several elements that still need to be updated since the program was recently launched. He welcomed Council’s suggestions on the program.

Consider approval of consent agenda - A motion was made by Council Member Teague and seconded by Council Member Hodge to approve the consent agenda as presented, all Council Members voted in favor.

BUDGET ADDITIONS FOR 07/12/16				
ORG	OBJECT DESCRIPTION	DEBIT	CREDIT	
FY16				
General Fund:				
01101917	442601			2,105
01322105	506114	2,105		
				Additional funding received over budget
01101917	442701			3,804
01321102	506110	3,804		
				Additional funding received over budget
01100909	490104			258,116
01433166	506007	258,116		
				Health Center-Maintenance of Facilities
				Renovation at Health Department Building
01100909	490801			2,095
01714212	501300	1,303		
01714212	502100		81	
01714212	502110		19	
01714212	506049		632	
				Transportation Grant - April-June
01100909	490137			805
01331108	501200	390		
01331108	502100		24	
01331108	502110		6	
01311085	501200	358		
01311085	502100		22	
01311085	502110		5	
				Off Duty Security reimbursements
Total General Fund:		266,925	266,925	
CDBG Fund:				
47100905	482905			1,708
47823521	503150		41	
47823521	509178	1,667		
				Refund of Forgivable Loan - 62-66 Fayette St
Total CDBG Fund:		1,708	1,708	
Sewer Fund:				
13103936	407700			1,931,554
13551326	508224	1,931,554		
				Wastewater Maintenance - SRI Project - Phys. F
				VRA Reimbursement #3
Total Sewer Fund:		1,931,554	1,931,554	
Water Fund:				
12103936	407701			720,000
12543313	508223	720,000		
				AMI Project - Physical Plant Expansion
				AMI Project Reimbursement Requisition #2
Total Water Fund:		720,000	720,000	
Electric Fund:				
14103936	407701			650,000
14563338	508223	650,000		
				AMI Project - Physical Plant Expansion
				AMI Project Reimbursement Requisition #2
Total Electric Fund:		650,000	650,000	

Comments by members of City Council – Council Member Hodge congratulated Joan Montgomery and Lawrence Mitchell for being elected Chairperson and Vice-Chairperson for the School Board. She thanked the Electric Department for providing aid to Danville after the recent storms and power outages. Council Member Stroud also thanked the Electric Department and stated they are very capable and the City should be proud of those workers. Council Member Teague was impressed with the tour of the airport and Medivac program and suggested airport personnel come to Council to make a presentation to the public of what they offer. Vice Mayor Bowles thanked Officer JC White for attending the community prayer and mentioned the National Summer Learning Day event to be held at Frank Wilson Park. Mayor Turner commented on the youth basketball tournament where local 15-18year olds will compete against a team from Roanoke on August 20. He shared that the People’s Cemetery

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was cleaned by City employees and a permanent flagpole was added with a flag provided by Congressman Morgan Griffith.

Comments by Assistant City Manager – Towarnicki identified there may have been an issue with some electric bills in the Highland Ridge area, stating that the Electric Department is already working to resolve that and has contacted those customers affected. He mentioned the Chamber’s Annual Business Appreciation luncheon and requested that Council RSVP if they plan to attend. Council was notified a few weeks ago about potential grant money available for probation and pretrial situations. This service is not currently available in the Martinsville area but he has made contact with Ms. Holliday about the program, stating that service may be brought back to Council for approval at the next meeting

Business from the Floor (not televised) – Joe Martin, 617 East Church Street regarding a Facebook conversation by a local business owner regarding a 1974 ordinance forbidding men to dress like women. He says lawyers have been contacted and are willing to take the case pro-bono. City Attorney Monday gave the background of the ordinance and said he feels the ordinance is unconstitutional and unenforceable. Hodge suggested that it is time to review other potentially outdated ordinances to see which ones need updated action.

Sophia Esdaile questioned the lack of a glass recycling program for bottles and containers. Towarnicki said originally the City did offer glass recycling but those bottles need to be separated by color and if the colors were mixed, the load would be disposed of at the landfill. He said there is no market for glass recycling in this area and it became cost prohibitive to maintain. The City continues to look at additional options. Bowles says that a household program could be costly to the citizens.

Patrick Wright, 1201 Spruce Street made a comment about the airport being in Spencer.

A motion was made by Council Member Teague to adjourn the meeting at 8:46pm; motion was seconded by Council Member Hodge with all Council Members voting in favor.

Karen Roberts
Clerk of Council

Danny Turner
Mayor

Date: July 26, 2016

Item No: 2.

Department: City Council

Issue: Present a proclamation to Jim Tobin on his retirement as Executive Director of Piedmont Community Services.

Summary: Effective July 1, 2016, Jim Tobin has retired as Executive Director of Piedmont Community Services after more than 40 years of service to the community in the areas of mental health and substance abuse.

In recognition of his long-standing service to the community, a proclamation will be read and presented to Jim Tobin.

Attachments: Proclamation recognizing Jim Tobin

Recommendations: No action needed



PROCLAMATION

RECOGNIZING JIM TOBIN UPON HIS RETIREMENT AS EXECUTIVE DIRECTOR OF PIEDMONT COMMUNITY SERVICES

WHEREAS, Jim Tobin has served as Executive Director of Piedmont Community Services since 1990, and also served as Executive Director of the Patrick-Henry Drug and Alcohol Council from 1974 to 1990; and

WHEREAS, Jim Tobin has retired as Executive Director effective July 1, 2016 after serving the needs of our community for more than 40 years in the areas of planning, coordinating, and operating a comprehensive community system of mental health and substance abuse services; and

WHEREAS, During his tenure, Jim Tobin served our community in an exemplary manner providing the highest level of care and services; and

WHEREAS, Through his leadership, Piedmont Community Services is well-positioned to continue serving the needs of our community for years to come;

NOW THEREFORE, on this 26th day of July, 2016, the Martinsville City Council hereby proclaims their thanks and appreciation to Jim Tobin for his dedication and service to our community, and offer our best wishes for a long and happy retirement

Danny Turner, Mayor

Meeting Date: July 26, 2016

Item No: 3.

Department: City Council

Issue: Presentation of proclamation regarding Tuesday, August 2, 2016 National Night Out.

Summary: Officer Coretha Gravely and captains of several City Neighborhood Watch Groups will be present to accept the proclamation.

Attachments: Proclamation

Recommendations: Presentation only



PROCLAMATION

NATIONAL NIGHT OUT
August 2, 2016

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 2, 2016 entitled “National Night Out”; and

WHEREAS, the Annual National Night Out provides a unique opportunity for the City of Martinsville to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, Martinsville City Council plays a vital role in assisting the Martinsville Police Department and Sheriff’s Office through joint crime, drug and violence prevention efforts in the City of Martinsville and is supporting “National Night Out 2016” locally; and

WHEREAS, it is essential that all citizens of Martinsville be aware of the importance of crime prevention programs and impact that their participation in Neighborhood Watch groups and their community can have on reducing crime, drugs and violence in Martinsville; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the “National Night Out” and Neighborhood Watch programs; now, therefore

I, Danny Turner, Mayor of the City of Martinsville, Virginia, do hereby call upon all citizens of Martinsville to join City Council and the National Association of Town Watch in supporting the “Annual National Night Out” and do hereby proclaim **Tuesday, August 2, 2016 as NATIONAL NIGHT OUT AGAINST CRIME** in the City of Martinsville.

Danny Turner
Mayor

Meeting Date: July 26, 2016

Item No: 4.

Department: Community Development

Issue: Conduct a public hearing regarding rezoning property located at 925 Boden Street from R-9 Residential to C-3 Commercial.

Summary: At the May 19, 2016, Planning Commission meeting, a duly advertised public hearing was held on a request to rezone property owned by Mr. Sammy Wright located at 925 Boden Street from R-9 Residential to C-3 Commercial. The City has been working with Mr. Wright for some time in an effort to resolve parking, screening, and storage issues related to the operation of his business, Church Street Automotive.

The attached letter from the Planning Commission dated June 13, 2016 describes details related to this request, noting the Planning Commission's recommendation to approve the rezoning subject these conditions:

- 1) That a 7 ft. high screening fence be installed around 925 Boden Street and with 90 percent obscenity within 60 days after final approval should it be given
- 2) That the property owner continue to keep vehicles off of city right-of way, which should be understood, but needs to be added for the record,
- 3) That 925 Boden Street remain free of vehicles until a fence is built

Attachments: Letter from Planning Commission dated June 13, 2016, photos, and map.

Recommendation: Staff recommends that Council vote to approve the rezoning request and let the official Zoning Map reflect this change.

925 Boden Street





June 13, 2016

Mayor Danny Turner
City of Martinsville
55 W Church Street
Martinsville, VA 24112

Dear Mayor Turner,

On Thursday, May 19, 2016 at 2 PM in Council Chambers, the Planning Commission held a duly advertised Public Hearing to consider a request from Sammy Wright to rezone Lot 925 Boden Street from R-9 Residential to C-3 Commercial.

Currently, the property owner is operating Church Street Automotive, a use allowed by-right. The property owner is requesting a rezoning of lot 925 Boden Street to use it for egress, to access adjoining property, and for overflow parking for his business.

Due to requests from neighbors and later the City, the applicant has erected a fence on a portion of the rear property line to buffer the inoperable vehicles from view on Boden Street. As requested by the City, the applicant has moved vehicles off of the residential lot and City right-of-way. Should the rezoning be approved, the applicant will install a fence around the lot to shield it from the residential neighbor.

Approximately 12 people were in attendance at the meeting. A person who has interest in the neighborhood spoke, stating that Mr. Wright should be a good neighbor and that he needs to maintain the lot and that the neighbors he spoke to prefer the shielding offered by the fence. Another person (non adjacent), asked about the parking on the street, indicated concern about Jordan Street Parking and asked about a guard rail. An adjacent property owner spoke, but didn't speak for or against the rezoning.

In order to assure compliance with Virginia Code 15.2 – 2200, it is stated that the purpose for which this resolution is initiated is to fulfill the requirements of public necessity, convenience, general welfare and good zoning practice.

The Planning Commission voted unanimously (6-0) to approve the rezoning with three conditions. They are as follows:

- 1) That the fence be built on the lot according to zoning requirements within 60 days after final approval should it be given
- 2) That the property owner continue to keep vehicles off of city right-of way, which should be understood, but needs to be added for the record,
- 3) That 925 Boden Street remain free of vehicles until a fence is built

If approved, the official Zoning Map needs to reflect this change.

The Commission requests Council to schedule a public hearing to consider the rezoning of 925 Boden Street.

Regards,

Timothy Martin

Tim Martin
Chair, City of Martinsville Planning Commission

TDM/sm

Meeting Date: July 26, 2016

Item No: 5.

Department: City Manager

Issue: Hear a presentation from Virginia First Cities.

Summary: Kelly Harris-Braxton, Executive Director of Virginia First Cities, will present information regarding VFC and how membership in the organization benefits the City of Martinsville and other cities of the Commonwealth.

Virginia First Cities is the state advocacy coalition comprised of many of the state's oldest and most historic cities - the core communities of the Commonwealth. VFC advocates for increased support and better policies from the state while sharing best practices among members.

Additionally, Jim Regimbal of Fiscal Analytics, LTD, and VFC Legislative Director Laura Bateman will provide updates on state budget and legislative issues.

Attachments: None

Recommendations: No action by Council is needed – this item is presented for information purposes and Council is encouraged to ask questions and participate in the discussion.

Meeting Date: July 26, 2016

Item No: 6.

Department: Police

Issue: Hear a presentation from Police Animal Control regarding a summer intern project related to pets, pet safety, and microchipping.

Summary: This summer, the Police Department's Animal Control operation has the assistance of Hunter Jennings, an intern from Virginia Tech. Hunter, along with the City's Animal Control Officer, E. C. Stone, will provide a brief presentation on a project they have worked on involving pets, pet safety, and microchipping.

Attachments: None

Recommendations: No action by Council is needed – this item is presented for information purposes.

Meeting Date: July 26, 2016

Item No: 7.

Department: City Manager

Issue: Consider setting a public hearing for Council's August 9, 2016 meeting for the purpose of receiving names of citizens interested in an appointment for an unexpired term on the Martinsville City School Board ending June 30, 2017.

Summary: Only those citizens whose names are brought up during the Public Hearing can be considered for appointment, and appointments cannot be made until seven days after the Public Hearing. Citizens may appear in person, stating their name, address, and interest in the position; or their name, address, and interest may be offered by another individual. Council typically conducts interviews with candidates after this meeting, with the appointment to be announced at a later Council meeting.

Attachments: Martinsville School Board current listing.

Recommendations: Set the Public Hearing for August 9, 2016 and interview applicants in closed session after the Council meeting.

SCHOOL BOARD

SCHOOL BOARD – The School Board is declared a body corporate. In its corporate capacity, it is vested with all the powers and charged with all the duties, obligations, and responsibilities upon school boards by law. It may sue, be sued, contract, be contracted with, and in accordance with the provisions of this title, purchase, take, hold, lease, and convey school property both real and personal. The School Board has the following powers and duties: 1) to make rules for the governance of the schools within its jurisdiction; 2) to determine the curriculum, methods of teaching, methods of administration and governance, and the length of the school term; 3) to employ and dismiss teachers upon the recommendation of the superintendent; 4) to suspend or expel pupils when necessary; 5) to establish such schools as are necessary in the judgement of the Board to so constitute a complete and efficient system; 6) to control and manage funds made available to the Board for the purpose of conducting free public schools; 7) examine all claims for payment and authorize payment; and 8) to submit annually to City Council a budget request.

TERMS: The Board consists of five members serving **three-year** terms appointed by City Council. **School Board members can serve a maximum of three 3-year consecutive terms.**

Meetings are held on the second Monday of each month.

CONTACT: Ms. Pam Heath, Superintendent, 403-5700, P.O. Box 5548, Martinsville, VA 24115

Name & Address	Initial Appointment	Term Expires	Full Term
Eric Hruza, 707 Mulberry Rd	6/30/16	6/30/19	1
Craig B. Dietrich, 1227 Lanier Rd. (reapptd 6/10/14) (resigned 7/11/16)	6/14/11	6/30/17	2
Victor Correa, 1242 Sam Lions Tr.	6/10/14	6/30/17	1
Lawrence Mitchell, 700 Second St.	6/16/15	6/30/18	1
Joan Montgomery, 807 Corn Tassel Tr.	6/16/15	6/30/18	1

NOTE: If a Board or Commission does not specify number of terms a person can serve, then the number of terms defaults to three terms per a policy adopted by City Council December 11, 1990. (per city attorney 4/26/11) Two exceptions (1) if no one is interested (2) no one qualified has applied, then the person holding the position can serve another term if Council chooses.

Date: July 26, 2016

Item No: 8.

Department: City Attorney

Issue: Firearms Ordinance

Summary: This amendment addressed a need for more specificity in accordance with state code, arising from a recent ruling from our General District Court.

Attachments: Draft ordinance

Recommended Action: Adopt on first reading.

ORDINANCE NO. 2010-_____

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session held on January 24, 2011 and pursuant to Section 15.2-1812.2 of the Code of Virginia, that Section 13-28 of the City Code be repealed and reenacted, and that Sections 13-28.1 through 13-28.5 be enacted, as follows:

Sec. 13.28. Defacement of property prohibited; criminal penalty.

(a) It shall be unlawful for any person to apply graffiti upon or to willfully and maliciously deface or damage in any other manner any public buildings, facilities or other property, or any private buildings, facilities or other property. In any case where the defacement is (i) more than 20 feet off the ground, (ii) on a railroad or highway overpass, or (iii) committed for the benefit of, at the direction of, or in association with any criminal street gang, as that term is defined by section 18.2-46.1 of the Virginia Code, there shall be a mandatory minimum fine of \$500.00. Any fine imposed pursuant to conviction of a minor for violations of this section shall be assessed against the minor and such minor's parents or legal guardian.

(b) Upon a finding of guilt in a case tried before the court without a jury where the violation constitutes a first offense that results in property damage or loss, the court, without entering a judgment of guilt, upon motion of defendant, may defer further proceedings and place defendant on probation pending completion of a plan of community service work. If the defendant fails or refuses to complete the community service as ordered by the court, the court may make final disposition of the case and proceed as otherwise provided. If the community service work is completed as the court prescribes, the court may discharge the defendant and dismiss the proceedings. Such discharge and dismissal procedure under this section shall be without adjudication of guilt and operates as a conviction only for the purposes of applying this article in subsequent proceedings.

(c) Community service work prescribed by the court under subsection (b) shall include, to the extent feasible, the repair, restoration, or replacement of any damage or defacement to property within the city, and may include clean-up, beautification, landscaping or other appropriate community service within the city.

(d) Community service work prescribed by the court under subsection (b) shall be performed under the supervision of the city manager or his/her designee, who shall report on such work to the court imposing the community service work requirement at such times and in such manner as the court may direct.

(e) At or before the time of sentencing under this section, the court shall receive and consider any plan for making restitution or performing community service submitted by the defendant, as well as the recommendations of the city manager or the manager's designee concerning the plan.

(f) As provided in Code of Virginia § 15.2-908, the court may order any person convicted of unlawfully defacing property to pay full or partial restitution to the city for costs incurred by the city in removing or repairing the defacement. No person convicted of a violation of this article shall be placed on probation or have his/her sentence suspended unless such person shall make at least partial restitution for such property damage or is compelled to perform community services, or both, as is more particularly set forth in Code of Virginia, § 19.2-305.1. The court's order of restitution shall be docketed as provided in Code of Virginia § 8.01-446 when so ordered by the court upon written request of the city and may be enforced by the city in the same manner as a judgment in a civil action.

Sec. 13.28.1. Parental liability for cost of repair of damage to property.

(a) In accordance with § 8.01-44 of the Code of Virginia the city may institute an action and recover from the parents or either of them of any minor living with such parents or either of them for damages suffered by reason of the willful or malicious destruction of, or damage to, public property by such minor. No more than \$2,500.00 may be recovered from such parents or either of them as a result of any incident or occurrence on which such action is based.

(b) The owner of any property in the city may institute an action and recover from the parents, or either of them, of any minor living with such parents, or either of them, for damages suffered by reason of the willful or malicious destruction of, or damage to, such property by such minor. No more than \$2,500.00 may be recovered from such parents, or either of them, as a result of any incident or occurrence on which such action is based. Any recovery from the parent or parents of such minor shall not preclude full recovery from such minor except to the amount of the recovery from such parent or parents. The provisions of this section shall be in addition to, and not in lieu of, any other law imposing upon a parent liability for the acts of his minor child.

Sec. 13-28.2 Definition of "graffiti."

"Graffiti" shall mean the unauthorized application by any means of any writing, painting, drawing, etching, scratching or marking of an inscription, word, mark, figure or design of any type on any public or private building or other real or personal property owned, operated or maintained by a governmental entity or agency or instrumentality thereof or by any private person.

Sec. 13-28.3. Graffiti declared a public nuisance.

The existence of graffiti within the city limits in violation of this article is expressly declared a public nuisance, and is subject to the removal and abatement procedures specified in this article.

Sec. 13-28.4. Removal of graffiti.

(a) The city manager or his/her designated representative is authorized to undertake or contract for the removal or repair of the defacement of any public building, wall, fence or other structure, by the application of graffiti. Further the city manager or his/her designated representative may also undertake or contract for the removal or repair of the defacement by graffiti of any private building, wall, fence or other structure where such defacement is visible from any public right-of-way, but only in accordance with the following procedures:

(1) Prior to such removal of graffiti from private property, the city manager or his/her designated representative shall send to the property owner, by regular mail sent to the last address listed for the owner in city property assessment records, a notice stating: the street address and legal description of the property; that the property has been determined by the city to constitute a graffiti public nuisance; that the owner must take corrective action to abate the public nuisance created by such graffiti within 10 days of the date of the notice; and that if the graffiti is not removed within the 10-day period, the city will begin removal procedures. In the case of unimproved property, the notice shall also state that the cost of such corrective action shall be charged to the property owner. The notice shall further advise the owner of the right to challenge the city's determination and proposed action by requesting a meeting with a city official identified in the notice within 10 days of the date of the notice. The city shall initiate no corrective actions while a request for such a meeting or the outcome of such a meeting is pending. The determination of the designated city official following the requested meeting shall be final.

(2) If no corrective action is taken by the property owner within the 10-day period provided above and there is no request to challenge the city's determination within that period, the city manager or his/her designee shall send to the property owner by regular mail an additional notice that shall conform to the requirements of the first notice as set forth in subsection (a)(1) above and shall also state the date on which the city will commence

corrective action to remove the graffiti on the property, which date shall be no earlier than 10 days from the date of mailing the second notice. Such additional notice shall also reasonably describe the corrective action contemplated to be taken by the city. Where the property owner fails to abate the public nuisance within 10 days after issuance of the second notice, the city manager or his/her designated representative is authorized to proceed with removal efforts forthwith.

(3) Before entering upon private property for the purpose of graffiti removal, the city shall attempt to obtain the consent of the property owner, occupant or other responsible party.

(b) Where a structure defaced by graffiti is owned by a public entity other than the city, the removal of the graffiti by the city is conditioned upon securing the consent of an authorized representative of the public entity having jurisdiction over the structure.

(c) If the city manager or his/her designee determines that any graffiti is an immediate danger to public health, safety or welfare and is unable to provide notice by personal service after at least two attempts to do so, then 48 hours after the later of (1) mailing notice to the property owner or other responsible party and (2) posting notice in a conspicuous place on the property, the city may remove or cause the graffiti to be removed.

Sec. 13-28.5. Assessment of costs against property for removal of graffiti.

(a) If the city undertakes corrective action to remove graffiti from private property after complying with the notice provisions of subsection 13-28.4(a)(1), and if the property was unoccupied when such graffiti was applied, the actual cost or expenses for such removal and related repairs shall be chargeable to and paid by the property owner, and may be collected as a special assessment against the respective lot or parcel of land to which it relates in the manner in which city taxes and levies are collected.

(b) Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid shall constitute a lien against such property with the same priority as liens for unpaid local taxes and enforceable in the same manner as such liens. The city manager may, with the consent of the city council, waive and release such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

Attest:

Karen Roberts
Clerk of Council

Date Adopted

Date Effective

CITY OF MARTINSVILLE, VIRGINIA

ORDINANCE NO. 2016-1

FIREARMS ORDINANCE

BE IT ORDAINED by the Council of the City of Martinsville, Virginia, in regular session assembled on August 9, 2016 that subsection (3) of section 24-2 of the Code of the City of Martinsville be amended to add a new subsection (c), as follows:

Sec. 24-2. - Discharging firearms—Generally.

- (a) No person shall fire or discharge any gun, cannon, pistol or other firearm at any place within the city. A violation of this section shall constitute a Class 1 misdemeanor.
- (b) This section shall not apply to any law-enforcement officer in the performance of his official duties nor to any other person whose willful act is otherwise justifiable or excusable at law in the protection of his life or property or is otherwise specifically authorized by section 24-3 or by state law.
- (c) Pursuant to Code of Virginia § 15.2-1113, this section shall not apply to any person discharging a firearm while killing a deer pursuant to Code of Virginia § 29.1-529, on land of at least five acres that is zoned for agricultural use.

(Code 1971, § 11-42)

Charter reference— Authority of city to prohibit discharge of firearms, Ch. 1, § 2(22).

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

State Law reference— Authority of city to regulate or prohibit discharge of firearms, Code of Virginia, § 15.1-865; discharging firearms in streets or other public places, §§ 18.2-280, 18.2-286.

* * * * *

Attest:

Karen Roberts, Clerk of Council

Date Adopted

Date Effective