

Special Meeting

Scottsville Town Council

Tuesday, May 18, 2004

7:00 p.m.

Victory Hall

401 Valley Street

Scottsville, Virginia 24590

Minutes

1. Call to Order.

The meeting was called to order at 7:00 p.m. Present were Councilmembers Copeland, Gadiant, Hogan, Kerlin, Mellow, and Stratton. In the mayor's absence, Mr. Stratton presided over the meeting.

2. Establish Quorum and approval of Agenda.

Upon a motion by Mr. Mellow, seconded by Ms. Kerlin, the agenda was approved.

3. Appeal by Eve Barnett of ARB decision regarding 300 Valley Street.

Mr. Stratton summarized the discussion from the previous meeting regarding the ARB's denial of a Certificate of Appropriateness for window replacement at 300 Valley Street. He noted that he had suggested allowing window replacement and storing the original windows so that they might be restored in future. Mr. Stratton stated that, after looking at the building with Mrs. Barnett, he now supports the ARB, as Mrs. Barnett's proposal is covered in the ARB guidelines as what not to do.

Mr. Mellow questioned whether, per the Attorney General's opinion, the ARB has exceeded its authority in suggesting specific window treatments. Mr. Dorrier responded that the Attorney General's ruling is just an opinion and not equivalent to a court ruling; he further elaborated that the issue in the opinion was building code regulations, which are mandatory, in contrast with the ARB's guidelines. Mr. Mellow then asked whether the ARB is developing a *de facto* building code by treating its guidelines as mandatory. Mr. Dorrier replied that the denial of a COA could be interpreted as such, or as preservation of historic character, and that such a question could best be settled by the court. Ms. Copeland explained that the ARB is to interpret the guidelines because each building is different, and therefore the guidelines are not mandatory. Mr. Hogan noted that he had now inspected both the inside and outside of the building.

Ms. Kerlin motioned to uphold the ARB decision. Mr. Hogan seconded the motion, and discussion continued. Mr. Mellow suggested the possibility of repairing the Main Street windows and replacing the less-apparent windows at the rear of the building. Mr. Stratton commented that any compromise would be between the ARB and the applicant, and that the council should either uphold or overturn the ARB ruling. Ms. Kerlin read the applicable

Zoning Ordinance section allowing the Town Council to reverse, uphold, or modify the ARB decision. Ms. Copeland stated that a compromise is not recommended for a significant building.

Mr. Gadiant remarked that he had reviewed this request thoughtfully and looked at this and other historic buildings. He stated that everything about this building is significant and that he found other buildings with original materials more pleasing in their historic aspect than those with vinyl replacement material. He reiterated his firm belief that vinyl should not be allowed on significant historic buildings and recommended that the ARB decision be upheld.

A roll-call vote on the motion by Ms. Kerlin to uphold the ARB decision was conducted. With Ms. Copeland, Mr. Gadiant, Mr. Hogan, Ms. Kerlin, and Mr. Stratton voting in favor, and Mr. Mellow voting against, the motion was approved 5-1. Mr. Clark was instructed to notify the applicant in writing.

4. Planning Commission report.

Mr. Meeks responded to discussion in the Town Council work session regarding the proposed real estate sign ordinance. He pointed out that there is indeed a size restriction in the current ordinance, as well as a penalty and enforcement clause. Mr. Meeks asked as to the status of an appointment to fill the Planning Commission vacancy. Mr. Stratton responded that all prior applicants were to be re-interviewed, as a letter of application was received before the seat was available. Mr. Meeks pointed out the procedural inconsistencies resulting from the absence of a written appointment policy. Ms. Kerlin objected to the departure from the agenda topic. Mr. Stratton stated the procedures would be evaluated to resolve confusion as to whether incumbents are indeed to be interviewed to for re-appointment, with the Planning Commission to be notified by the end of the week.

5. Recommendation for appointments to the Board of Zoning Appeals.

Ms. Copeland read the pertinent Virginia Code section regarding appointments to the Board of Zoning appeals. Council having no objections, Bo Kerlin and Barry Long are to be recommended for appointment by the Circuit Court.

6. Adjournment.

The meeting was adjourned at 7:35 p.m.