

TOWN OF SCOTTSVILLE

**Town Council
Working Session**
Monday, May 12, 2014
Victory Hall
401 Valley Street
Scottsville, Virginia

Mayor
Jesse B. Grove III

Town Council
Nancy E. Gill
R. Daniel Gritsko
Jeannette E. Kerlin
Elizabeth M. Knotts
Robert E. O'Halloran
Ronald L. Smith

MINUTES

Mayor Grove called the meeting to order at 7:00 p.m. Ms. Gill, Mr. Gritsko, Ms. Knotts, Mr. O'Halloran, and Mr. Smith were present. Ms. Kerlin was absent. Also in attendance were Town Administrator George Goodwin, Town Attorney James Bowling, and Town Clerk Amy Moyer. The items discussed were as follows:

Police Chief's report: Chief Robert Layman reported that they started the storage building today and hope to complete it tomorrow, weather permitting. He is taking applications for the police officer position and will schedule an interview with the candidate who met the advertised criteria. Mayor Grove asked to schedule this interview for the May 19 meeting if possible.

Chief Layman and Mr. Goodwin reported on vandalism at the CSX property. CSX may install cameras as a deterrent. Chief Layman reported that a rototiller was taken off a side street, and there were two recent accidents on Valley Street with car doors opening into traffic.

Council members discussed street safety, and Mr. Gritsko encouraged efforts to make the streets as safe as possible. Mayor Grove will contact VDOT again about the crosswalk installation. Speed limit reductions may be explored.

Chief Layman raised the issue of the radio repeaters, which are still not operational. Mayor Grove will contact Tom Hanson about this.

Mr. O'Halloran requested fire lane parking enforcement at the shopping center. Ms. Knotts asked if the abandoned and inoperable cars have been investigated. Mayor Grove replied yes, and Mr. Goodwin reported on removal efforts.

Mr. Smith complimented Officer Layman on his prompt response to a complaint regarding a truck in the no-parking zone at the Beal building.

Chamber of Commerce report: Mr. Smith reported that a Jammin' on the James committee meeting and a business-after-hours event are planned for tomorrow. The first concert will be June 1.

Architectural Review Board report: Mr. O'Halloran reported that the ARB discussed James River Brewing. The design guidelines are not finished yet. The Dollar General sign will be discussed at the next meeting, which has been rescheduled for May 29. The board will not meet

in July. Progress is being made at the 135 Warren Street restoration, and the ARB suggested that the exterior be covered when work is not ongoing. A 90-day letter will go out to the owner of 440 Valley Street. Mayor Grove expressed concern about the ARB's finding that 135 Warren Street is not in violation of Zoning Ordinance Section 18.5.9, and he will attend the next meeting to discuss the interpretation of the ordinance.

Planning Commission report: The commission did not meet for lack of business.

Treasurer's report: Mr. Goodwin reported that he is trying to get items in line for the end of the fiscal year.

Mayor's report: Mayor Grove commented that he is pleased with the number of vendors, offerings, customers, and sales volume at the farmers' market. Several new vendor applications have been received, and they will likely have to spread into the area adjoining the structure. Ms. Knotts complimented the managers' online public relations efforts.

Mayor Grove reported that the elections went smoothly and turnout was low. All incumbents were reelected and will be joined by Bob Chambless and Jeannette Kerlin. Council members must take the oath of office at the circuit court prior to the new term.

Mayor Grove reported that he continues to work on VCNA access issues, and he also dealt with a number of noise complaints.

Tourism Committee report: Mr. Gritsko reported that the Presidential Precinct is hosting 25 young African leaders. The group will be coming to Scottsville for a recreation and information day on June 28. Mr. Gritsko displayed a new brochure designed primarily by Lydia Wilson. Mr. Gritsko recently met with the VCNA landscape architect and Steven Meeks about the trail project.

Town Maintenance Committee: Ms. Knotts reported that the committee did a town walkthrough with Mayor Grove and Mr. Goodwin and made a list of maintenance needs and other issues such as abandoned cars. Ms. Gill commented that the creek behind the farmers' market has never looked this good.

Arts and Culture Committee: Ms. Gill reported that Elizabeth Schoenborn designed a rack card for Jammin' on the James and town events through December, and cards have been distributed throughout the town. Fundraising efforts are being planned. Ms. Gill plans to set up subcommittees for all events.

Town Administrator's report: Mr. Goodwin reported that building improvements and maintenance at the Scottsville Community Center will start in the next week for the Boys & Girls Club. Ms. Gill detailed the improvements planned for the community center and noted that registrations started today.

Mr. Goodwin noted that the recent rain highlighted storm drain issues. VDOT is trying to address these issues, including a blocked drain near the Scottsville Museum and a collapsed culvert at Jackson Street. Page Street is also on VDOT's list.

Mr. Goodwin asked for an update on water line and gas line work at James River Brewing. Kelby Barnhill replied that the water line work can start very soon, but the gas company is not going to be able to do the work until July. Mr. Goodwin said that this is holding up the Valley Street paving.

Mr. Goodwin reported that American Tower brought in contractors to look at fixing and graveling the tower access road, and this will help with park access. He would like to have any obsolete radio and television equipment at the tower removed.

Town Attorney's report: Mr. Bowling reported that he worked with the zoning administrator on the footbridges in the flood plain at James River Brewing. He also discussed the stormwater management ordinance with the county attorney's office, and finalization should be forthcoming, but there will be costs associated with implementation.

Mr. Gritsko asked Mr. Bowling for his opinion on the bridges. Mr. Bowling replied that he supports the zoning administrator's decision. Mayor Grove reported that an appeal was filed, though not timely or in proper form, and it will fall to the Board of Zoning Appeals to decide, but he heard informally that the appellant may have decided voluntarily to remove the bridges. Mr. Gritsko commented that having bridges in those locations is favorable, but they have to follow procedure. Mayor Grove stated that the creek is a FEMA-designated floodway, and FEMA has regulations that the town has passed into law in its ordinances that say that you may not build anything in a floodway unless you have an engineer's report containing hydraulic and hydrologic analyses that say that the structure will have zero impact on the maximum possible flood. The brewery has been unable to get an engineer to so certify, and in his opinion it is impossible for the brewery to sustain its appeal because the ordinance is so absolute. Mayor Grove added that neither the town nor anybody else can build in a FEMA-designated floodway without this certification, and the town cannot fail to enforce this law without jeopardizing its participation in the National Flood Insurance Program.

Ms. Knotts asked about having the bridges only during open hours. Mayor Grove said you never know when a flood will come. Mr. Smith stated that the back edge is on Joan Anderson's property and no permission was obtained. Ms. Gill asked if the town is trying to get the floodway decreased because of the levee system. Mayor Grove replied no, they have not applied; the brewery can apply to FEMA to narrow the floodway but it takes a very extensive engineering analysis. Ms. Gill commented that the bridges are miniscule if the dam breaks. Mr. Gritsko further explored the possibilities of how to build a bridge that complies with the regulations.

Steven Biss commented from the audience that all this presupposes that James River Brewing has a lease. Mayor Grove said that his opinion is that the brewery has no standing to appeal because they have no lease and no property interest, and he will raise that issue when it goes to the BZA, but his legal advice is that the BZA has to make that determination.

FY 2015 Budget: A public hearing has been advertised for May 19.

Noise Ordinance: Mayor Grove presented an outline of points to consider. The current zoning ordinance sets permissible sound levels in decibels in respective octave bands. This zoning ordinance is enforceable by the zoning administrator, who may go to court to seek an injunction or an abatement. Violation of the zoning ordinance is a misdemeanor, but it is a civil matter not enforceable by police. The county also has a criminal noise ordinance, enforceable by police or privately enforceable, and police can write a summons for a Class 1 misdemeanor.

Mayor Grove stated that there are some police powers without a noise ordinance, such as writing a summons for disturbing the peace. Chief Layman said they can write the summons but may not win in court because it is too subjective; this is only enforceable with an argumentative disturbance.

Mayor Grove said that if they have a criminal ordinance with a decibel meter and training, they can issue a more enforceable summons. He noted that the county ordinance has a general prohibition on noise more than 15 dBA above the ambient sound level, with a list of exceptions, but 15 dBA is not much.

Bob Chambless spoke from the audience to comment that from his experience in a food processing plant, the spectrum is not linear, so they may want to look into impact noise and vibrations.

Mayor Grove remarked that focusing only on particular types of noise like motor vehicles and places of entertainment without a general prohibition may pose constitutional issues. Mr. Bowling agreed, commenting that he focused more on municipal ordinances than the county ordinance.

After further discussion, council members agreed to consider a criminal noise ordinance with time limits that also specifically addresses noise issues such as places of entertainment, blaring radios, and loud exhausts. Chief Layman commented that signs are required in order to enforce a restriction on jake brakes, and cars and motorcycles fall under state inspection laws. Chief Layman encouraged that the ordinance be kept simple, with a time such as 10:00 p.m. Mr. Gritsko noted the need to balance the needs of businesses and residents. Mayor Grove pointed out that they also have the option of simply buying a decibel meter and enforcing the existing zoning ordinance. Mr. Barnhill expressed James River Brewing's willingness to work within whatever limits are set.

Appropriation of funds for purchase of decibel meter: An appropriation for \$500 was placed on the regular session agenda.

Closed session: Ms. Gill moved that this council now meet in closed session for consultation with legal counsel pertaining to potential litigation with Albemarle Properties, LLC, regarding an access easement for the Van Clief Nature Area, as permitted by Code of Virginia Section 2.2-

3711(A)(7). Mr. Gritsko seconded the motion. The motion was approved, with Ms. Gill, Mr. Gritsko, Mr. O'Halloran, Ms. Knotts, and Mr. Smith voting in favor and none against.

Upon returning to open session, Ms. Gill moved to adopt a resolution certifying the closed session. Ms. Knotts seconded the motion. The motion was approved, with Ms. Gill, Mr. Gritsko, Ms. Knotts, Mr. O'Halloran, and Mr. Smith voting in favor and none against. The following resolution was adopted:

WHEREAS, this council convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by the council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, be it resolved that the council hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed, or considered in the meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting to which this certification applies.

Upon a motion by Ms. Knotts, seconded by Mr. Gritsko, the meeting was adjourned at 9:16 p.m.