

TOWN OF SCOTTSVILLE

Town Council
Regular Session
Monday, May 20, 2013
Victory Hall
401 Valley Street
Scottsville, Virginia

Mayor
Jesse B. Grove III

Town Council
Shannon W. Adcock
Nancy E. Gill
R. Daniel Gritsko
Elizabeth M. Knotts
Robert E. O'Halloran
Ronald L. Smith

MINUTES

1. CALL TO ORDER – Mayor Grove called the meeting to order at 7:00 p.m.
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL of Town Council – Town Clerk Amy Moyer called the roll. Ms. Gill, Mr. Gritsko, Mr. O'Halloran, and Mr. Smith were present. Mr. Adcock and Ms. Knotts were absent. Also in attendance were Town Administrator George Goodwin and Town Attorney James Bowling IV.
4. CONSENT CALENDAR
 - 4.1. Approval of Agenda
 - 4.2. Financial Report for April 2013
 - 4.3. Minutes – Special Meeting of February 4, 2013
 - 4.4. Minutes – Work Session of February 11, 2013
 - 4.5. Minutes – Regular Session of February 19, 2013

Upon a motion by Mr. Gritsko, seconded by Mr. O'Halloran, the consent calendar was approved.

5. MAYOR'S REPORT

Mayor Grove reported that a ceremony was held yesterday to officially celebrate the completion of Streetscape. As a footnote, East Main Street milling and paving will be done by VDOT next year, and the crosswalk bars should have been done by now. Mayor Grove stated that Streetscape is complete, on time, and on budget, and yesterday was an opportunity to thank so many who worked so hard over the last ten years.

Mayor Grove related that Victory Hall painting and patching is underway. The farmers' market bathrooms are virtually complete except for the partitions, which Mr. Goodwin expects within two and a half weeks.

Mayor Grove commented that he regrets to report the closing of the Horseshoe Bend Bistro. He noted the successful opening of the new Scottsville Pharmacy.

Mayor Grove offered his apologies for his recent and upcoming meeting absences due to out-of-town business.

6. PUBLIC FORUM – No one from the public rose to speak.

7. APPROPRIATION FOR PURCHASE OF DECIBEL METER

Mr. Goodwin stated that neither the city nor the county is willing to loan a decibel meter. Mayor Grove explained that they wanted to try out a meter and sound limits before adopting a noise ordinance. Mr. Goodwin commented that they can buy a meter, use it, and return it if they do not like it. Mr. Goodwin requested an appropriation of \$600 for this purpose.

Ms. Gill asked why this is not included in the next fiscal year's budget. Mayor Grove replied that they could consider pushing consideration of the whole matter over until next year, but if they are going to move on this now, they should take it out of this year's budget. Ms. Gill asked what locations would be tested. Mr. Goodwin replied any venue can be tested. Mayor Grove said all those that offer entertainment.

Mr. Gritsko asked if there is a standard decibel amount typically chosen by communities with an ordinance. Mr. Bowling replied no, it depends on what kind of city or town you are and what kind of noise you are trying to control. Mr. Bowling said he chose the Town of Blacksburg ordinance as a model because of it is a college town with unruly students and an active restaurant business, and the town is interested in getting all the revenue it can while at the same time having a noise ordinance that satisfies the needs of its citizens. Mr. Bowling also distributed comments from the Charlottesville city attorney's review of noise ordinances from all over the country. Mr. Bowling stated that the town could adopt the same ordinance as Albemarle County or Charlottesville, but he is not sure the county's or the city's ordinance would meet the town's needs because they serve different venues. He agreed with Mayor Grove that they have to try out the ordinance with a noise meter to test situations such as outdoor music, live bands, and street noise from a closed venue. The noise ordinance is tied to particular times of day, with broad exemption categories that allow you to cut your grass, run a chainsaw, etc. Mr. Bowling said that the police can still enforce disturbing the peace or nuisance statutes, but it is easier to do with a noise ordinance with a decibel meter that is certified and calibrated.

Mr. Gritsko asked if Mr. Bowling's recommendation is to go with the Blacksburg ordinance. Mr. Bowling replied yes, he likes the structure, but he does not know what the ideal decibel level is; that is for the council members to decide.

Mr. Smith commented that like any piece of equipment, the distributor could lend a demonstration model. He is hesitant to spend \$600 on equipment without an ordinance.

Mr. Bowling noted that the Mr. Goodwin seems assured that he would get it back, assuming that the meter was returned according to the contract. Mr. Goodwin said the only out-of-pocket cost would be having the meter calibrated. Mr. Smith asked about other neighboring localities. Mr. Goodwin noted that he contacted vendors about return policies but did not ask

about demo units. Mr. Smith said that this being May, they would not get an ordinance on the books before the end of the fiscal year, so why spend \$600 now when a representative could possibly bring a demo unit. Mayor Grove agreed that the matter is not urgent.

Mr. Goodwin commented that they would be in a higher dollar bracket with a sales representative, but they can get an adequate model from Sears. Mayor Grove asked Mr. Goodwin to explore Mr. Smith's idea of getting a vendor demo and report back at the next work session.

Ms. Gill commented that there always seems to be one complaint, asking if it is the same person. Mr. Goodwin replied no, the complainant enjoyed the music but did not like hearing it inside his house. Ms. Gill asked if outdoor music is limited to 9:00 p.m. in the proposed ordinance. Mr. Bowling said the Blacksburg ordinance is an example of a generic type, and they can be as flexible or inflexible as they want to be, within a rule of reason. Mr. O'Halloran asked about how broad they can be in the kinds of noise, such as dogs or trains. Mr. Goodwin noted an issue this weekend with a BBQ vendor with a generator.

Ms. Gill moved to table the matter to the next work session pending a report from the town administrator. Mr. Smith seconded the motion, which was approved by voice vote.

8. REPORTS OF CHARTERED COMMITTEES, PLANNING COMMISSION, AND ARCHITECTURAL REVIEW BOARD

Enhancement Projects Oversight Committee: Mayor Grove had no report, as the committee is standing by for the next project.

Planning Commission: Mr. Smith reported that the commission is working on the Comprehensive Plan, and Daniel Nairn gave an update at the work session. Mayor Grove asked that a redline copy be sent to council members.

Architectural Review Board: The board did not meet in May due to a lack of business.

Tourism Committee: Mr. Gritsko reported that the town received a grant for the bridge over Mink Creek to the Van Clief Nature Area. Mr. Gritsko will talk with the Enhancement Projects Oversight Committee about its role in the project. Mayor Grove explained that the EPOC can help decide if they decide to have work done under contract. Mr. Gritsko reported that Jaden Willis wants to do a Girl Scout project at the VCNA, and the town is pursuing an additional easement or a land donation. Mr. Bowling noted that the area will have to be surveyed. Mr. Gritsko asked to include the survey expense in the budget. Mayor Grove suggested that they spend the existing Tourism funds first and seek an additional appropriation later if necessary.

Government Services Committee: Ms. Grill reported that the committee has inquired as to the legal weight limit on side roads. Tim Small has asked to review all town ordinances, see what is and is not enforced, and assign enforcement responsibility. Bob Schwartz is researching remedies to blighted buildings. Patrick Tocci and Stephanie Forman have

proposed an online forum. Ms. Gill met with Albemarle County Executive Tom Foley and plans to move forward with meetings with other county officials. Ms. Gill intends to inquire with the building inspections office regarding several seemingly open-ended building permits.

Town Maintenance Committee: Mayor Grove relayed Ms. Knotts' report that the committee did not meet and is looking for a new member. The committee is pleased with David Becker's work. They are waiting on tee shirts for town employees.

Mr. Goodwin noted that the tee shirts have been mentioned but no funds have been appropriated. He will investigate pricing.

Following up on discussion of the Batteau Festival at the work session, Mr. Gritsko stated that the Blue Ridge Runners and dance callers are available to perform that evening for \$250. Ms. Gill added that Ms. Knotts requested \$450 for musicians at Canal Basin Square that day. Mayor Grove said he would like to see this coordinated rather than come in pieces. Ms. Moyer asked for a decision about the planned events in order to send out vendor forms. Mayor Grove directed staff to sort it out.

9. TOWN ADMINISTRATOR'S REPORT

Mr. Goodwin reported that town paid for two fire department members to take the fireworks certification test. The department is modifying its trailer and equipment for a better show.

Mr. Goodwin reported that the farmers' market bathrooms are more or less finished, with baby changing stations, mirrors, and similar items remaining. The Chamber of Commerce and Pam and George Goodwin did additional plantings last weekend. Painting and repairs are underway at Victory Hall, as well as preparations for the gutter installation. Appalachian Power will cover the wire to accommodate the painting and gutters.

Mr. Goodwin reported that the police car will not be delivered until August, with a model year of 2014 instead of 2013. Mayor Grove stated that there is an issue of when to pay for the car, and initially he did not want to pay until they get the car, but a delay may create potential difficulties with funding for the next car. Mayor Grove said to ensure that funding possibility stays in place, they need to spend the money for this car this year, so consequently the council has appropriated the money and it is within Mr. Goodwin's discretion at this point to spend it. Mr. Smith asked for clarification. Mr. Goodwin replied that he met with the USDA, and they want the town to end the year "non-profit," as the town has to show need to be eligible.

Mr. Smith asked if there are other changes to the budget since the public hearing. Mr. Goodwin replied there will be some tweaking for small items. Mr. Smith recalled that the money for the car was to have been moved to next year. Mr. Goodwin said they talked about it but did not do it.

Mr. Goodwin stated that he worked with the brewery on the placement of the BBQ truck and business licenses. He relayed Tim Karr's report on the levee and dam cutting, noting that some fallen trees on the Mink Creek spillway have to be removed and there is a caved-in area on the levee behind the GOCO. Mr. Goodwin will seek advice from the USACE before implementing repairs, and he asked for approval to pursue whatever the USACE recommends immediately. Mayor Grove noted that the council can call a special meeting rapidly if necessary, and the USACE may consider the repairs as its responsibility if it was not built right in the first place.

Mr. Goodwin noted that he has received all of the Streetscape billings, and the electric was approximately \$10,000 less than the estimate. Mayor Grove asked for final numbers, noting that this means less from the Caldwell Fund.

Mr. Goodwin noted that they are still lacking the permanent map signs. Westview printed these vinyl temporary signs for free.

Mr. Goodwin stated that he left the weight limit report on the table for the Government Services Committee meeting, and it goes by axel. Ms. Gill commented that the town's side streets are not built to those standards, and they want specific numbers.

Ms. Gill asked that the weekly email update start this Friday. She asked Mr. Goodwin about the farmers' market. Mr. Goodwin replied that they are collecting information from other markets and looking into new management. Ms. Gill asked if the market is more under his purview now than in the past. Mr. Goodwin replied yes, it was previously under the Chamber of Commerce.

Mr. Smith noted the Chamber of Commerce business fair to be held at the farmers' market on June 11.

10. CLOSED SESSION FOR DISCUSSION OF PERSONNEL MATTERS, AS PERMITTED BY CODE OF VIRGINIA SECTION 2.2-3711(A)(1)

Mayor Grove noted the need for an executive session tonight since he will be absent during the June meetings.

Mr. Gritsko moved that this council now meet in closed session for discussion of personnel matters, as permitted by Code of Virginia Section 2.2-3711(A)(1). Mr. Smith seconded the motion. The motion passed, with Ms. Gill, Mr. Gritsko, Mr. O'Halloran, 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. Mr. O'Halloran seconded the motion, and a roll call vote was conducted.

Mr. Adcock	<u> Absent </u>	Ms. Gill	<u> Yes </u>	Mr. Gritsko	<u> Yes </u>
Ms. Knotts	<u> Absent </u>	Mr. O'Halloran	<u> Yes </u>	Mr. Smith	<u> Yes </u>

By a vote of 4-0, the following resolution was adopted:

Certification Resolution of Closed Session

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.

11. ADJOURNMENT – The meeting was adjourned at 8:15 p.m.