

TOWN OF SCOTTSVILLE

**Town Council
Working Session**
Monday, January 12, 2015
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
Graham N. Prichard
Ronald L. Smith

MINUTES

Mayor Grove called the meeting to order at 7:01 p.m. Ms. Gill, Mr. Gritsko, Ms. Knotts, Mr. Prichard, 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 there were several automobile accidents over the weekend, with one in town and two at the edge of town. County police assisted. Mayor Grove asked if this indicates a safety issue. Chief Layman reported that it has more to do with driving habits; someone struck three parked vehicles and a utility pole. Chief Layman reviewed the minutes of the Public Safety Committee: Mr. Goodwin reported that he is pursuing a police car grant; Fluvanna will not join the same radio system as Albemarle at this time due to the cost; a town resident has complained about a dog coming from a property that to Chief Layman's knowledge is in Fluvanna County; Mr. Goodwin is checking whether the required backflow device was installed at the police department; there is flooding in the police parking lot; and the officers are reorganizing the office.

Chief Layman reported that he met with Richard Nicholas from the Scottsville Museum about a parade to commemorate Sheridan's Raid on Scottsville. Plans include an encampment of reenactors with 30-50 horses. Chief Layman has suggested alterations to the parade route to minimize traffic disruption, as the proposed route closes off all avenues through and around the town. Sergeant Miller Stoddard with the ACPD traffic division commented that Mr. Nicholas contacted him as well, and he is happy to assist with permit forms, but Chief Layman signs off on events in the town. Sergeant Stoddard said he has the same concerns about closing all avenues in and out of town, as well as horse manure on the street, the proximity to cars and pedestrians on Valley Street, and the small lot where the encampment is planned.

Mayor Grove stated that the Town Council is aware of this event sponsored by the Scottsville Museum and agreed to co-sponsor the event, and they are very enthusiastic about the ability to have this event in the town. He hopes that Chief Layman and the organizers can find a way to adjust the routes so as to make the event possible and to make it safe to the extent possible. He asked if it can be staged like the Fourth of July parade to allow access.

Mr. Goodwin related that they are looking into the possibility of using the Uniroyal property instead of the Dansey lot, which would alleviate many issues. Chief Layman noted the route from Bird to Valley to Main would be a short-term blockage of traffic, but he is concerned about

getting the horses back from Canal Basin Square. He would like to avoid hiring extra help to block intersections if possible. Chief Layman will continue to work with the event organizers on this.

Chamber of Commerce report: Mr. Smith reported that the Chamber of Commerce meets tomorrow at the Smokehouse Grille. The 2015 Scottsville Area Directory went to press today.

Architectural Review Board report: Mayor Grove reported that the ARB approved two sign applications – One Man’s Junk and mcdowellespinosa. Larry Barnett presented a proposal to fix the second-floor windows at the Bruce building, which the ARB found acceptable and approved, so there will be no need for further enforcement action. There was an after-the-fact application for window changes at 371 Harrison Street; the ARB approved paint colors for the remodeling of this building but denied the window replacement. Windows were changed at two cottages on Warren Street without approval; the owners would like to propose a fix similar to what was approved for the Bruce building.

Ms. Gill asked about a reference in the minutes to needing a COA for window replacement at 705 Valley Street. Mr. Goodwin replied this is incorrect; Stephanie Hunter discussed chimney removal with the ARB but did not follow up with paperwork.

Planning Commission report: Mr. Smith reported that the Planning Commission approved the zoning text amendment changing Zoning Ordinance Section 24.3 to reflect that ARB members serve at the pleasure of the Town Council. The commission discussed Heinz Gadiant’s request for residential use at 501 Valley Street; action was deferred until next month. The Van Clief Nature Area master plan presentation was also postponed.

Treasurer’s report: Mr. Goodwin reported that finances are on track for the year, and cash flow is better than last year at this time. A budget amendment is needed to proceed with some expenditures.

Mayor Grove stated he contacted the cell tower representative and conveyed the Town Council’s decision, and a draft contract will be forthcoming after this is presented to the board of directors.

Ms. Gill asked if there as any movement on finishing the packet boat at Canal Basin Square. Mr. Goodwin replied that he needs to advertise the work.

Mayor’s report: Mayor Grove reported that he has been spending a substantial amount of time on the litigation with Albemarle Properties, including attending a deposition with Mr. Bowling. They are proceeding towards trial on February 5.

Mayor Grove related that Jane Dittmar has arranged a meeting regarding the VDOT six-year plan for road improvements in the area. Mayor Grove and Mr. Goodwin will attend this meeting on January 20. Mr. Gritsko expressed support for safety improvements to Route 20. Mayor Grove said the only thing he expects they have on the six-year plan is the possibility of a roundabout at the intersection of Route 20 and James River Road. Mr. Goodwin commented that as of last year’s meeting there were no plans for major changes on Route 20, only for

intersections at James River Road and at Red Hill Road. Mr. Prichard asked why nothing is planned for Route 20, noting that there are areas where ice lays on the road. Mr. Goodwin replied that the voice has not been there before, and the Route 29 bypass has been the focus for state transportation funding, so 29 North has been getting most of this area's money. Mr. Goodwin noted that police have requested guardrails and other safety measures on 29 South because of the number of accidents and deaths, but they have had a hard time getting attention for that. Mr. Gritsko said there are a number of curves that should be taken out on Route 20 between Scottsville and Charlottesville for safety. Mr. Goodwin remarked that the dilemma comes down to the fact that they are looking at the number of major accidents and deaths. Mayor Grove stated that they will have a better report after attending the meeting, and the Town Council can lobby for improvements if needed.

Mayor Grove stated they continue to have some difficulty with parked cars that stay in one spot for a very long time. There is an ordinance amendment coming up, but they have been dealing with this informally so far successfully.

Mayor Grove related that the brewery has changed ownership. He asked whether they need a new application for a special use permit and was advised by Mr. Bowling that the permit transfers unless there is grounds to revoke it. There will not be an opportunity to place new conditions through a new special use permit, and therefore the noise ordinance has more significance than it might otherwise.

Mr. Gritsko asked about a preemptive dialog with the new owners, as spring is coming. Mayor Grove offered to invite them to the next work session. Mr. Goodwin said that they are just forming a new company and accepting consultation, so they do not know what direction they are going yet. Mayor Grove asked Mr. Goodwin to convey that they would like to have that conversation at the next work session or the one after, whenever is appropriate.

Mayor Grove related an idea, inspired by his correspondence with Mitch Carr, to incentivize owners to lease empty storefronts. He proposes enacting a property tax on all commercial properties and rebating that tax to those operating businesses with employees, with the net effect that those who are leasing and operating business properties would pay no tax. Mr. Bowling will look into the possibility of a special tax district for this purpose. Mayor Grove referred this to the Government Services Committee for consideration.

Planning Commission vacancy: Applicants Randy Nolt and Jackie Garet will be invited to the regular session for interviews. Mr. Smith asked if it was possible to appoint both. Ms. Moyer replied yes, but the ordinance would have to be amended to change the number of members.

Town Maintenance Committee report: Ms. Knotts reported that the committee will meet January 27. There were lots of compliments on the holiday lights. A farmers' market committee meeting is scheduled for January 29.

Arts & Culture Committee report: Ms. Gill reported that the committee will meet January 15.

Tourism Committee report: Mr. Gritsko reported that the VCNA committee will meet January 15.

Town Administrator's report: Mr. Gritsko reported that Rob Van Lier has reviewed the VCNA plans, and the state dam alterations permit should be issued by early February. Staff has been working on documents for the pending litigation.

Town Attorney's report: Mr. Bowling reported that most of his work has been on the Albemarle Properties case.

Noise ordinance: Mayor Grove recalled that the Town Council voted at its last meeting to have a noise ordinance and referred it to the work session for consideration of details. Ms. Knotts asked if Chief Layman has looked at the draft; Mayor Grove directed staff to make sure he gets a current copy.

Mr. Prichard asked if this draft is modeled on elsewhere or created by the town. Mayor Grove replied that Mr. Bowling provided him with a number of ordinances, which he reviewed and compiled to make them relevant to the town's concerns. Mr. Bowling commented that the devil is in the details, that is the decibel level set for various activities. Mr. Prichard asked if there is a uniform level. Mayor Grove and Mr. Bowling replied no. Mayor Grove explained how these levels were set from readings taken in town, with recommendations from Jeff Scott. Mr. Bowling noted that he shared a report prepared by Charlottesville city attorney on this.

Mr. Gritsko commented that he prefers louder noise at the onset, because it is easier to tighten the regulations if needed. Mayor Grove stated the proposed levels are not tight but rather on the upper end of what's acceptable, as there have been complaints at levels lower than in the ordinance.

Ms. Knotts noted that asked about guidelines for the permit process for outdoor amplified music. Mr. Bowling noted that outdoor music will not meet these levels, so a permit could be issued for events such as the Fourth of July. Mayor Grove noted that most public events are already within the exemptions. Ms. Knotts asked about the process if a restaurant wants a permit for this. Mayor Grove asked if they want to make the permit issuable by the Town Council rather than the mayor or town administrator, but he did not foresee a problem.

Mr. Prichard asked about the enforcement process. Mr. Smith asked to reword the punishment section to say "upon conviction" rather than "shall be convicted," and he expressed concern that permits will be issued on the musical taste of the mayor and town administrator.

Ms. Knotts asked about warnings. Mr. Smith stated that the law enforcement has the discretion to give warnings. Ms. Gill suggested that they consider a later cutoff than 10:00 p.m. for events like weddings. Ms. Knotts would like the Government Services Committee to draft a permit application if the ordinance is approved.

Mayor Grove asked staff to advertise the ordinance for public hearing. Mr. Bowling asked if the zoning ordinance provisions will be amended concurrently. Mayor Grove replied no, not at this time.

Social media policy: Mr. Gritsko explained that this policy enables the town to have some control over what is done in its name officially and a way to be involved in common media. This policy follows the example of other localities. The Tourism Committee wants to move forward with several initiatives but has been hesitant to do so without structure.

Ms. Knotts expressed concern about the consistency of posting by volunteers. She asked if other information will go out besides tourism. Mr. Gritsko replied that volunteers will post in accordance with the policy, they will monitor, and the town can easily get rid of this if it is not working. Mr. Prichard agreed that they can turn it off if they do not like it, and he asked how moderators will be chosen. Mr. Gritsko said that committees will choose moderators with the scrutiny of Town Council. Ms. Knotts prefers that everything be filtered by one moderator.

Mr. Bowling pointed out issues in limiting free speech in a public forum. He urged that moderators err on the side of caution.

Ms. Gill asked what forms of social media will be used. Mr. Gritsko replied multiple forms, and this is commonly done by VML and other localities.

Mayor Grove also expressed concern about content restrictions. Mayor Grove and Mr. Smith stated their opposition to the policy. Mr. Smith feels the town website is sufficient. Ms. Knotts commented that the reach of social media is better. Mr. Gritsko suggested bringing CACVB to speak on the topic. Mayor Grove directed that the policy be put to a vote at the regular session.

FY 2015 Budget amendments: Mr. Goodwin noted that the amendments have been revised to reflect increased legal fees. A public hearing has been advertised for January 20.

Proposed amendment to Zoning Ordinance Section 23.4 regarding ARB terms: This ordinance has been advertised for public hearing on January 20.

Proposed amendment to Town Code Section 74-25 regarding abandoned vehicles: This ordinance has been advertised for public hearing on January 20. Mr. Smith commented that the ordinance does not state that these vehicles are on public property. Mayor Grove said it is in the full ordinance. Mr. Smith expressed concern that vehicles without county stickers, which are no longer required by many localities, will be mistaken for abandoned vehicles. Mayor Grove noted these vehicles would still have current license plates and inspection stickers. Mr. Goodwin said that the police check the status of the vehicle registration. Ms. Gill noted that it is 10 days if legally licensed. Mayor Grove replied yes, that is what has been added because that is where the problem is – properly licensed and stickered cars have been parked for weeks and months. Mr. Goodwin noted problems with vehicles left in the municipal lots for long periods, which should be for daily use. Mr. Smith is concerned that people may leave their cars too long while on vacation, and he prefers two-hour parking limits in high-traffic areas rather than this proposed

ordinance. Council members further discussed the practical implications of enforcing the ordinance.

Completion of packet boat at Canal Basin Square: Mr. Goodwin will get bids for the work.

Closed session: Ms. Knotts moved that this council now meet in closed session for consultation with legal counsel and/or briefings by staff members pertaining to litigation with Albemarle Properties, LLC, over right to use extension of Jefferson Street to access Mink Creek Reservoir (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, Ms. Ms. Knotts, Mr. Prichard, and Mr. Smith voting in favor and none against.

Upon returning to open session, Mr. Smith moved to adopt a resolution certifying the closed session. Mr. Prichard seconded the motion. The motion was approved, with Ms. Gill, Mr. Gritsko, Ms. Knotts, Mr. Prichard, 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.

The meeting was adjourned at 8:45 p.m.