

**FLOYD TOWN COUNCIL MEETING**  
**W. SKIP BISHOP JR., TOWN HALL**  
**August 6, 2015**  
**6:30 P.M.**  
**MINUTES**

**MEETING CALL TO ORDER** – Mayor Griffin called the August 6, 2015 meeting of the Floyd Town Council to order.

**ROLL CALL** –Councilman Patton, Councilman LeMay, Councilwoman Bingham, Mayor Griffin, Town Attorney Shortt, Town Manager Cox, and Clerk Mandzak were present.

**CITIZENS COMMENT PERIOD**

Kamala Bauers from the Hotel Floyd asks Council for assistance with a neighbor of the Hotel Floyd that plays very loud talk radio on loud speakers outside of their home. Ms. Bauers states that the talk radio is affecting the Hotel Floyd’s business because they have had guests not want to stay at the hotel due to the talk radio being so loud. Other guests have asked to be moved to the opposite side of the hotel and are not utilizing the outside space that the hotel provides. Ms. Bauers also states that this situation doesn’t just impact the Hotel Floyd, it impacts the whole town because if the guests leave the hotel they won’t be spending money in the Town and that it would affect other local businesses. Ms. Bauers states that she is willing to help find a situation to the problem.

**Vice-Mayor Tuner enters.**

Dwight Vaughn from Nuthin’ Common a band that performs on the sidewalk on Friday nights informs the Council that his band is aware of the issue of pedestrians being in the streets while listening to their band play. Mr. Vaughn states that he and the band want to be a part of the solution and want to make sure that the pedestrians are safe. Mr. Vaughn states that the deputies telling pedestrians that they are going to write them a ticket isn’t a good solution. Mr. Vaughn states that the band does not want to not play near the street. Mr. Vaughn offers some possible solutions such as putting up a barrier, lowering the speed limit, roping off the area or having no parking in the area where they play. Mr. Vaughn states that it would be a detriment to the Town to move the bands off the street because many of the people come just to hear the bands performing outside of the Country Store. Mr. Vaughn states that people from all over the Country and even the world come to see the Crooked Road and the music in Floyd. Bob Ashcraft states that the band definitely wants to help make the streets safe for the pedestrians. Mr. Ashcraft states that the band wants to help with the solution and they also want to keep the atmosphere of the Friday night music in the streets.

Rick Parrish, local realtor, business owner, town resident, and Planning Commission member states that the Hotel Floyd is a very important business for the town and that the noise problem does affect their business and in turns affects other businesses in Town. Mr. Parrish states that he believes that there should be a noise ordinance in place because it is not fair to the people causing the problem or to the people being affected by the problem to not have an ordinance that is clear and enforceable.

## **MINUTES**

- A. July 2nd and July 16th Minutes. Councilwoman Bingham states that in the July 2nd minutes that she was talking about the trees in pots and not the overhanging trees.

Councilman Patton makes a motion, seconded by Councilman LeMay, to approve the minutes for July 2nd and July 16th minutes with the change stated.

Councilman Patton—aye

Vice-Mayor Turner —aye

Councilman LeMay—aye

Councilwoman Bingham —aye

Mayor Griffin-aye

## **PRESENTATIONS**

- A. Mr. Michael Schumann, Floyd County Volunteer Fire Department-presentation moved to later in the meeting.
- B. Mr. Michael Maslaney, Town of Floyd Planning Commission-Mr. Maslaney states that the Planning Commission will have a proposal concerning the Mobile Food Vendors and the Conditional Use Permits will be ready soon. Mr. Maslaney updates the Council on a recent Supreme Court ruling concerning the sign ordinance. In the case Reed vs. The Town of Gilbert The Supreme Court ruled 9 to 0 against the Town. Mr. Maslaney states that you can no longer regulate content or timeframe on any sign that is posted in the town; that you can no longer state in the ordinance what type of sign it is ex. realtor sign, political sign. Mr. Maslaney states that you can only monitor the size and the location of the sign. Mr. Maslaney asks that this subject be put on the agenda for the Planning Commission. Town Attorney Shortt asks if there is a model ordinance in place; Mr. Maslaney that there needs to be research done but that they do have some things to go by to start the process and that they will be getting with the PDC to help them through the process.

## **OTHER**

Mayor Griffin addresses the issue brought before Council concerning the noise coming from the neighbor of the Hotel Floyd. Mayor Griffin states that he has received calls concerning the talk radio and has heard the radio. The Town doesn't have a current noise ordinance that is enforceable that maybe the issue should be referred to the Planning Commission to research to see what options are out there concerning the issue. Mayor Griffin states that one issue there may be is to determine between a business having music and a resident having a loud radio. Mayor Griffin states that the resident has compared their radio to the music that is played at the Circle K. Mayor Griffin states that since this issue has gotten to the point where it is affecting businesses in Town that the Council has a responsibility to look into it. Vice-Mayor Turner states that residents that also complains about the music; Mayor Griffin states that they will need to be uniform between the businesses and residents. Councilwoman Bingham states that she has had two complaints about the talk radio. Mayor Griffin states that he knows that his answer is not a quick fix but that it is a start. Councilman Patton states that the Council has previously discussed this issue with the landowners without much cooperation. Mayor Griffin states that they have tried to facilitate conversations with the neighbors but they have had no luck. The noise issue was referred to the Planning Commission for research and recommendation.

Mayor Griffin addresses the issue brought before Council by Dwight Vaughn from the band Nuthin' Common; Mayor Griffin explains to Mr. Vaughn that the Council has discussed the problem and are working on solutions such as rumble strips, slower speeds, barricades, etc. Mayor Griffin states that the Sheriff's Department shouldn't be blamed for telling people that they were going to issue tickets because the people have been warned many times and they continue to go back in the street. Mayor Griffin states that they have talked about putting up partitions to try and keep people out of the street or to possibly move the band to a different location. Mayor Griffin states that the presence of a Deputy on site has helped keep people out of the streets. Mayor Griffin states that no one wants to run off the crowd because it helps the businesses but that they need to come up with a plan to ensure the safety of the pedestrians. Mr. Vaughn states that they do ask the crowd to move out of the streets as well. Mr. Vaughn states that it may help if they move behind the wall. Mayor Griffin states that it would be ideal if the music would move down into the park but that he knows that there is not ample lighting in the park. Mr. Vaughn states that he is afraid that it would take away from the atmosphere of the Town.

Councilman Patton asks Mr. Vaughn what the band thinks would be the best solution for the problem to ensure the safety of the pedestrians; Mr. Vaughn states that he thinks that moving behind the wall or putting up barriers would probably be the best solutions. Councilman LeMay asks about the handicap parking spaces; Mayor Griffin states that we are required to have one and we have two so it would be fine if one of them were blocked off. Councilman LeMay states that he would try renting barricades to see if they would work before buying them. Mayor Griffin states that VDOT doesn't encourage the use of barriers. Town Attorney Shortt states that VDOT would have to approve anything put in the right-of-way (anything from curb to curb). Mayor Griffin asks Mr. Vaughn to scope out the street area to see if there is any other possible location for them to play. Rick Parrish asks if the Town has considered using volunteers to help control the crowd. Vice-Mayor Turner states that he would have to check with the Sheriff to see if that could be done and that it is not the desire of the Sheriff's Office to write tickets or shut anything down but when they receive complaints that the traffic can't get through the area then they have an obligation to address the issue.

Michael Schumann from the Floyd County Volunteer Fire Department asks Council for permission to use the Warren G. Lineberry Park on September 19<sup>th</sup> for another fundraiser for the Fire Department like the one that was done in the Spring. Council discusses the request with Mr. Schumann. Councilman Patton makes a motion, seconded by Councilman LeMay, to approve the request from Michael Schumann to hold the fundraiser event at Warren G. Lineberry Park on September 19<sup>th</sup>.

Councilman Patton—aye

Vice-Mayor Turner —aye

Councilman LeMay—aye

Councilwoman Bingham —aye

Mayor Griffin-aye

#### **ITEMS FOR DISCUSSION/ACTION**

- A. Loan Pool Guidelines-this item is to be discussed at the first Council meeting in September. Councilman Patton introduces Russ Young, the newest member of the Loan Pool Committee.
- B. FY2016 Budget Projects-Council discusses possible projects for the Town such as equipment purchase, bathroom construction for Town Hall, and pressure washing in Town. Town Manager Cox states that the public works employees are looking to put a dump bed on the current truck and purchase a smaller gas powered truck. Town Manager Cox states that she is in the process

of getting quotes and estimates on different projects in Town. Town Manager Cox states that she has added garage doors to the list because she has been told by public works that the garage doors need to be replaced and that one of the doors doesn't work at all. Councilman Patton asks about the Town Hall/Office parking lot; Mayor Griffin asks him specifically what he has in mind; Councilman Patton states that it doesn't look good and that parking is always an option. Councilman Patton requests that Town Manager Cox get quotes from a landscaping architect to see what different options are for the parking lot. Councilwoman Bingham requests that they get a quote from a paving company to see how much it would cost to get surface treatment put down in the parking lot. Council discusses options for the bathroom for the Town Hall; Town Manager Cox states that she will acquire quotes for the project and report back to the Council.

### **TOWN MANAGER REPORT**

Town Manager Cox informs Council that Dawn Weeks who usually hold the 5k in the Town came to the office to inform her that there will not be a 5k in Town this year due to personal issues with the other coordinator for the event.

Town Manager Cox informs Council that there are a couple of trees in the alcoves near the parking lot that have died and asks if they need to be replaced with the same trees or put something different due to the size of the trees; Council requests that Town Manager Cox to reach out to Jon Beegle for suggestions on how to handle this situation.

Town Manager Cox updates Council on the lights on the patio in Warren G. Lineberry Park, she states that she has contacted the electrician and he will come and look at those along with the lights that are out on the trail.

Town Manager Cox informs Council that VDOT will be paving Route 8 during the next paving season, the paving will be done at night for two or three nights.

Town Manager Cox informs Council that the gentleman that did the snow removal for the Town is retiring and has provided the Town with a name for a replacement.

Town Manager Cox informs Council that VDOT should be at the second meeting in September to report back on their findings concerning the sidewalks in Town. Town Manager Cox spoke with VDOT about the VML grant project and VDOT gave Town Manager Cox information about different signage that the Town could use. Town Manager Cox asks for consensus on whether or not to apply for the VML grant. Vice-Mayor Turner makes a motion, seconded by Councilman Patton, to apply for the VML grant.

Councilman Patton—aye

Vice-Mayor Turner —aye

Councilman LeMay—aye

Councilwoman Bingham —aye

Mayor Griffin-aye

Councilman Patton informs Council that the mailboxes for the Town and others on Wilson Street will be moved further down the street due to issues receiving mail at the current location because of cars parking in front of the mailboxes.

Michael Schumann re-enters with Mr. Vaughn from the band Nuthin' Common and states that the band is willing to play on the patio area of the park and asks if the Town could possibly provide signage that there is music in the park; Mayor Griffin states that the band is more than welcome to utilize the area. Town Manager Cox states that she will double check on the lighting and the electric and get back in touch with the band.

Vice-Mayor Turner informs Council of a rebel flag parade that will be coming through Town on August 29<sup>th</sup>, this event will have approximately 150 to 200 vehicles involved in the parade.

Mayor Griffin informs Council that the gentleman that was selling rebels flags in Town was sent a letter informing him that he needed to acquire a Business License to be able to sell the flags in Town. Town Manager Cox states that he has yet to come in and get his Business License.

Councilman LeMay makes a motion, seconded by Councilman Patton, and unanimously carried, to adjourn to August 20, 2015, 2015 at 6:30 pm.

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**William R. Griffin, Mayor**

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**Chrissy Mandzak, Clerk**