

**FLOYD TOWN COUNCIL MEETING
W. SKIP BISHOP JR., TOWN HALL
January 21, 2016
6:30 P.M.
MINUTES**

MEETING CALL TO ORDER – Mayor Griffin called the January 21, 2016 meeting of the Floyd Town Council to order.

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

CITIZENS COMMENT PERIOD-None.

PLANNING COMMISSION MEETING CALL TO ORDER-Chairman Maslaney called the January 21, 2016 meeting of the Floyd Town Planning Commission to order.

ROLL CALL-Commissioner Parrish, Commissioner LeMay, Vice-Chairman Bingham, Commissioner Bond, Commissioner Morris, Chairman Maslaney, Town Manger Cox, and Town Clerk Mandzak were present.

Town Manager Cox read the joint public hearing notice for the amendments to Section 18.706.12 Failure to Comply with Sign Ordinance.

**Notice of Joint Public Hearing of
The Floyd Town Council and
The Town of Floyd Planning Commission**

The Floyd Town Council will hold a joint public hearing with The Town of Floyd Planning Commission on Thursday, January 21, 2016 at 6:30 p.m. in the W. Skip Bishop Jr., Town Hall located at 134 Wilson Street, Floyd, VA 24091.

The joint public hearing is for public comment on the amendment of Section 18.706.12 of the Town of Floyd Land Use Regulations.

The proposed amendments to the Town of Floyd Land Use Regulations are pursuant to 18.706 of the Town of Floyd Land Use Regulations and 15.2-2204 of the Code of Virginia.

A copy of this proposal is available for public inspection at the Floyd Town Office, 138 Wilson Street, Floyd, VA. All parties in interest and citizens may appear on the above date and be heard on this request.

Kayla Cox
Zoning Administrator
Town of Floyd

Michael Maslaney
Chairman, Town of Floyd
Planning Commission

CITIZENS COMMENTS-None.

Chairman Maslaney states that the Planning Commission is recommending that people that are not following the Condition Use Permit that they have with the Town that the Town Manager will first give the person in violation written notice to comply along with \$50 fine per month for each month that the person remains in violation of their Conditional Use Permit.

Councilman Patton makes a motion, seconded by Vice-Mayor Turner, and unanimously carried to close the public hearing for the Failure to Comply with the Sign Ordinance.

Councilman Patton—aye
Vice-Mayor Turner—aye
Councilman LeMay—aye
Councilwoman Bingham—aye
Mayor Griffin—aye

Town Manager Cox reads the joint public hearing notice for the Addition of Section 7.2 Vendor License.

**Notice of Joint Public Hearing of
The Floyd Town Council and
The Town of Floyd Planning Commission**

The Floyd Town Council will hold a joint public hearing with the Town of Floyd Planning Commission on Thursday, January 21, 2016 at 6:30 p.m. or as soon thereafter, in the W. Skip Bishop Jr., Town Hall located at 134 Wilson Street, Floyd, VA 24091.

The public hearing is for public comment on the addition of Section 7.2 Food Vendor License to Chapter 7: Business, Professional & Occupational License Taxes of the Town of Floyd Code of Ordinances.

The proposed addition to the Town of Floyd Code of Ordinances is pursuant to Chapter 7 of the Town of Floyd Code of Ordinances and 15.2-2204 of the Code of Virginia.

A copy of this proposal is available for public inspection at the Floyd Town Office, 138 Wilson Street, Floyd, VA. All parties in interest and citizens may appear on the above date and be heard on this request.

Kayla Cox
Zoning Administrator
Town of Floyd

Michael Maslaney
Chairman, Town of Floyd
Planning Commission

Chairman Maslaney reads the proposed Food Vendor Ordinance (please see attached).

CITIZENS COMMENT-Agatha Grimsley, manager for the Floyd Farmers Market, asks the Council if the food vendors that sell at the market are considered itinerant food vendors. Ms. Grimsley states that she is concerned that the food vendors are in the market for a different six months (May to October) and she is wondering if the food vendors will have to pay two \$75 fees because they are in the market

a different six month period than what the Planning Commission is defining. Ms. Grimsley also asks if the farmers market would fall under the Special Circumstances in the proposed ordinance.

Joanne Woodward asks Council why there is an exception for the brick and mortar owners and not for mobile food vendors. Ms. Woodward asks why Council there is the necessity to put these fees on the vendors. Ms. Woodward states that she believes that it is counterintuitive to the mission statement for small business development in Floyd.

Lara Miller, who runs Crème de la Crème in the farmers market, states that the Health Department will be taking over the mobile food vendors at the market. Ms. Miller states that she has a problem with paying extra fees because they don't make that much money. Ms. Miller states that the mobile food vendors in the market are considered micro businesses and that Floyd has a quirky personality where they are promoting small businesses that you can't find anywhere else. Ms. Miller states that the farmers market should be celebrated and advertised and not squashed. Ms. Miller states that she has served in Christiansburg and that they charge a flat fee of \$20 to serve in their market and that Christiansburg and Blacksburg don't charge a \$50 fee for a onetime vendor. Ms. Miller states that it would be better to have a celebration or an event in Floyd and invite more vendors to come in and get the local restaurants to present their fare too. Ms. Miller states that they want more people to come here and the variety in food is one of the reasons people come.

Mayor Griffin states that he spoke with Haden Polseno-Hensley with Red Rooster, who voiced his concerns over the treatment of the vendors in the market and expressed that the dollar only stretches so far and that he hopes that the Council will continue to partner with the farmers market. Mayor Griffin also spoke with Michael Burton who voiced some of the same concerns about be mindful of the vendors farmers market. Mayor Griffin also spoke with Woody Crenshaw whose heart is in food grown here food served here and hopes that the Council will be kind and considerate. Mayor Griffin also spoke with Jon Beegle who runs Bootleg BBQ stated that he hoped that the Council would be considerate of the people that are running a business in Floyd all the time.

Chairman Maslaney states that the Planning Commission is fine with adjusting the \$75 fee that they have proposed if needed. Chairman Maslaney also states that the reason for the additional fee is evening out the cost of business owners because the brick and mortar business owners pay real estate taxes to the Town. Chairman Maslaney states that there is some concern for vendors that come out of the area and that if a lot of them come in then the local vendors would be at a disadvantage.

Councilman Patton asks why the Commission chose to define under requirements the itinerant food vendor and to split them up into two six month periods and would the Commission object if the Council amended the Ordinance to say "a six month period" so that they can address the legitimate point made about the food vendors having to pay two fees because the time that they sell overlaps.

Chairman Maslaney states that the reason the Commission split the timeframe into two six month segments were done mostly to have versatility and a way to manage the cost. Chairman Maslaney states that they were trying to level the playing field between the brick and mortar establishments and the mobile food vendors. Chairman Maslaney explains that by breaking the year into two separate sections gives the vendor more flexibility to choose when they want to come to Floyd. Chairman Maslaney states that the Commission also split the year into two separate sections, January to June

and July to December, so that vendors couldn't take advantage of the "sweet spot" of peak tourist season. Chairman Maslaney states that in splitting the year it also gives the Town and the vendor flexibility.

Councilman Patton thanks the Commission for their work on this subject. Councilman Patton asks the Commission if the permanent food vendor has to pay the additional fee; Chairman Maslaney states that they do not have to pay it.

Mayor Griffin states that the reason this conversation was brought up was because the brick and mortar establishments are here 365 days a year and that Floyd has become a tourist heavy town and a lot of the businesses rely on tourism and that the tourism stops around mid to late December and it doesn't really pick up until early May or late April. Mayor Griffin states that the brick and mortar restaurant is forced to be here year around, they can't afford to close down because if they close down they lose their staff and possibly clientele. So, the conversation was brought up because the Council didn't think it was fair for the business that is here year around to lose business to the people that just come to Town during the busy time of the year and also that the brick and mortar businesses rely on the Summer to survive the Winter. Mayor Griffin states that a large portion of the revenue for the Town is obtained through the Meals Tax and that the Town relies on it to be able to provide the services for the Town so the Council wants to make sure that the businesses that are here year around are taken care of.

Joanne Woodward asks if the vendors in the farmers market have to pay the Meals Tax also; mayor Griffin states that they do. Ms. Woodward states that the farmers market brings people to Town and they go into the other businesses into the downtown area.

Lara Miller states that the Thai Truck has made a point to come to Town when the other restaurants in Town are closed.

Mayor Griffin states that Blacksburg has just changed their ordinance to charge mobile food vendors \$100 and would like everyone to reconsider the amount of the proposed fee because he doesn't feel like the Town can justify charging more than an area like Blacksburg. Mayor Griffin also states the farmers market does struggle and he would like to possibly move the vendors in the farmers market to the permanent food vendor status because they are in the market every time the market is open. Chairman Maslaney states that there is also the "Special Circumstances" section of the ordinance which leaves it wide open for the Council to approve situations similar to the farmers market. Commissioner Parrish asks if Mayor Griffin is asking for a reduction in the fee; Mayor Griffin states that he would like to see the fee lowered to \$50 instead of \$75. Councilman Patton states that this topic came up a long time ago and that the Council wants to make sure that it is fair to everyone.

Councilman Patton makes a motion, seconded by Vice-Mayor Turner, and unanimously carried to close the public hearing for the Addition of Section 7.2 Food Vendor License.

Councilman Patton—aye
Vice-Mayor Turner—aye
Councilman LeMay—aye
Councilwoman Bingham—aye
Mayor Griffin—aye

The Planning Commission discusses changes to their original Food Vendor License recommendation. Commissioner Bond makes a motion, seconded by Commissioner Parrish, and unanimously carried to amend their original proposal to lower the fee to \$50 in a six month period instead of \$75 for the addition of Section 7.2 Food Vendor Ordinance.

Commissioner Parrish-aye
Commissioner Morris-aye
Commissioner LeMay-aye
Vice-Chairman Bingham-aye
Commissioner Bond-aye
Chairman Maslaney-aye

Commissioner Parrish makes a motion, seconded by Commissioner Bond, and unanimously carried, to recess until Wednesday, January 27, 2016 at 4:00 pm at the Floyd Innovation Center.

ITEMS FOR DISCUSSION

- A. Proclamation of Honor, Mr. Winfred Beale-Mayor Griffin states that the Council had decided a few months ago to take the opportunity to recognize people in the community who make a difference in our community and the first person that the Council wanted to honor is Mr. Winfred Beale. Mayor Griffin reads the Proclamation to Honor Mr. Winfred Beale, please see the attached proclamation. Mr. Beale thanks the Council. Councilman Patton thanks Mayor Griffin for following through with honoring people in the community.
- B. Financials-Council reviews the financial reports provided by Town Manager Cox. Town Manager Cox informs the Council that she and Town Attorney Shortt went to court over the non-payment on the loan for 3D Enterprises and that the judge ruled in favor of the Town. Vice-Mayor asks if the Country Creamery is closed down; Town Manager Cox states that their equipment is still there but they are not open.

Councilman Patton informs Council that he is still waiting on figures for the annual dinner. Council discusses options for possible dates for the dinner and decides on a tentative date of Monday, February 1st with a backup date of Monday February 8th.

TOWN MANAGER'S REPORT

Town Manager Cox reminds Council of the water preparedness meeting that the Council was invited to by Lydeana Martin at the Floyd Innovation Center on Wednesday, January 27th at 4:00 pm.

Town Manager Cox states that she received an email from Terri Morris regarding setting up an informal meeting between the Town Council, Board of Supervisors, School Board, and EDA just to get to know each other better and to possibly have meetings every quarter at the Eco Village. Councilman Patton asks if the next meeting can be possibly held in the Town Hall. Mayor Griffin states that the Eco Village would accommodate the amount of people easier than the Town Hall. Town Manager Cox states that they picked the Eco Village was chosen because it was a neutral location. Mayor Griffin states that he thinks it's a great idea to have the meeting. Town Manager Cox asks Council what days of the week would work better for them; Council gives Town Manager Cox possible dates of February 15, 16, 22, and 29 at 6:30 pm.

Town Manager Cox informs Council that she attended an emergency preparedness meeting held by Kevin Sowers, emergency coordinator, in regard to the upcoming snow storm. Town Manager Cox states that the County has declared a State of Emergency after the Governor's declaration of a State of Emergency. Town Manager Cox states that she has listed the informational numbers on the Town answering machine and posted the alert on the Town's website also. Councilman LeMay asks where the emergency shelter is for the Town; Town Manager Cox states that it starts at fire and rescue and once they exceed capacity they move to the schools.

Town Manager Cox states that Partnership for Floyd had contacted her about attending the meeting tonight to discuss options for projects for the Warren G. Lineberry Park but is going to come to a meeting in February due to the number of items on the agenda. Council discusses their concerns about the number of projects that the Partnership for Floyd wants to start in the park. Mayor Griffin states that maybe the park should be put on the budget and set an amount for allocation for projects in the park. Councilman Patton states that the Council should come up with their own lists of possible projects for the park. Vice-Mayor Turner states that he would like to see more money go into the park because the park is for the people of the Town.

Town Manager Cox states that the Town is ready for the impending snow storm and that the office will be closed tomorrow for the safety of the staff.

OTHER

Councilman Patton makes a motion, seconded by Councilman LeMay, and unanimously carried, to approve the Amendments to Section 18.706.12 as proposed by the Floyd Town Planning Commission as presented.

Councilman Patton-aye
Vice-Mayor Turner-aye
Councilman LeMay-aye
Councilwoman Bingham-aye
Mayor Griffin-aye

Jon Beegle, owner of Bootleg BBQ enters; Mayor Griffin explains the changes made to the recommended ordinance. Mr. Beegle states that he does not think the ordinance is excessive. Council discusses the Special Circumstances aspect of the ordinance. Mayor Griffin states that he would like the farmers market to be included as a permanent vendor because they are in operation for at least six months out of the year. Town Manager Cox asks if the vendors in the market pay a fee to be a part of the market and if that could be considered leasing the space; Mayor Griffin states that it could be considered rent and that would make them a permanent food vendor. Mr. Beegle asks if the Council can specify the farmers market as a Special Circumstance; Mayor Griffin states that they can. Town Attorney Shortt cannot name the farmers market specifically but they can list general terms. Mayor Griffin states that the Council can have a general understanding that the farmers market fall under the Special Circumstances category and therefore the \$50 fee would be waived. Councilman Patton asks if the vendors in the farmers market will have to come before the Council in order to be included in the Special Circumstances category; Mayor Griffin states that they will.

Councilman Patton makes a motion, seconded by Councilman LeMay, and unanimously carried, to adopt the Addition of Section 7.2 Food Vendor License proposed by the Floyd Town Planning Commission with the change of deleting \$75 in Section 7.2-03 B. under Fees changing \$75 \$50.

Councilman Patton-aye
Vice-Mayor Turner-aye
Councilman LeMay-aye
Councilwoman Bingham-aye
Mayor Griffin-aye

Mr. Beegle states that he applauds the Council for getting in front of this issue before it becomes an issue.

Mayor Griffin discusses the subject of the current raise system for the staff, stating that when Lance Terpenny was here he used a step system. Mayor Griffin thinks that the Council should consider changing the current method. Councilman Patton states that salaries have gotten out of hand in the past and that he doesn't want that to happen again. Council discusses the options of changing the system; Town Manager Cox asks if the revised system would be based on merit instead of just the standard 3% or 4%; Mayor Griffin says yes. Councilwoman Bingham asks Town Manager Cox if she gives reviews; Town Manager Cox states that she did last year. Vice-Mayor Turner states that they may want to look at when the raises are given out, instead of giving them out all at one time to maybe give them out on the employee's anniversary date. Councilman Patton asks if he can have the information on paper so that he can consider it further. Councilman LeMay states that he likes the idea of giving raises based on merit. Mayor Griffin asks Council to further consider this subject.

Councilman Patton makes a motion, seconded by Councilman LeMay, and unanimously carried, to recess until January 27, 2016 at 4:00 pm at the Floyd Innovation Center.

William R. Griffin, Mayor

Chrissy Mandzak, Clerk