

**FLOYD TOWN COUNCIL MEETING
W. SKIP BISHOP JR., TOWN HALL
November 3, 2016
6:30 P.M.
MINUTES**

MEETING CALL TO ORDER – Mayor Griffin called the November 3, 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.

PLANNING COMMISSION MEETING CALL TO ORDER-Chairman Maslaney called the November 3, 2016 meeting of the Floyd Town Planning Commission to order.

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

Town Manager Cox read the joint public hearing notice for the proposed amendment to the future land use map.

**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, November 3, 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 joint public hearing is for public comment on the proposed amendment to the future land use map at the parcel located at 206 & 208 Penn Avenue, Floyd, VA 24091, plat #55-A1-1-A-7 from Low Density Residential to Medium Density Residential.

The proposed rezoning request to the Code of the Town of Floyd, Virginia is pursuant to §18.802 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.

Planning Commission Chairman Maslaney closes the public hearing for the proposed amendment of the future land use map.

Town Manager Cox reads the joint public hearing notice for the rezoning request by Darla Vest and Carla Ciaramella.

**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, November 3, 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 joint public hearing is for public comment on the on the rezoning request by Darla Vest and Carla Ciaramella for a rezoning on their property located at 206 & 208 Penn Avenue, Floyd, VA 24091, plat #55-A1-1-A-7.

The proposed rezoning request to the Code of the Town of Floyd, Virginia is pursuant to §18.802.04 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 COMMENT-None.

Planning Commission Chairman Maslaney closes the public hearing for the rezoning request by Darla Vest and Carla Ciaramella.

Town Manager Cox read the joint public hearing notice for the proposed amendments to the Noise Ordinance, Chapter 9 of the Code of the Town of Floyd, Virginia.

**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, November 3, 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 joint public hearing is for public comment on the proposed amendment to the Noise Ordinance, Chapter 9 of the Code of the Town of Floyd, Virginia.

The proposed amendments to the Code of the Town of Floyd, Virginia is pursuant to §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-Mr. Billy Weitzenfeld states that he has lived in the County of Floyd for 40 years and in the Town of Floyd for around 6 years. Mr. Weitzenfeld informed the Council and the Commission that he read the Noise Ordinance and that he thinks that it is outstanding and that he applauds the Town for moving forward on this subject. Mr. Weitzenfeld states that in any community where people live so close in proximity there needs to be something in place like this ordinance and that the proposed ordinance is common sense and an outstanding step forward and that he applauds the Town Council for putting it together especially Section 9-3 number 4). Mr. Weitzenfeld informs the Council that when they moved to Floyd they dealt with a dog that barked excessively and that their only option was to get a lawyer and go to court instead of resolving the issue in a fair and common sense way and that he thinks that this proposed ordinance is going to do that. Mr. Weitzenfeld thanks the Council for their work.

Town Manager Cox reads an email received from Mr. Theo Van Blerk, Town Citizen. "I read through the amendments to the Noise Ordinance and found it to be very thorough and clear. I was at first wondering if I should add something, but realize quickly that might create a precedent. So, if you all think point 4) under Section 9-3 is enforceable then I am happy."

Planning Commission Chairman Maslaney closes the public hearing for the proposed amendment to the Noise Ordinance.

Mayor Griffin states that the Town Council will take a 10 minute recess in order for the Town of Floyd Planning Commission to discuss the three public hearing subjects.

The Planning Commission rejoins the Town Council in the Town Hall to further discuss the Public Hearing subjects with the Town Council.

Town Manager Cox read the Resolution in regards to the amending of the Future Land Use Map (please see attached).

Town Manager Cox read the Resolution in regards to the rezoning request made by Darla Vest and Carla Ciaramella (please see attached).

Town Manager Cox informs the Council that on a motion made by Vice-Chairwoman Bingham, seconded by Commissioner LeMay the Town of Floyd Planning Commission made a recommendation to approve the Noise Ordinance by a unanimous vote.

Councilman Patton asks the Commission what their thought process was on recommending the Granny Cottage on Ms. Vest's property when the initial Conditional Use Permit was submitted. Planning Commission Chairman Maslaney states that the recommendation came from a previous Planning Commission and at that time the Commission was looking at a Conditional Use Permit and it seemed like the best way to go at the time but that now, given the circumstances of what they have seen and understood that they feel like it would be the easiest task would be for everybody to move in the same direction. Councilman Patton asks if anyone on the Commission has been approached by neighbors of the Vest property to see how they feel about it; Commissioner Parrish states that some members of the Commission are neighbors to the property. Councilman Patton asks how they feel, as neighbors, about the houses being practically on top of each other; Commissioner Parrish states that the adequate road frontage that the property is lacking for the original zone is only 10 feet and that as a neighbor to the property and as real estate professional that he feels that rezoning the property would be the highest and best use for the property.

Mayor Griffin thanks the Town of Floyd Planning Commission for their work.

ITEMS FOR DISCUSSION-

- A. Future Land Use Map Amendment-** this item was tabled until later in the meeting.
- B. Rezoning-Ms. Darla Vest-** this item was tabled until later in the meeting.
- C. Noise Ordinance-** Councilman Patton makes a motion, seconded by Councilman LeMay to accept the recommendation from the Town of Floyd Planning Commission to adopt the proposed Noise Ordinance.

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

- A. Future Land Use Map Amendment-** Councilman Patton asks if the Council votes to accept the recommendation to amend the future land use map, how will the map change and why are they are recommending to change it; Planning Commission Chairman Maslaney explains that the future land use map should be followed when evaluating a change of use. When The Planning Commission reviews the ordinances they study the future land use map and try to determine properties which they see are trending towards more residential or more business. They then have an active discussion about what they think and the best interest of the Town and the County to compile the future land use map. Planning Commission Chairman Maslaney states that when a rezoning request is presented, the Planning Commission tries to do what is the best, highest use of the property, as well as what is consistent with the future land use map because the map is a tool which paves the way to move forward on these properties. Planning Commission Chairman Maslaney states that if you look at the property analytically speaking then the property right next to it is zoned R-3, high density, already on the block. Planning Commission Chairman Maslaney also states there is an issue with respect to the boundary lines

on the property in question and in looking to move forward, sooner or later the boundary issue will have to be resolved because there are permanent buildings on the property that can't be moved, that you don't want to tear down because they have real value. Planning Commission Chairman Maslaney explains that if you look to what the future plan is for the property, what really makes sense is for the property to be rezoned to a medium density zone so that it can be two separate lots and be consistent. Mayor Griffin asks if the current rezoning request can move forward without the amendment of the future land use being done; Planning Commission Chairman Maslaney informs Mayor Griffin that is correct. Planning Commission Chairman Maslaney informs the Council that the Commission discussed the change to the future land use map and decided that irregardless of what happened with the rezoning request that the future land use map should be amended to an R-2 because it would be in the best interest of everybody moving forward.

Councilman Patton asks how the change would benefit the Town; Chairman Maslaney states that the change would cleanup an open issue for future use of the property. Commissioner Parrish informs the Council that the property value could go up if the conditional use restrictions are removed and the property is divided into two lots and that could create more revenue for the Town. Darla Vest informs the Council that the property is currently valued at \$280,000. Councilman Patton expresses his concerns about splitting the property and creating rental properties. Mayor Griffin explains to Councilman Patton that the property owner has only requested the property be rezoned, that she hasn't requested that the property be split into two lots. Councilman Patton asks if it will be split into two lots. Chairman Maslaney states that the rezoning would allow the property to be split but that a survey would have to be done first. Mayor Griffin states that the amendment to the future use is just to make both dwellings useable without any restriction and the other issue is to take away the conditions on the dwelling that they allowed to be built on the property. Mayor Griffin explains that he feels that amending future land use map is in the best interest of the Town to be able to get the best and highest use of the property. Councilwoman Bingham expresses her concerns about changing the look of the future land use map because there are currently no medium density properties on Penn Avenue but for resale of the property it would probably have to be changed to medium density residential. Councilman Patton explains that he does not agree with changing the property from one to the other but that he will vote for it because he assumes that if the people that live near the property protested the change then they would have come to the meeting to protest the change.

Councilman LeMay makes a motion, seconded by Vice-Mayor Turner to accept the recommendation from the Town of Floyd Planning Commission to amend the future land use map at the parcel located at 206 & 208 Penn Avenue, Floyd, VA 24091, plat #55-A1-1-A-7 from Low Density Residential to Medium Density Residential.

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

- B. Rezoning-Ms. Darla Vest-**Mayor Griffin reminds the Council that the Planning Commission has recommended that Ms. Vest's property be rezoned. Vice-Mayor Turner directs his comment

to Ms. Vest and states that when this subject originally came up the Council had an issue with it and that she told the Council that she needed a decision made because she had things lined up to begin construction and that the Council was costing her money and holding construction up. Vice-Mayor Turner states that the Council informed Ms. Vest that the position they currently are in is where they told her they would be. Ms. Vest informs the Council that she told them that she couldn't build a house that cost as much as it did just to use it for storage. Ms. Vest states that during the original meeting that the Council went into closed session and when she called the office the following day and spoke to Ms. Hodges that she was told to go ahead with construction and that she put \$140,000 but she never expected to have to use the house for storage if she didn't have a family member living there.

Mayor Griffin states that he remembers originally going over the fact that a family member had to live there. Ms. Vest informs the Council that she went to the Town office and asked the staff what she should build on the property because her mother did not want to live in the same house as her brother and the staff told her to build a "Granny house" because she was short on the acreage of the property. Ms. Vest states that the Planning Commission had concerns about people building small houses and that they were also concerned about her using the property commercially but that she has no intention of using the property commercially. Mayor Griffin asks Ms. Vest what her intention is for the property; Ms. Vest explains to the Council that her mother is 96, her husband passed away a couple of months ago, her daughter is moving to Floyd when she retires but that she doesn't know right now if she is going to stay in her current home or if she is going to move to town or if she is going to move to another area. Ms. Vest states that her daughter may be moving into one of the houses or she may decide to live in one of the houses or she may want to sell the houses. Ms. Vest states that she doesn't care if the property has to be divided or not she is concerned that if she wants to sell the property that it won't sell with the current restriction of having to have a family member living in the house or it would have to be used for storage.

Mayor Griffin asks Town Attorney Shortt if the property is sold if the Condition Use would stay attached to the property; Town Attorney Shortt informs the Council that it would stay attached. Mayor Griffin tells Ms. Vest that the Council is sorry that she is having family issues. Vice-Mayor Turner states that he is not one to tell a landowner what they can and can't do with their property and that he doesn't think that he is ready to make a decision tonight and that he wants more time to put more thought into it because he wants to be as fair to Ms. Vest as possible and at the same time be sure to do what the Council needs to do to follow the Town's rules and regulations. Mayor Griffin states that he thinks that it would be best if they all took more time to think about the rezoning request.

Councilman Patton makes a motion, seconded by Councilman LeMay that the rezoning request made by Darla Vest be tabled until the November 17th meeting of the Floyd Town Council.

Councilman Patton-aye
Vice-Mayor Turner-aye
Councilman LeMay-aye

Councilwoman Bingham-aye
Mayor Griffin-aye

CONSENT CALENDAR-

- A. **October 6th and October 20th minutes**-Councilwoman Bingham makes a motion, seconded by Councilman LeMay to approve the October 6th and October 20th minutes as presented. Councilman Patton abstained from the October 20th minutes.

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

TOWN MANAGER'S REPORT-Town Manager Cox informs the Council that there are Board appointments that need to be taken care of, two PSA members, one of which is a joint member with the County; one Rec Authority member, Doug Thompson; two Planning Commission members, Mike Maslaney and Chris Bond; and the zoning board of appeals member that was advertised but that no one showed any interest in. Mayor Griffin states that he and Vice-Mayor Turner will see the PSA members next week and ask them if they are interested in serving again and that he will also speak with Mr. Thompson from the Rec Board and see if he wants to continue to serve as well. Mayor Griffin states that the Council will also reach out to Mr. Maslaney and Mr. Bond and will report back to Town Manager Cox about whether or not she will need to advertise for any of the positions.

Town Manager Cox reminds the Council of an email that she had sent out to the Council pertaining to the Salvation Army NRV Red Kettle Race and asks the Council to let her know if they are interested in participating in the event.

Town Manager Cox asks Council to review the updated financials that she has provided them with.

Town Manager Cox states that the plats for the property purchase are back and she will let the Council know when the closing will be as soon as she receives a closing date from the bank.

Town Manager Cox reminds the Council that the Veteran's Day Parade is this Sunday, November 6th and the Christmas Parade will be held on Sunday, November 27th. Town Manager Cox asks the Council if they would like to ride in the Christmas Parade. The Council comes to a consensus to ride on a float in the Christmas Parade.

Town Manager Cox informs Council that leaf pickup is scheduled for November 9th and the 16th and that the Christmas stars are scheduled to be put up on November 21st.

OTHER-

Councilman Patton informs the Council that he is talking to Dogtown about possibly having the annual dinner there and will further discuss this with them and report back.

Councilman Patton asks about the plaque for Mr. Wood; Town Manager Cox states that Mr. Wood's daughter Ms. Anne Hillsman Wood came by and picked up the picture and wanted to make sure that the Council knew how grateful she was for recognizing her father.

Councilman Patton makes a motion, seconded by Councilman LeMay, and unanimously carried, to adjourn until November 17, 2016 at 6:30 pm at the Floyd Town Hall.

William R. Griffin, Mayor

Chrissy Mandzak, Clerk