

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

MEETING CALL TO ORDER – Mayor Griffin called the October 6, 2016 meeting of the Floyd Town Council to order.

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

CITIZENS COMMENTS-

None.

CONSENT CALENDAR-

- A. September 1st and September 15th minutes**-Councilman Patton makes a motion, seconded by Councilman LeMay to approve the September 1st and September 15th minutes as presented.
- Councilman Patton-aye
 - Vice-Mayor Turner-aye
 - Councilman LeMay-aye
 - Councilwoman Bingham-aye
 - Mayor Griffin-aye

ITEMS FOR DISCUSSION-

- A. Noise Ordinance-** Council reviews the Noise Ordinance provided by Town Manager Cox. Town Manager Cox explains that the Planning Commission decided to leave in the word perceptible and perceptibility and also to remove the section concerning auctioneers being required to obtain a permit for auctions held in Town. Town Manager Cox states that the other change made by the Planning Commission was in the last paragraph; the last sentence in the paragraph was changed to now read “It is the intent of this Council that this ordinance be remedial in nature.” Town Manager Cox informs the Council that the Planning Commission did recommend approval of the ordinance and that if the Council was comfortable with it that the Council would need to set a public hearing date.
- Councilman Patton makes a motion, seconded by Councilwoman Bingham to advertise for a Public Hearing to be held on November 3, 2016 for the proposed Noise Ordinance.
- Councilman Patton-aye
 - Vice-Mayor Turner-aye
 - Councilman LeMay-aye
 - Councilwoman Bingham-aye
 - Mayor Griffin-aye

B. Rezoning Request-

- a. Darla Vest-**Town Manager Cox informs the Council that the Planning Commission discussed the rezoning request made by Darla Vest and recommends that the approval of the request to rezone the property from a R1 to R2. Councilman Patton asks what was the rational for

the Planning Commission to approve this request. Councilwoman Bingham states that the Planning Commission feels like it could be beneficial to the Town to approve the request and that it may be hard for the current owner to sell the property in the future if it is not rezoned and the conditions are removed. Councilman Patton states to his understanding the current options for the property are to tear it down, keep it empty or to have another family member move in. Town Manager Cox informs the Council that Kevin Byrd from the Regional Commission explained to Mike Maslaney that the current conditions on the property would probably not hold up in court. Mayor Griffin explains to the Council that the conditions were explained to Ms. Vest before they were approved. Mayor Griffin states the only benefit to the town would be minimal real estate taxes. Council discusses the possibility of rezoning the property. Councilman Patton asks if there has to be a public hearing for the request; Town Manager Cox states that having a hearing is part of the process for rezoning and for a Conditional Use Permit. Town Manager Cox explains that the feeling of the Planning Commission is that it would be best for the Town to move forward and move on. Councilman Patton states that he feels like the Council should stick to their principles and that the Council went to great lengths to make Ms. Vest understand the dilemma she was getting herself into by wanting the conditions on the property and that he thinks the Council made their position very clear. Mayor Griffin informs the Council that they don't have to figure out where they stand on the request tonight and that all they need to do at this time is schedule a public hearing.

Councilman Patton makes a motion, seconded by Councilman LeMay to advertise for a Public Hearing to be held on November 3, 2016

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

- C. Parade Permit Request-VFW Post 7854-** Town Manager Cox informed the Council that she received a parade permit request from VFW Post 7854 to have the annual parade on November 6, 2016.

Councilman Patton makes a motion, seconded by Vice-Mayor Turner to approve the parade permit request from the VFW Post 7854.

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

- D. Warren G. Lineberry Park Request-**Town Manager Cox reviews the Warren G. Lineberry Park request from Liz Alva and Rene Vega to hold their wedding ceremony in the park on October 15, 2016. Vice-Mayor Turner asks if the couple wants to reserve the whole park or just a section; Town Manager Cox informs Council that they want to reserve the stage/amphitheater. Councilman Patton asks what happens if someone comes along and want to have a picnic in the Warren G. Lineberry Park when someone has the park reserved; Mayor Griffin states that he and Town Manager Cox discussed hanging a sign asking the public to please respect the

ceremony that is being held in the Warren G. Lineberry Park and to try and not be disruptive. Vice-mayor Turner suggests hanging the sign, with the date and time on it, a few days before the event. Councilman Patton asks Town Manager Cox to inform the couple that the park can't be closed to the public completely.

Councilman LeMay makes a motion, seconded by Councilwoman Bingham, to approve the Warren G. Lineberry Park Request as presented and to also hang a sign stating that the stage is reserved.

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

Councilman Patton asks staff to look for the recording of the meeting with Darla Vest and transcribe them for the Council. Town Manager Cox informs Council that the staff will see what they can find.

TOWN MANAGER'S REPORT-

Town Manager Cox informs Council that she received a request to hold a trunk or treat on Main Street on Halloween. Town Manager Cox states that she had some initial concerns and that she has reached out to VDOT and to Sherriff Craig and that after speaking with them that she suggested to the individual to hold the event on private property. Mayor Griffin asks Vice-Mayor Turner if the Sheriff's Department has ever considered closing down Oxford Street on Halloween; Vice-Mayor Turner states that they have considered it but that they would probably need to advertise the closing of the street and also speak with VDOT before doing so. Councilman Patton suggests the possibility of the trunk or treat event could be held in the Warren G. Lineberry Park in the future.

Town Manager Cox informs Council that Small Business Saturday is coming up in November and that she and Pat Sharkey are getting together to brainstorm on ways to help business owners promote their events.

Town Manager Cox updates Council on the VDOT striping that has been done in Town and that it should be completed this week weather permitting.

Town Manager Cox asks Council if they have any new suggestions for the Recognition Program or if they want to wait until the first of the year. Councilman Patton suggests honoring Laurence Wood and Olin Griffin. Mayor Griffin expresses his gratitude for suggesting his father but states that he would be uncomfortable and would like to honor Mr. Wood.

Councilman Patton makes a motion, seconded by Councilman LeMay to honor Laurence Wood as part of the Recognition Program.

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

Mayor Griffin informs Council that he spoke with Shane Snavelly concerning his easement for the sidewalk project and that Mr. Snavelly said that he would sign the easement if the Town agreed to have two entrances put in on his property on Fox Street. The entrances are pending VDOT approval.

CLOSED SESSION-

Councilman Patton makes a motion, seconded by Councilman LeMay, to go into closed session for Section 2.2-3711, Paragraph A.7, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, “probable litigation” that has been specifically threatened or on which the public body or its legal counsel has reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

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

Councilman Patton makes a motion, seconded by Councilman LeMay, and unanimously carried, it was resolved to come out of closed session.

CERTIFICATION RESOLUTION

WHEREAS, this Council convened in a closed meeting on this date pursuant to an affirmative recorded vote on the motion to close the meeting to consult with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, “probable litigation” that has been specifically threatened or on which the public body or its legal counsel has reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter pursuant to Section 2.2-3711, Paragraph A.7 of the Virginia Freedom of Information Act;

WHEREAS, Section 2.2-3712 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 closed 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.

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

This Certification Resolution was adopted.

OTHER-

Mayor Griffin informs the Council that the closing for the Burris/McGrath property is scheduled October 17th. Councilman Patton asks how the closing will affect the new payment to the Bank of Floyd; Town Manager Cox states that she will find out what the new payment will be and report back.

Councilman LeMay makes a motion, seconded by Councilman Patton, and unanimously carried, to adjourn until October 20, 2016 at 6:30 pm at the Floyd Town Hall.

William R. Griffin, Mayor

Chrissy Mandzak, Town Clerk