

**FLOYD TOWN COUNCIL MEETING
W. SKIP BISHOP JR., TOWN HALL
December 5, 2019
6:30 P.M.
MINUTES**

MEETING CALL TO ORDER – Mayor Griffin called the December 5, 2019 meeting of the Floyd Town Council to order.

ROLL CALL – Vice Mayor Patton, Councilman Turner, Councilman LeMay, Councilman Bond, Mayor Griffin, and Town Manager Cox were present.

PLEDGE OF ALLEGIANCE-

Vice Mayor Patton led those present in the Pledge of Allegiance.

PUBLIC HEARING-

- A. An Ordinance Amending Chapter 15 of the Code of the Town of Floyd, Virginia to Prohibit the Use of Certain Devices on Town Sidewalks, Crosswalks and Shared-Use Paths;
- B. An Ordinance Amending Chapter 17 of the code of the Town of Floyd, Virginia Concerning Vehicles for Hire.

Mayor Griffin read the notice of public hearing.

The Floyd Town Council proposes to amend the Code of the Town of Floyd, Virginia to amend Chapter 15 and Chapter 17 by adopting the following ordinances:

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE TOWN OF FLOYD, VIRGINIA TO PROHIBIT THE USE OF CERTAIN DEVICES ON TOWN SIDEWALKS, CROSSWALKS AND SHARED-USE PATHS.

AN ORDINANCE AMENDING CHAPTER 17 OF THE CODE OF THE TOWN OF FLOYD, VIRGINIA CONCERNING VEHICLES FOR HIRE.

A public hearing regarding the adoption of amendments to Section 15-24 and Article III of Section 17 will be held on Thursday, December 5, 2019 at 6:30 p.m. in the W. Skip Bishop Jr., Town Hall, 134 Wilson Street, Floyd, VA 24091.

Interested parties may appear at the meeting and be heard regarding the adoption of these ordinances. Copies of the proposed ordinance amendments are available for public inspection at the Floyd Town Office, 138 Wilson Street, Floyd, VA, during normal office hours Monday – Friday, 8:00 a.m. to 4:30 p.m., and on the Town’s website, www.townoffloyd.org.

Public hearing and the amendments to the Code of the Town of Floyd, Virginia are pursuant to the Code of Virginia §15.2-2204.

Mayor Griffin opened the floor for public comments for amending Chapter 15 and Chapter 17 of the code of the Town of Floyd.

Mr. David Whitaker stated that he just had a question about the vehicles for hire, “you anticipate that someone is going to be coming in here offering the service?” Mayor Griffin stated that the Town is just getting ahead of the matter. There was a deadline set by the State for localities to adopt an ordinance by January 1, 2020 or the locality would not be able to enact regulations regarding these types of devices.

Being no more comments, the public hearing was closed.

Vice Mayor Patton made a motion, seconded by Councilman LeMay to close the Public Hearing on amending Chapter 15 and Chapter 17 of the Code of the Town of Floyd.

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

CITIZENS COMMENTS-

Mr. David Whitaker commented on the reassessment that he received. He stated that his went up quite a bit, especially on a piece of property that doesn't have anything on it. It was close to double. He noted that this is going to bring in more revenue even if the tax rate stays what it is. What is the plan, is there an estimate of how much extra income, how will the extra income be used or will there possibly be a tax rate decrease?

Mayor Griffin addressed Mr. Whitaker's questions, stating that after the reassessment is complete and the Town receives the new reassessment amounts, the current tax rate will be applied to the new assessments. If there is more than 1% increase in revenue, then the Town would have to have a public hearing to set the tax rate. In years past, since Mayor Griffin has been serving, Town Council has always lowered the tax rate so that the revenue is pretty close to flat.

CONSENT CALENDAR-

A. November 7th minutes- Council reviewed the minutes provided.

Councilman Bond makes a motion, seconded by Vice Mayor Patton, to approve the November 7, 2019 minutes.

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

Mayor Griffin stated that he wasn't sure if Mr. Whitaker was here when Mr. Don Thomas with Wingate Appraisal Services presented at the November 7th meeting, but he explained some of the process during his presentation. Mayor Griffin stated that Mr. Thomas stated that most of the Town assessments would increase because of the increase in comparable sales so the assessors had real data to compare properties with.

ITEMS FOR DISCUSSION-

A. An Ordinance Amending Chapter 15 of the Code of the Town of Floyd, Virginia to Prohibit the Use of Certain Devices on Town Sidewalks, Crosswalks and Shared-Use Paths;

Councilman Turner makes a motion, seconded by Vice Mayor Patton to resolved adopt the ordinance amending Chapter 15 of the Code of the Town of Floyd, Virginia to prohibit the use of certain devices on Town sidewalks, crosswalks and shared-use paths.

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

B. An Ordinance Amending Chapter 17 of the Code of the Town of Floyd, Virginia Concerning Vehicles for Hire.

Councilman Turner makes a motion, seconded by Vice Mayor Patton to resolved to adopt the ordinance amending Chapter 17 of the Code of the Town of Floyd, Virginia concerning vehicles for hire.

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

C. Warren G. Lineberry Park Use Policy

Councilmembers will review members responses to the park use questionnaire created by Town Manager Cox and will discuss them further at the next Town Council meeting.

D. Floyd Heritage Pathways Change Order

Town Manager Cox stated that on the initial sidewalk plans the entrance between the Maggie Gallery (white farmhouse on the corner of E. Oxford Street and S. Locust Street owned by the Gardner's) and Gardner Funeral Home was shown as a 12-foot driveway. Since the plans were created, the Gardner's created a larger entrance and extended their parking at the location. Because the entrance is larger (12-foot entrance to a 24 foot entrance) than on the on the initial plans a change order for the pathways project has been created.

Town Manager Cox has spoken with the Gardner's about the cost of the change order and they would like to suggest a 50-50 split in cost with the Town to keep the parking lot open for public use. A memorandum of understanding would be created between the Gardner's and the Town stating that

the parking lot could be used for public use and overnight parking. The cost of the total change order is \$2741. Mayor Griffin recused himself from the conversation because he has a professional relationship with the Gardner's.

Councilmembers discussed the cost of the change order. Noting that paperwork had not been filed with VDOT for the larger entrance, there were only verbal conversations between VDOT representatives and the Gardner's. Vice Mayor Patton stated that if there were to be a memorandum of understanding regarding the use of the parking, he is sure there would be stipulations from both parties regarding the use of the parking area. Town Manager Cox stated that the parking areas would be allowed to be advertised as a public parking area. It was noted that there is currently a sign at the location that the parking area can be used for overnight parking and for RVs.

Vice Mayor Patton asked if there is value to parking at that location. Councilman Turner stated that he has seen RVs and large vehicles parked there overnight. Councilman Bond stated that there is value to any parking we can obtain in Town. Town Manager Cox pointed out that one of the reasons the Gardner's increased the size of the entrance was so larger vehicles (RVs) could easily access the parking lot. It was noted that during the busy months of the summer the Courthouse parking lot is consistently full. Councilman LeMay was curious as to how much additional parking the Town would get. Town Manager Cox felt that it would be at least 10 spots, but she has not seen the lot marked to know a definite number.

Councilmembers discussed the current use of the lot and what businesses are currently using the lot a majority of the time. Councilman LeMay stated that he is afraid that Maggie Gallery may begin to complain if the lot fills up and he doesn't have parking for his customers. The lot will most likely be used more if it were marked as a public parking area. Councilman Turner stated that lot would likely fill up on the weekend and nights and not as much during the day.

Councilman LeMay makes a motion to accept the offer to split the cost of the change order for the increased entrance at Gardner Funeral Home in the amount of \$1370.50 with the condition that the parking lot be marked as public parking.

Councilman Turner asked, what if we look at 75-25 split? The reason stated is because the public will probably use the lot less than the two current businesses and the Town could always consider renting the parking area if larger events were happening in Town.

Councilman LeMay amends his previous motion, **seconded by Councilman Turner**, and resolves to split the cost of the change order with Gardner Funeral Home on a 75% (Gardner's)/25% (Town) split.

Vice Mayor Patton-aye
 Councilman Turner-aye
 Councilman LeMay-aye
 Councilman Bond-aye
 Mayor Griffin-abstain

E. Appointments

a. Floyd-Floyd County Public Service Authority

On a motion by Councilman Turner, seconded by Vice Mayor Patton and unanimously passed, it was resolved to reappoint Mayor Will Griffin to the Floyd-Floyd County Public Service Authority Board for the term of December 14, 2019 through December 13, 2023.

Vice Mayor Patton-aye
Councilman Turner-aye
Councilman LeMay-aye
Councilman Bond-aye
Mayor Griffin-abstain

b. Town of Floyd Planning Commission

On a motion by Vice Mayor Patton, seconded by Councilman Bond and unanimously passed, it was resolved to reappoint Ms. Michele Morris and Mr. Rick Parrish to the Town of Floyd Planning Commission for the terms ending December 31, 2023.

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

c. Town of Floyd Zoning Board of Appeals

There are current three spots open on the Town of Floyd Zoning Board of Appeals. Mr. Michael Maslaney's term has expired (he is willing to be reappointed), Mr. Tom O'Neill, who recently passed away was also appointed to this board and there has been one seat vacant for some time. Council made the motion below to reappoint Mr. Maslaney and Town Manager Cox will post an ad in the Floyd Press to advertise the two remaining vacant seats.

On a motion by Vice Mayor Patton, seconded by Councilman Bond and unanimously passed, Mr. Michael Maslaney was recommended for judicial appointment to the Town of Floyd Zoning Board of Appeals, term ending April 20, 2023.

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

TOWN MANAGER'S REPORT-

Town Manager Cox updated that the sidewalk project seems to be moving along right on schedule. Contractors are working on both West and East Oxford Streets. They ran into some water and sewer issues while working on the stormwater mitigation along East Oxford Street. While waiting on new approvals for stormwater along East Oxford Street they have begun work on the stormwater along West Oxford Street.

While talking with the contractors in the progress meeting this week. They discussed the ditching at Howell Alley and East Oxford Street. It was mentioned that a change order could be done as part of this project and the stormwater contractor could fix the ditching and drainage issues while working at that location. Town Council had discussed the ditching and drainage issues as a long-term goal to fix in the coming year.

Town Manager Cox shared a rough sketch of the improvements as well as a copy of the Town's financials with Town Council members. It was noted that the improvements for the change order would cost around \$39,000 (rough figure). Town Manager Cox noted that \$23,000 was included in the FY19-20 budget for road maintenance which was not allocated to a specific project.

Improvements would include a larger storm structure that would catch the water off of the road and help pipe it into the VDOT stormwater basin at the lower end of the road at Route 221. Council members noted that the drainage issue at the corner of East Oxford Street and Howell Alley has been in need of repair for some time and that there is extreme erosion from the existing drainage and ditching.

On a motion by Vice Mayor Patton, seconded by Councilman Bond and unanimously passed, to pursue the change order and for Town Manager Cox to report back to Town Council members with the exact cost of the repair once she has received it from the contractor.

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

Included in members packets was a quote from Kiser Computing for a new laptop, docking station and secure network upgrades. Town Manager Cox noted that her laptop has started giving her trouble. Some days it freezes and goes to a black screen. It is only a matter of time before it freezes and then will not reboot. She also stated that Windows/Microsoft 10 must be upgraded before January 10th. When speaking with Mr. Ben Kiser about the laptop issues and the Windows/Microsoft upgrade, Mr. Kiser recommended setting up a secure network and firewall for all the data stored on the Town computers. He stated that it would be in the best interest of the Town to add additional security measures to the Town computers. Town Council members felt like the upgrades would be a wise investment for the Town but recommended that Town Manager Cox speak with Mr. Thomas France, who also does computer networking to get other quote on the security

upgrades. Since, Town Manager Cox is having ongoing issues with her laptop and the Windows/Microsoft must be upgraded before January Council members made the following motion.

On a motion by Councilman Bond, seconded by Vice Mayor Patton and unanimously passed, to proceed with purchasing the laptop and docking station from Kiser Computing for \$859.98.

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

Town Manager Cox stated that Blue Ridge Café is now under new management. The previous owners of Blue Ridge Café had an agreement with the Town to pay past due meals tax in eight equal payments. The last payment was due on November 20th as well as their October meals tax payment; neither one has been paid. Clerk Holfield spoke with the owners about the past due payments and followed with an email but has received no response. November meals tax will be due by December 20th as well as the final gross receipts report due at the close of the business.

It was noted that the Town does not have a lot of leverage with the previous owners now that the business has changed hands. The agreement that was in place with the owner stated the if the past due meals tax and current monthly meals tax was not paid on time then the Town would revoke the business license. Councilman Turner asked if the sale of the business will affect the matters the business has at a State level. Town Manager Cox stated if the Town files judgement for the past due meals tax, it will fall in line after the past due taxes that are currently owed to the State because the State has already filed several judgements against the business.

It was estimated that the business will owe the Town around \$1,500 in past due taxes. Mayor Griffin has spoken with Town Attorney Shortt about the matter, he stated to keep billing the owner and if the delinquent taxes are not paid soon the Town can ask that a special prosecutor be appointed to the case because of Commonwealth Attorney Branscom's personal relationship with the business owner. It was consensus of Council members to proceed with Town Attorney Shortt's recommendation. Town Manager Cox will update Council on the matter at the next meeting.

Town Manager Cox reminded Council members of the parade that is this Sunday at 3:00pm.

Town Manager Cox sent Council members an email from VML with upcoming events they have planned; one of which is the newly elected official conference. The event is not only for the newly elected officials, it is also a great refresher for all elected officials.

Town Manager Cox stated that a loan pool meeting was held just before the Town Council meeting. The loan pool committee reviewed two applications, was one from Mr. Bryan Lynch, owner of the old Oddfellows building on North Locust Street. Mr. Lynch was requesting funds to finish the remodeling construction of the

building. The loan pool committee recommends a loan of \$45,000 to Mr. Lynch to finish the remodeling of the building. Councilman Patton asked what the building would be used for once the remodel is complete. Town Manager Cox stated the upstairs of the building would be two apartments and the lower level would be two retail spaces.

On a motion by Vice Mayor Patton, seconded by Councilman LeMay and unanimously passed, to approve a loan in the amount of \$45,000 to Mr. Bryan Lynch for the completion of the remodel and renovation to the old Oddfellows building at 110 North Locust Street.

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

Town Manager Cox state that Mr. Lynch's loan will exhaust the current funds in the loan pool account. The second loan application received is requesting funds for a project in Spring of 2020. The loan pool committee requested some additional information of that applicant and will follow back up with them once their project is closer to fruition.

Mayor Griffin stated that total amount of funds that have been loaned though this program is now \$900,000, which is amazing, and we only have \$25,000 in defaults when the State said to expect at least a 50% default. It is one of the biggest successes to the Town, creating over \$100,000 in interest.

OTHER BUSINESS-

Councilman Turner thanked all those who came to his retirement luncheon on Monday. Council members congratulated Councilman Turner on his retirement from the Sheriff's office.

Vice Mayor Patton stated that the Department of Forestry came to the Regional Commission meeting and presented a lot of information as well as a fire map for this area. Town Clerk Holfield made copies for all of you.

Councilman Patton stated that in the past Council has given the Town employees a \$50 gift card to Food Lion for Christmas.

Vice Mayor Patton makes a motion, seconded by Councilman LeMay, for the Town Manager to purchase gift cards for the Town employees in the amount of \$50 from Food Lion.

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

Councilman Patton inquired about the annual Christmas dinner. It was the consensus of Council to hold this event in January and for Councilman Patton to arrange the details.

Councilman Bond asked Town Manager Cox if the sidewalk contractors are aware of the water that puddles at the corner of East Oxford Street and East Main Street. Town Manager Cox stated that the site puddled water before the sidewalk construction and it is continuing to puddle after the construction. Mr. Andrew Hemmen from Draper Aden has sent pictures to VDOT as well as the documentation of the sidewalk changes at that location. He has asked for VDOT's recommendation or next steps since it seems to be a maintenance issue with VDOT.

CLOSED SESSION-

None

ADJOURNMENT-

Councilman LeMay makes a motion, seconded by Councilman Turner, and unanimously carried, to adjourn until December 19, 2019 at the Floyd Town Hall.

William R. Griffin, Mayor

Katie Holfield, Town Clerk