

**ORDINANCE COMMITTEE**

**Date: March 23, 2010**

**IN Attendance:** Council Members Terndrup (Chair), Baker, Le Vine, Mauck, Redmon, and Vena; Mayor Taylor, Town Planner Rex, Clerk Keller, Carla Wallen, Michael Terndrup,

- I. The minutes from the February 23, 2010 meeting were approved as presented.
- II. Action Items:

- a. Ordinance enacting civil penalties for zoning violations.

Planner Rex explained this ordinance had been before the committee in February, but Town Attorney Neal had recommended some changes and so it had been included on the agenda for this month. He explained the changes (ordinance attached here-to). There are three exceptions to violations that cannot be prosecuted as a civil violation and he told what these were. Planner Rex said Town Attorney Neal is comfortable sending this forward to Council.

In answer to a previous question regarding who would pay court costs, Planner Rex said the defendant would cover court costs so the Town would not be “footing a bill” except for the prosecutor fees. Council Member Baker does not agree that the defendant would need to pay the costs and explained his reasoning; discussion followed on this. Planner Rex will follow-up on this with Town Attorney Neal. Council Member Baker asked who would receive the fines, and this, too, will be questioned with Town Attorney Neal.

Suggestions were given on where certain items should be placed within the ordinance and Planner Rex noted these.

**Answers to the questions will be obtained and if all are satisfied, it will be placed on the agenda as an action item at the April Council meeting.**

**Addition to agenda --- Update on the proposed sign by Hometown:** Carla Wallen, representing Hometown, Inc., gave an update to the sign that has been discussed. Michael Funk recommended getting a price from the company Virginia Savings Bank used for their sign and the price given from them was approximately \$37,500. From the estimates received, Mrs. Wallen believes the total cost of the sign will be at least \$30,000, and probably closer to \$40,000.

Council Member Baker asked who would be paying for this sign and Mrs. Wallen said the cost is actually about twice as much as Hometown had expected and so she feels it would be an expense of the Town.

Council Member Terndrup said some sort of a “contract” would need entered into with Virginia Savings Bank for the placement of the sign on their property.

**Consensus: It was decided to wait and see if the Town would be interested in pursuing this sign before any further action is taken.**

Mrs. Wallen also showed a sign she is working on listing civic groups.

Council Member Terndrup said there is a provision in the Historic District Ordinance that the ARB reviews signs in the historic district.

Return to the agenda:

- b. Addition of Section 74-5, *Alteration and vacation of public rights-of way*

- i. (b) Should any property owner not support the proposed vacation, then all the owners abutting the area of half the public alley, from either end to a median point, shall sign a statement indicating support of the proposal.

ii. (f) ...payment for the vacated right-of-way shall be waived if the fair market value is less than \$5000. The price for the vacated right-of-way in excess of \$5000 shall be calculated based on the average per square-foot assessment for all abutting properties

Council Member Terndrup reviewed the changes made to the ordinance resulting from last month's meeting. During discussion, Council Member Baker asked why you would want to vacate "half an alley". Answers were that it would allow the alley to be vacated and please half of the residents. Explanations of what would be considered "half of an alleyway" were given with discussion taking place on this with much of the talk dealing with keeping the dividing lines straight. It was thought it might be beneficial to include a diagram in the ordinance to help with this. Following much discussion on the various situations, it was asked if the Town wants to have a policy that would allow some "wiggle" room or some latitude for Staff or Council, but Council Member Terndrup said basically this language is already in the proposed ordinance. It was thought the alley should not be vacated if it blocks someone from reaching a street or "land-locking" properties. Planner Rex will draft language to deal with items discussed.

Payment for alleyway: At the February meeting, the price of \$5,000 was suggested, but it was thought this was just a "number" that had been "thrown out" during discussion, but the consensus was this could be lower. Discussion on how to average the assessed value took place and if you should charge the assessed value or an appraised value.

The ultimate recommendation of the committee as far as payment was:

- If the assessed value is 0 - \$1,000: no payment would be required.
- If the assessed value is between \$1,000 and \$4,999, the price would be the assessed value
- If the assessed value is over \$5,000, an appraisal would be required, and payment would be for the appraised amount.

These ideas will be given to Town Attorney Neal for review.

### III. Informal updates:

#### a. Blight Abatement:

Planner Rex reported there is an offer to purchase the house on West King Street and the person is interested in renovating the dwelling. The committee will wait to see if the offer is accepted before moving forward. Planner Rex is still working with the property owner on a plan to bring before Council for the property on Capon Road.

#### b. Steep slope ordinance

Planner Rex said the Planning Commission has had the opportunity to comment on this and a Public Hearing was held. He has received many phone calls on this and noted the international building code already regulates this type of building, but it does not cover streets, parks, etc. or anything outside of the building on the slope. He feels this should be taken into consideration when the ordinance is written. Council Member Terndrup said you shouldn't limit building on a steep slope because of past problems, but there should be some way to ensure the building is done

correctly. As the Town does not do the inspecting, it was felt there needs to be a way to protect citizens. It was suggested taking this back to the Planning Commission. Planner Rex said there is some disconnect on the reason for wanting this ordinance. Some want to use this to ensure safe houses, but others are using this to limit growth.

c. Development Review Process

Planner Rex distributed flow charts with Code references (attached hereto). He said most of the regulations were taken from Town Code. He feels a bond should be in place before there is any land disturbance. This will be reviewed by the Planning Commission before moving forward.

The meeting adjourned at 7:26 p.m.