

ORDINANCE COMMITTEE

Date: October 27, 2009

Time: 5:00 p.m.

IN Attendance: Council Members Terndrup (Chair), Baker, Le Vine, and Mauck, Mayor Taylor, Town Planner Rex, Clerk Keller, Liz Wilkerson of the Northern Virginia Daily and several citizens.

Carla Wallen, representing Hometown Strasburg, Inc., presented pictures of a sign they would like to erect along Route 11 in the Entrance Corridor. The sign would be an informative sign with the top being permanent and the bottom portion being LED style that could be changed as events change and it would be controlled by a computer. The cost would be \$10,000 - \$20,000, depending on the sign chosen. She knows there are ordinances, etc. that would govern this and she wanted to know what would need to be done to accomplish putting this style of sign up. When asked about the cost, Mrs. Wallen said Hometown would try to fund this project themselves.

It was asked where exactly the sign would be placed; several locations were mentioned with both being on either side of Route 11 in the area of Food Lion. It was asked if signs of organizations could be incorporated onto this sign to help advertise the groups and to help defray the cost.

It was decided to add this as an agenda item for a future meeting.

ACTION ITEM:

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

History of how this ordinance came to be was given by Council Member Baker as this issue started in the Streets Committee, and then moved onto the Infrastructure Committee. Originally, the discussion on this issue came about because of the property owned on East King Street by Dr. Byron Brill. He had asked the Town to vacate the property and it was asked if Dr. Brill should have to pay for the property as it is thought the land has significant value. The Brill property is about 10,000 sq. ft. in size. The owner has maintained this as it is a parking lot and Dr. Brill owns both sides of the right-of-way and so it was thought this would be of economic benefit for the Town to vacate. This then led to the writing of an ordinance on when and if land should be vacated and if the landowner should have to pay for the vacated land.

Planner Rex reviewed the language of the ordinance. Chairperson Terndrup reminded members of the Committee that this is an issue of properties and not people. It was also said that consistency is important in such issues.

Issues that were discussed:

- a. How to be sure all properties are treated fairly and equitably
- b. What concessions should be made if the landowner has taken care of the property for many years?
- c. Would it be best to treat vacations on a case-by-case basis?

Council Member Baker said the recommendation from the Infrastructure Committee had been that if the adjoining landowner is requesting the property, then the Town, if it decides to vacate, should sell it for the assessed value. Wording of the ordinance was discussed at length with much of the discussion centering on waiving the requirement for payment. Language discussed was “you are required to pay unless the Town waives this;” as this would give the Town the option to require payment, but also the “loophole” of waiving the fee if the property owner had maintained it. It was decided there are actually two different issues on vacation:

1. Someone coming to the Town requesting the vacation
2. The Town wanting to vacate land

Mayor Taylor said he believes all the situations for vacations in the past were a benefit to the Town to vacate.

Planner Rex said it seems from discussion that when there is an application for vacation, there should be the offer of money and adding language to waive payment was not agreeable to all. Ways a property owner could actually ask the Town to start vacation proceedings were also talked about and Planner Rex said it could be a “joint venture” between the Town and landowner and the Town could actually initiate the vacation.

Chairperson Terndrup said letter (f) in the proposed ordinance is where the issue. He said there will always be a “fairness issue” and we need to trust the democratic process. He would like to move forward on this. It was suggested separating the “initiation” phase and also not having (e) in this, but Planner Rex said this came straight from State Code so it needs to remain.

It was recommended to move forward with a wording change in (f) to:

Sale of right-of-way. As permitted in the Code of Virginia § 15.2-2008, the Town may require that vacated right-of-way be purchased by any abutting property owner. If the right-of-way vacation is initiated by application, payment for the vacated right-of-way shall be required unless the Town Council waives this requirement. The price shall be calculated based on the average per square-foot assessment for all abutting properties. The proposed vacation shall not be completed until the agreed price has been paid in full.

DISCUSSION ITEM:

- a. Proposed Noise Ordinance: Planner Rex presented wording for the ordinance and said this is a mesh of wording from several different localities. The ordinance is based on decibel levels and meters would be used to measure the decibels. He pointed out where he thought most problems with enforcement would come from. The wording has no distinction between land uses and it was asked if the Code should be the same all over the Town with no differentiation between residential and commercial; discussion followed on the zoning transition areas. It was said there needs to be discretion used in all issues and not all issues will be addressed with the ordinance. Planner Rex pointed out changes he made to hours, etc. from the current ordinance. Suggestions were made regarding the issue of times of trash pick-up as there have been complaints of middle of the night pick-ups. Revisions will be made and brought back to the Committee.
- b. Revisions to Appendix A, Section 3-8, *Sign Regulations*:
Vicki Clem, President of the Fire Department Auxiliary asked if their organization would still be able to use “sandwich” signs to announce events. Planner Rex said this ordinance would be for “profit” businesses and not non-profits. He presented some language for this ordinance and explained real estate signs are covered by another ordinance. It was again stressed that this ordinance was only for businesses and would not deal with signs in yards announcing births, etc. There was some discussion on vehicles being used as signs and Planner Rex said VDOT regulates these and says these are signs and it doesn’t matter that they can be moved; VDOT regulates “bill boards” and these would fall under this. VDOT says if the vehicle is parked for the purpose of advertising, then they would regulate. Planner Rex is working with VDOT on some “vehicle signs” now. This ordinance will be looked at further and the remainder of the sign ordinance will be reviewed, too.
- c. Revisions to Appendix A, Section 3-14, *Site Plan Requirements*: It was decided the committee would like to have this in effect by January, 2010.

The meeting adjourned at 6:33 p.m. for the Form Based Zoning Codes presentation.