

## Regular Council Meeting—September 12, 2017

The meeting of the Council of the Town of Altavista was held in the Council Chambers of the J.R. Burgess Municipal Building, 510 Seventh Street on September 12, 2017 at 7:00 p.m.

1. Mayor Mattox called the meeting to order and presided.
2. Pastor Marci Huntsman, Lambs United Methodist and Evington United Methodist Churches, gave the invocation.

### Council members

present: Mayor Michael Mattox  
Mrs. Beverley Dalton  
Mr. Tracy Emerson  
Mr. Timothy George  
Mr. Jay Higginbotham

### Council members

absent: Mrs. Micki Brumfield  
Mrs. Tanya Overbey

### Also present:

Mr. J. Waverly Coggsdale, III, Town Manager  
Mrs. Tobie Shelton, Finance Director  
Deputy Chief Kenneth Moorefield  
Mr. Dennis Jarvis, Economic Dev. Director  
Mr. David Garrett, Public Works Director  
Mr. Tom Fore, Public Utilities Director  
Mr. John Eller, Town Attorney  
Mrs. Mary Hall, Administration

3. Pledge of Allegiance
4. Mayor Mattox advised of several changes to the agenda:

Removal of Charlotte Avenue Drainage Project/7<sup>th</sup> Street Sidewalk Project Bid Award from Consent Agenda to Regular Agenda

Add: Consideration of Change Order to add Hillcrest Street to current paving contract.

Add: Authorization to publish Notice of Public Input Meeting related to VDOT “TAP” grant process for Tuesday, October 10, 2017 at 7:00 p.m.

Add: Consideration of Virginia Retirement System (VRS) Resolution for Part-time Employment Status.

Remove Section 2.2-3711 (A)(7) consultation with legal counsel.

Add: Section 2.2-3711 (A)(5) discussion regarding potential location or expansion of business/industry.

Mr. Emerson, seconded by Mrs. Dalton, motioned to approve the agenda as amended.

### Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

5. Recognitions and Presentation

## Regular Council Meeting—September 12, 2017

### 6. Public Comment

Mayor Mattox asked if anyone would like to speak on anything not listed on the agenda.

Ms. Ann Mabry, 1421 Hillcrest Street, addressed Council in regards to her street not being paved when other streets and alleys were in her area. She advised in 2015 Hillcrest and other streets had waterlines repaired which left asphalt patches and bumps along the street. She provided Council with a petition and pictures stating the state of this street is unacceptable and should also be unacceptable to Council as well. She noted several streets and alleys in the area of Hillcrest that have been paved.

### 7. Consent Agenda

- a) Minutes- Regular Meeting August 8, 2017/Council’s Work Session August 22, 2017 –The Council approved the minutes of the Council meeting and Council Work Session meeting.
- b) Monthly Finance Reports-Council approved the monthly reports
  - i. Invoices
  - ii. Revenues & Expenditures Report
  - iii. Reserve Balance/Investment Report
- c) Delinquent Tax List
- d) Region 2000 Hazard Mitigation Plan
- e) New Prospect Baptist Church Request to Use English Park (5K Fundraiser)

Mrs. Dalton, seconded by Mr. George, motioned to approve the consent agenda as presented.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

### 8. Public Hearing

- a. Special Use Permit—902 Main Street “Auto Repair Service, Major”

Mr. Coggsdale presented Council with information regarding the application filed by Timith Payne for a Special Use Permit at 902 Main Street for the establishment of an “automotive repair service, major” in a General Commercial (C-2) District. He noted Mr. Payne currently operates an “automotive repair service, minor” at this location.

Mr. Coggsdale advised the Planning Commission held a public hearing to consider a SUP application submitted by Mr. Payne to operate an automotive repair service (major) at 902 Main Street. Staff properly advertised the hearing and no one spoke for or against the requested use. He advised the Planning Commission recommends approval of the application with developmental standards with conditions set forth in Section 86-505 of the Altavista Town Code. The Planning Commission recommends the following conditions:

1. The owner complies with Section 86-505 “Development Standards”;
2. The owner limits the number of vehicles waiting for repairs to 7 and the number of vehicles ready for pick up to 3, as shown on the site plan.

## Regular Council Meeting—September 12, 2017

Mr. Coggsdale advised staff recommends Town Council consider the recommendations of the Planning Commission as well as other potential conditions as:

- a. *Automobile repair service, major* definition be limited to automobiles and trucks up to light commercial. All other types such as *construction equipment, commercial trucks, agricultural implements and similar heavy equipment* be prohibited.
- b. Outdoor storage of vehicles awaiting major repair, equipment, and other materials be located behind the building in a screened area consisting of a fence of at least six (6) feet in height if they are to be located on the property longer than 48 hours.
- c. This approval shall be for an automotive repair business within the confines of the existing building and yard. Any future expansion of the building or change in use shall require a new special use permit, unless such change is clearly incidental and does not represent a significant change from the permitted use in the opinion of the Zoning Administrator.
- d. The conditions of approval are affective as to the zoning compliance only. The project will be required to comply with Federal, State and Local regulations.
- e. Property will maintain a neat appearance, free of inoperable equipment (except as will be made operable after repair within a reasonable time) or other junk material.
- f. Storage of vehicles in screened area shall not exceed thirty (30) days.
- g. Final site plan, subject to and addressing all zoning regulations, be subject to staff approval.

Mayor Mattox opened the public hearing at 7:12 p.m. and asked if anyone would like to comment on the request to operate an automotive repair service (major) at 902 Main Street.

No one came forward.

Mayor Mattox closed the public hearing at 7:13 p.m.

Mr. George, seconded by Mr. Emerson, motioned to approve the special use permit with conditions to accommodate Mr. Payne.

Mr. Coggsdale asked Mr. George to clarify his motion; what was recommended by the Planning Commission or this plus the staff's conditions.

Mr. Emerson asked if the fencing is required in the Code.

Mr. Coggsdale stated it does not specifically say fencing but screening.

Mr. Emerson felt when a fence is put up there is the tendency to store more clutter behind it. He suggested allowing Mr. Payne to mark the parking spaces and forget about the fencing.

Mr. Eller stated the Zoning Ordinance would have to be amended.

Mr. Emerson felt the fencing would call for extra clutter.

Mr. Coggsdale advised this would be the reason for the conditions limiting the number of vehicles.

Mr. Emerson stated he is all for businesses coming in but felt this might call for something worse than we have with a fencing and being on Main Street.

Mrs. Dalton noted the business would be in code. She stated she is in favor of the business and it is her nature to lean on staff who works with this day in and day out. She prefers to stay with the ordinance. She didn't want the hiccup about a fence to interfere with the business.

Mayor Mattox stated he is in favor of the business and felt if the zoning ordinance has to be amended it might delay the business.

Mr. Higginbotham asked Mr. Payne's if he was okay with the fencing.

Mr. Timith Payne addressed Council and advised he was okay with the fencing if that was what he needed to do.

## Regular Council Meeting—September 12, 2017

Mr. George stated he wanted to do whatever to help the business owner; noting the other repair shops are grandfathered in.

Mr. George, seconded by Mrs. Dalton, motioned to approve the Special Use Permit application of Mr. Timith Payne for 902 Main Street to include the developmental standards for an “automotive repair service, major” as contained in Section 86-505 of the Town Code and including the additional conditions.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

### 9. New/Unfinished Business

#### a. Ordinance Discussion (Junk, Debris, Trash, Etc.)

Mr. Coggsdale advised at the August Town Council Work Session, staff discussed with Council the complications in dealing with nuisance issues such as junk, debris, and trash accumulations on property in Town. Staff is seeking direction in regard to coming up with appropriate ordinances to meet the objectives of Council. He noted at the Work Session, Council was presented two documents: one was from Mr. John Eller, Town Attorney; and the other was an ordinance from the Town of Dayton, VA.

Mr. Emerson stated he was fine with the recommendations made by Mr. Eller.

Mrs. Dalton stated she was fine with both of the documents as they read similarly and asked which document staff feels they can lean on best.

Mayor Mattox asked for clarification as a business owner and a town resident, if they are responsible for cleaning the sidewalks.

Mr. Eller responded that the town can't compel people to clean its own right of way. He mentioned there are some items in the Dayton ordinance that could be blended into the Town ordinance. He stated Council may not want the procedure about the superintendent (Town Manager) making a decision on the existence of a nuisance and orders the owner to abate the nuisance; the appeal is within 30 days and to the Town Manager. Mr. Eller advised this is not due process. Mr. Eller advised his document contains amendments to the existing sections and added new sections. He stated he could add some of the Town of Dayton's language if that is Council's desire.

Mrs. Dalton stated the point of the ordinance is to have something that Council and staff can defend and work with.

Mr. Coggsdale stated the staff needs some clarification of the ordinance to help them and Council with what can and cannot be done.

Mr. Eller stated it would be easier for staff if there was a listing to point to when dealing with a property owner.

Mr. George stated he agrees with the need of clarification and simplification of the ordinance. He noted Dayton attaches a fine with non-compliance and asked if that would be the case here.

Mr. Eller stated that it does. Any violation of the nuisance ordinance is a Class 3 Misdemeanor (\$500.00 fine). The ordinance also provides for court injunction.

Regular Council Meeting—September 12, 2017

It was the consensus of Council to ask Mr. Eller to move forward with enhancing the ordinance for review at a later date.

b. Planning Commission Recommendation

Mr. Coggsdale advised the Planning Commission conducted a public hearing on a Special Use Permit application for 1019 9th Street on Tuesday, September 5, 2017. The application requests consideration of a “Non-profit facility” at the address indicated, which is R-2 (Medium Density Residential District). Staff asked for approval to schedule a public hearing on this application to consider public input and the Planning Commission’ recommendation on Tuesday, October 10, 2017 at 7:00 p.m.

Mrs. Dalton, seconded by Mr. George, motioned approval to schedule a public hearing on the Special Use Permit application for 1019 9th Street to consider public input and the Planning Commission’s recommendation on Tuesday, October 10, 2017 at 7:00 p.m.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

c. WWTP Clarifier Replacement CIP Project Update

Mr. Coggsdale advised Mr. Fore, Director of Utilities and Mr. Bond, WWTP Manager, are moving forward with the WWTP Clarifier Project that is included in the FY2018 CIP and Budget. He listed the information regarding the proposals submitted for the design phase of the work, as listed: Hurt & Proffitt: \$23,000, Peed & Bortz: \$25,500, Woodard & Curran: \$35,500. Based on the proposals, staff recommends authorizing Hurt & Proffitt to proceed with the design work associated with the project. The proposal also includes the Bidding Phase, Construction Phase Service and Final Inspection. Mr. Coggsdale noted after the design and bidding are complete, staff will bring back a recommendation for the construction bid award. The FY2018 Budget appropriates \$250,000 towards this project.

Mrs. Dalton, seconded by Mr. Emerson, motioned to approve the proposal submitted by Hurt & Proffitt and authorize staff to execute the proposal/contract for said services.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

d. Property Maintenance Enforcement-No Interest Loans

Mr. Coggsdale reported at the August Town Council Work Session, staff discussed addressing blighted and nuisance type properties with Council. Staff has moved forward with working with property owners to rectify the issues related to several properties in town. He noted that funds have been allocated in the FY2018 Budget in the amount of \$5,000 to provide *No Interest Loans* to pay for the cost of demolition of any such structure. These funds are repaid to the Town. Due to the increased cost of demolition, staff seeks to increase the appropriated amount by an additional \$5,000.

Regular Council Meeting—September 12, 2017

Mrs. Dalton, seconded by Mr. Higginbotham, motioned to add an additional \$5,000 to the allocated \$5,000 in the FY2018 Budget to provide *No Interest* Loans.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

e. VRS Resolution Consideration

Mr. Coggsdale advised the Virginia Retirement System (VRS) is now requesting all localities to adopt a resolution when they hire part-time employees in a position that was previously listed as full-time. Chief of Police, Mike Milnor, meets that criteria. He is a retired employee through the VRS and currently works for the Town as a part-time employee (no more than 32 hours). Outside of his role as Chief, he engages in speaking engagements for law enforcement and similar organizations across the United States. Mr. Coggsdale noted Chief Milnor has done a good job serving the Town over the past year and would like for him to continue.

Mrs. Dalton, seconded by Mr. Emerson, motioned to adopt the VRS Part-time Employment Resolution.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

f. Consideration to Change Order to Add Hillcrest to Current Paving Contract

Mr. Coggsdale presented Council with a Change Order from the current contractor, Lawhorne Brothers Paving, in the amount of \$15,475.57 for the milling and paving of Hillcrest Street.

Mayor Mattox noted Mrs. Dalton and Mr. Higginbotham would recuse themselves. He reached out to Mrs. Overbey via text and she was in agreement to allow staff to move forward with the Change Order.

Mr. Coggsdale asked with Mr. Eller if this was an appropriate method until it is voted on.

Mr. Eller advised it would work as long as there is not a commitment.

It was the consensus of Council to move forward with the “Change Order.”

Mr. Coggsdale advised he would place this item on the Work Session agenda for a vote.

g. VDOT “TAP” Grant Applications—Notice of Public Input Meeting

Mr. Coggsdale advised Mr. Witt has been working on two VDOT “TAP” grant applications; one for the Rt. 43 Gateway Project and the other for the Rt. 29 Bridge Lighting Project. He noted the details of these applications will be discussed at the September 26 Work Session but the required Public Input Meeting needs to be advertised for the October 10<sup>th</sup>, 2017 Council meeting in order to meet the application deadline in November.

Regular Council Meeting—September 12, 2017

Mrs. Dalton, seconded by Mr. Emerson, motioned to schedule a Public Input Meeting for the October 10<sup>th</sup>, 2017 Council meeting for two VDOT “TAP” grant applications; one for the Rt. 43 Gateway Project and the other for the Rt. 29 Bridge Lighting Project..

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

h. Charlotte Avenue Drainage Project/7<sup>th</sup> Street Sidewalk Project Bid Award

Mr. Coggsdale advised correspondence has been received from Dr. Charles M. West requesting that the 7<sup>th</sup> Street Sidewalk Project be excluded from its scope of replacing the concrete in the alcove at 511 7<sup>th</sup> Street. Mr. Coggsdale stated the project was designed to do away with the joint where the old concrete and new concrete came together by a continuous pour from the door threshold to the entire sidewalk area. He added by removing the alcove from the project there would be a joint between the new sidewalk and the existing concrete. Mr. Coggsdale advised since the two projects were bid together, the engineer would need to see if delaying one project would impact the cost of the other project.

Mrs. Dalton stated this is an adjustment at the property owner’s request. Suppose there is water going into the building after the fact, how the town would be released from that liability.

Mr. Eller stated he has been working on this and advised if this is their decision, the town would need a waiver for future liability. He advised he received a letter from Dr. West stating, *“if the project is constructed in accordance with the plans, which have been reviewed by my engineer and approved, with the exception of reconstruction of the concrete in my alcove, I will not seek to hold the Town responsible for any blowing water or water that might otherwise accumulate in the alcove to my building.”* Mr. Eller felt this was insufficient as it does not mention leakage into the basement. He amended Dr. West’s letter that would *waive all claims against the town for damage resulting from any blowing water or water that might otherwise accumulate in the alcove to the building.* Also he added *this waiver shall be binding upon me and my heirs, executors and assigns.* Mr. Eller stated he received information back that they would not agree to anything but the original letter.

Mr. Higginbotham suggested the engineers get together to work out a solution.

Mrs. Dalton asked how soon the work was to begin.

Mr. Coggsdale stated staff was seeking approval of the projects tonight for it to start the next day. He noted it is hard to approve the Charlotte project and not the 7<sup>th</sup> Street project.

Mrs. Dalton asked if there could be a conversation between Dr. West’s engineer and the town’s engineer about what the issue is.

Mr. Eller felt it would be good to have a construction lawyer to mediate between the two engineers.

## Regular Council Meeting—September 12, 2017

Mr. Higginbotham stated he would be happy to do this. He stated a hoe ram used in that location could vibrate the plaster off of every building but a saw cutting would provide relief and the slab can be removed.

Mayor Mattox asked what would happen if the concrete is laid just to the right of way. That is all the town is liable for.

Mr. Eller asked where it was before.

Mr. Coggsdale responded it was to the building front previously and when this project was done, the concrete was put back to where it was.

Mr. Eller stated it comes down to is it necessary to have a solid piece of concrete from Dr. West's office to the sidewalk without any joints for it to be a project that will not allow any water into the building. If there is another way to do that without taking out the alcove that Dr. West is worried about. Mr. Eller felt the Town should try to accommodate Dr. West.

Mr. Higginbotham felt the projects should be approved and subject to a resolution.

Mrs. Dalton, seconded by Mr. Emerson, to approve the projects with the contingency that a resolution is reached either through an agreement between the two engineering firms or release of liability.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Mr. Higginbotham stated the language may need to be amended to say before it is awarded they understand how concerned the Town is with damage to all of the buildings along the street and that they take extra precautions.

Mr. Coggsdale stated during the conversations with the engineers, this method can be discussed.

### 10. Reports

#### a. Town Manager's Report

##### **Strategic Planning Retreat**

Retreat was held on Wednesday, August 30th at the Altavista Train Station with all Council Members in attendance.

Mr. Payne has provided a draft report that has been distributed to Council.

##### **Staunton River RIFA**

Staff continuing to work with other jurisdictions in regard to creation of the Staunton River Regional Industrial Facility Authority.

Staff working with legal counsel in regard to the document associated with formation of the RIFA.

Staff working with Peed & Bortz on the Utility Assessment for this project. Report will be presented to Town Council at their October Work Session.

##### **Campbell Avenue Drainage Project**

Bid award recommendation begin considered at September Town Council meeting.



**Rt. 43 Gateway Project (Streetscape/Utilities)**

Meeting held with VDOT and Hurt & Proffitt to go over the project.  
Staff evaluating funding options for the Utility portion of the project.  
Staff considering the need to apply for additional funds through the VDOT  
“TAP”.

**English Park**

Railroad deed being forwarded to Town.  
RFP for Master Planning (Park and Trails): Three (3) proposals received;  
Interviews were on Monday, September 11<sup>th</sup>.

**Utility Projects**

Facility Assessment and Improvement Plan (FAIP)  
Presentation by Woodard & Curran is scheduled for the Town Council Work  
Session on September 26<sup>th</sup>.  
Springs Fluoride Improvement Project – Ongoing  
Abbott meter and vault – Working with staff to build vault.  
Right of Way Clearing - working with contractor on removal

b. Departmental Reports

11. Informational Items/Late Arriving Matters

a. Calendars-September/October

12. Matters from Town Council

Mr. Eller noted FEMA is requiring changes to the Flood Ordinance that he is working on.

13. Closed Session

I move that the Altavista Town Council convene in closed session in accordance with the provisions set out in the *Code of Virginia*, 1950, as amended,

Section 2.2-3711 (A)(3) regarding discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body

Section 2.2-3711 (A)(5) regarding discussion concerning a prospective business or industry or the expansion of an existing industry where no previous announcement has been made of the business’ or industry’s interest in locating or expanding its facilities in the community.

A motion was made by Mrs. Dalton, and seconded by Mr. Emerson.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

Council went into closed session at 8:00 P.M.

Notice was given that council was back in regular session 8:13 P.M.

FOLLOWING CLOSED SESSION:

A motion was made by Mrs. Dalton, seconded by Mr. Emerson, to adopt the certification of a closed meeting.

CERTIFICATION OF CLOSED MEETING

WHEREAS, the town council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the town council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the town council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the town council.

Motion carried:

VOTE:	Mr. Michael Mattox	Yes
	Mrs. Beverley Dalton	Yes
	Mr. Tracy Emerson	Yes
	Mr. Timothy George	Yes
	Mr. Jay Higginbotham	Yes

14. Adjournment

Mayor Mattox asked if there was anything else to bring before Council.

The meeting was adjourned at 8:14 p.m.

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Michael E. Mattox, Mayor

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J. Waverly Coggsdale, III, Clerk