



Town of Altavista

Town Council

Work Session Agenda

J.R. "Rudy" Burgess Town Hall
510 7th Street
Altavista, VA 24517

Tuesday, June 28, 2016

5:00 PM Council Work Session

- 1. Call to Order**
- 2. Agenda Amendments/Approval**
- 3. Public Comments –Agenda Items Only**
- 4. Introductions and Special Presentations**
- 5. Items for Discussion**
 - a. Commonwealth MHP issue**
 - b. Altavista Band Boosters – Trade Lot Storage (Trailer)**
 - c. Clarion Road- Truck Crossing**
 - d. Deer Management/Town Property Hunting Policy**
 - e. New Beginnings Baptist Church Request to Use Town Property**
 - f. Reorganization of Department of Public Works/Utilities**
 - g. Financial Matters**
 - i. Annual Utility Write Offs**
 - ii. Department Transfers**
- 6. Public Comments – Comments are limited to three (3) minutes per speaker.**
- 7. Adjournment**

NEXT SCHEDULED REGULAR TOWN COUNCIL MEETING: TUESDAY, JULY 12, 2016 @ 7:00 p.m.

Notice to comply with Americans with Disabilities Act: Special assistance is available for disabled persons addressing Town Council. Efforts will be made to provide adaptations or accommodations based on individual needs of qualified individuals with disability, provided that reasonable advance notification has been received by the Town Clerk's Office. For assistance, please contact the Town Clerk's Office, Town of Altavista, 510 Seventh Street, Altavista, VA 24517 or by calling (434) 369-5001.

Thank you for taking the time to participate in your Town Council meeting. The Mayor and Members of Council invite and encourage you to attend whenever possible because good government depends on the interest and involvement of citizens.

Town of Altavista, Virginia Worksession Agenda Form

Date: June 28, 2016

Agenda Item: Commonwealth Mobile Home Park issue

Summary: At Council's Work Session on May 24, 2016, Mrs. Jenny Allman (Owner of the Commonwealth Mobile Home Park), addressed Council regarding a zoning determination that she felt was being misinterpreted and causing an adverse impact on her property. An excerpt from that meeting's minutes dealing with this subject is attached for your review/convenience. Following the discussion at that meeting, Council directed staff to review the options and place the matter back on a future agenda.

Attached is the information that was included in the May 2016 Town Council Worksession agenda packet, related to this matter. It sets forth the issue and contains correspondence from John Eller, Town Attorney, on the subject.

After further reviewing this item, staff feels the best course of action would be to refer the matter to the Planning Commission for their review and consideration. Staff would like to see a report from the Planning Commission that could be included on the Town Council's Regular meeting agenda in August.

Legal Evaluation: Town Attorney will be available for questions.

Staff Recommendation: Staff recommends the item be referred to the Planning Commission for review and consideration and that they issue a report that can be included in the August 9, 2016 Town Council Regular Meeting agenda packet.

Attachments: May 24th Town Council Worksession minutes excerpts; Correspondence to Mayor and Town Council from Town Attorney (June 10, 2016); May 24th Town Council Worksession agenda packet information

Council Recommendation:

☐ Additional Worksession ☐ Regular Meeting ☐ No Action

WORKSESSION



5. Items for Discussion

a. Commonwealth MHP Zoning Issue

Mr. Coggsdale advised recently staff was contacted by an appraiser that was working for the owners of the Commonwealth Mobile Home Park. The appraiser was inquiring about the zoning and permitted uses of the property and staff provided the regulations that are set forth in the ordinance related to "non-conforming uses". Staff has determined that Section 86-702(b)(6) of the Town Code permits a manufactured home/mobile home, that is deemed to be a nonconforming use, to be replaced one time with a later model unit on the same site as the previous unit. The owners of Commonwealth Mobile Home Park contacted the Town Manager to discuss their concerns that the zoning determination had devalued their property and that the determination was in error. He noted no zoning permit application has been filed for the replacement of a manufactured home/mobile home on the site. Mr. Coggsdale stated based on staff's review, it appears that the wording in Section 86-702(b)(6) was adopted in 1987.

Mr. Eller provided correspondence to Council explaining his interpretation of the ordinance. He stated it was evident that single wide mobile homes since 1987 are not permitted in R2 or C2 areas and since the new zoning ordinance in 2012, doublewides are not permitted. The presence of singlewides and doublewides would be nonconforming uses. He noted in 2011 the Commonwealth Mobile Home Park was C2 and in 2011 changed to R2. He advised in 1987 the ordinance called for the replacement of a singlewide one time at the same location.

Mr. Emerson clarified that if a trailer has been replaced once, it could not be replaced again.

Mr. Eller stated there have been no zoning applications filed for a replacement noting this is why his correspondence is hypothetical.

Ms. Jenny T. Allman, 1148 Ivy Hill Drive, Forest, Virginia, 24551, addressed Council stating when she first became aware of the situation she was in the process of refinancing a company. Bank of the James sent out an appraiser and the property (Commonwealth Mobile Home Park) was appraised at \$420,000 which was in the portfolio for several years. She noted there was some communication from the Town of Altavista that this ordinance was in effect. She read the ordinance and stated as a wordsmith she felt the ordinance could never be enforced. She stated the second appraisal came back at \$135,000 and they wanted to know why so they looked at the evolution of the ordinance. She stated it was clear the Town of Altavista does not like mobile homes. Ms. Allman stated she loves mobile homes because they are affordable housing; she noted of the 28 families in the mobile home park 21 are retired. Their income is recession proof and is spent here in the town which is good for the economy. She felt mobile homes were a good home for people who don't want to take care of a big house or want a monthly mortgage. Ms. Allman stated she at first felt this was inverse condemnation. She suggested that Council read and reread the ordinance to see that it is not going to have a positive impact on the community. She referred back to the 21 families and asked what would

happen to them if they decided to close the park. As mobiles are moved out, it will make no sense to continue to pay the taxes, management, and upkeep. The impact on the economy; they paid out about \$6,000 in water and sewer services to the town last year and \$3,000 in taxes to the town and Campbell County while taking in \$40,000 (22% went to government entities). She did not feel this ordinance is what the town is about; this ordinance says the town doesn't want mobile homes. Ms. Ann Baldwin, managing partner and Mr. Kevin Turner, President, were in attendance. Ms. Allman asked Council to repeal this ordinance and allow them to continue with keeping the park in good shape.

Mrs. Dalton confirmed with Ms. Allman that she is asking Council to look at the ordinance hard with an eye toward being long term supportive of mobile home parks.

Mr. George asked if the families owned their homes.

Ms. Allman responded that 26 of the families own their home.

Mr. George asked if any of the homes have been replaced.

Ms. Allman stated they don't know; the ordinance has never been enforced and they didn't know about the ordinance until the appraisal came back.

Mr. George asked what would keep someone from replacing their mobile home.

Ms. Allman stated nothing other than they could only do this one time. She asked what would happen if a home was not kept up; no one would want to live next door to it. She noted management will ask that a renter either keep their lot clean or move.

Mr. George asked if there use to be a fence around the park.

Ms. Allman stated there use to be a hotel there and they did not fill in the basement properly which created damage to the water and sewer lines which has now been corrected.

Mr. Emerson asked how many empty slabs were in the mobile home park.

Ms. Baldwin stated there are two.

Mr. Coggsdale stated there would have to be research to determine which lots are available for replacement.

Mrs. Dalton stated the issue at hand is does the town want this ordinance to stand as a statement towards its persuasion about mobile homes inside the town; if that is what Council wants to happen in the long term there would be no mobile homes in town. She felt Ms. Allman makes a case for those on fixed incomes. Mrs. Dalton suggested Council look at the ordinance and decide if Council wants the ordinance to stand or if it should be amended.

Mr. Coggsdale stated the ordinance is deemed as a nonconforming use and what is the purpose of the nonconforming use.

Ms. Allman stated when she bought it, it was established as a mobile home park and asked if these ordinances apply to property that was grandfathered in. She asked Council to read the minutes and stated the purpose is to get rid of mobile homes. She suggested getting rid of the

language that says “replace one time”. She noted as a wordsmith that is impossible anyway because you cannot replace the same thing twice.

Mr. Coggsdale clarified “grandfathered” is a slang term for a nonconforming use and an ordinance can apply to a “grandfathered” use. A grandfathered use is something that is in place and a new rule goes into place and it can continue under certain conditions.

Mr. Eller questioned the purchase date of the park.

Ms. Allman responded it was purchased around 2000.

Ms. Baldwin stated it was in 1997 or 1998.

Mr. Eller asked when she received the \$420,000 appraisal.

Mrs. Allman responded approximately 3 weeks ago. She noted they went in for bank financing and the bank came back with the appraisal of \$135,000. She asked the bank to come back and appraise without the ordinance which was the \$420,000 figure.

Mrs. Dalton stated this was an unintended consequence of an event that occurred 30 years ago.

Mayor Mattox thanked Ms. Allman for bringing this matter to the attention of Council.

It was the consensus of Council to have staff to research options and bring back to a future work session.

LAW OFFICES OF
J. JOHNSON ELLER, JR.

P.O. BOX 209
ALTAVISTA, VIRGINIA 24517

TELEPHONE (434) 369-5661

FAX (434) 369-5663

ELLERLAW19@GMAIL.COM

June 10, 2016

Mike Mattox, Mayor
Altavista Town Council
P.O. Box 420
Altavista, VA 24517

**RE: Commonwealth MHP; Zoning issues
Follow-up to my letter of May 16, 2016**

Dear Mayor and Council,

Ms. Jenny Allman, owner of Ivy Acres, Inc. which owns Commonwealth Mobile Home Park spoke at the work session on May 24, 2016. This letter addresses the two principle issues that she raised:

1. Ms. Allman asserted that the provisions in the town zoning ordinance as to the C-2 and R-2 zoning districts and the provisions as to non-conforming uses adversely affect her company's ability to utilize the property to the extent that the town has made an "inverse condemnation" of the property. She quoted some figures as the compensation she might claim.
2. Ms. Allman also asserted that the provisions in the zoning ordinance are overly restrictive as to manufactured homes because they are the only decent housing that many people can afford.

Assertion No. 1 Inverse condemnation. Inverse condemnation is a term arising from constitutional law. Both the Fifth Amendment to the U. S. Constitution and the Virginia Constitution prohibit the taking of private property for a public use without just compensation.

Article I Sec. 11 of the Virginia Constitution provides in part

"The General Assembly (meaning both state and local governments) shall pass no law whereby private property, the right to which is fundamental, shall be damaged or taken except for public use. No private property shall be damaged or taken for public use without just compensation to the owner thereof. Just compensation shall be no less than the value of the property taken, lost profits and lost access, and damages to the residue caused by the taking."

Section 8.01-187 of the Virginia Code provides as follows:

“Whenever it is determined in a declaratory judgment proceeding that a person's property has been taken or damaged within the meaning of Article I, Section 11 of the Constitution of Virginia and compensation has not been paid or any action taken to determine the compensation within 60 days following the entry of such judgment order or decree, the court which entered the order or decree may, upon motion of such person after reasonable notice to the adverse party, enter a further order appointing commissioners or condemnation jurors to determine the compensation.”

The Virginia Supreme Court has taken up the question of inverse condemnation in numerous cases. In the 2008 case of *Kitchen v. City of Newport News* the court defined inverse condemnation as follows:

“An inverse condemnation action is a specific type of proceeding based on a constitutionally created right connected to the “taking” or “damaging” of property by the government. To take or damage property in the constitutional sense does not require that the sovereign actually invade or disturb the property. Taking or damaging property in the constitutional sense means that the government action adversely affects the landowner's ability to exercise a right connected to the property. Thus, an action for inverse condemnation is an action seeking redress for the government's action in limiting property rights the landowner holds. In that regard, the act giving rise to the claim is not an act aimed at the property, but rather *an act that limits the landowner's ability to exercise his property rights without paying the landowner for that limitation.*”

A landowner's rights are also protected by the Fifth Amendment to the U. S. Constitution against a government taking for public use without just compensation. In the 1992 U. S. Supreme Court case of *Lucas v. South Carolina* it was held that in addition to taking physical possession of a landowner's property, the government also effects a compensable taking if by a regulatory action it deprives the property of “all economically beneficial or productive use.”

Lucas further stated a new test for determining a taking: in order to be a compensable taking the right affected by the governmental regulation or action must be a part of the owner's title at the time the owner acquired the property. In other words, the regulatory act complained of must occur after the owner acquires title.

The 1998 Virginia Supreme Court case of *City of Virginia Beach v. Bell*, followed the *Lucas* rule. There, a state statute and city ordinance (the “Dune Act”) required owners of coastal sand dunes to obtain a permit before developing property in the designated zone adjacent to the oceanfront. Landowners purchased a parcel in the protected zone after the Dune Act was already in effect. Subsequently, landowners applied for a permit to develop the land, the permit was denied and they sued the city claiming compensation for inverse condemnation.

The Virginia Supreme Court held that because the regulatory restriction was already in place when the landowner obtained title the government did not deprive landowner of the right to develop the property free of regulation. Landowner had never acquired that right and it was not his to lose, thus there was no compensable taking.

As stated in my letter of May 16 single-wide mobile homes have been prohibited in the C-2 and in the R-2 zoning districts continuously since September 9, 1987. At the work session, in response to my question, Ms. Allman stated that her company acquired the Commonwealth Mobile Home Park around 1997. The records of the Campbell County Circuit Court Clerk's Office reflect that by deed dated July 10, 1995, and recorded in Deed Book 830, Page 782, Arthur G. Dodson and others conveyed the property to Ivy Acres, Inc.

Thus at the time that Ivy Acres, Inc. acquired the property it was already subject to the zoning restrictions of which Ms. Allman complains. Any government action affecting the right to use and develop the property as a manufactured home park had been completed when Ivy Acres, Inc. took title. The rights that the company acquired in 1995 included only the right to replace the manufactured homes one time and that provision remains in effect. In other words, with regards to the use of the property for manufactured homes, Ivy Acres still has exactly what it had when it bought it. Thus, it would be the town's position that no taking has occurred and an action for inverse condemnation would not be sustained.

The zoning restriction was there when Ivy Acres bought the property. I note that it is common knowledge that in considering the purchase of a property it is the responsibility of the prospective purchaser to determine if the zoning in place will adversely affect his or her planned use of the property.

Assertion No. 2 Zoning as Mobile Homes. The question of whether the Council should consider amending the zoning ordinance to permit manufactured homes, double-wides and/or single-wides, is a legislative decision. The principle issue would be whether the Town should go back to the pre-2012 scheme whereby manufactured homes were divided into Class A and Class B, etc. and Class A was permitted in certain districts and Class B in manufactured home parks (MHPs).

In drafting new provisions the Town would need to be careful not to provide construction requirements in excess of the Federal law on manufactured home construction, known as the National Manufactured Housing Construction Safety Standards Act of 1974 (NMHCSSA). NMHCSSA states that its provisions pre-empt state and local regulation of construction standards for manufactured homes. Thus, a local requirement that a manufactured home have a certain type of wiring or meet a certain building code in order to be permitted in the locality would be invalid as long as the manufactured home met the NMHCSSA standards.

The Federal cases on the issue of pre-emption of local zoning regulation of manufactured homes have recognized that such regulation may be rationally based on factors other than safety and construction standards. In the 2003 case of *Lauderbaugh v. Hopewell Township*, the 3d Circuit

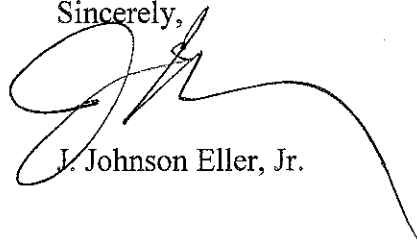
Court of Appeals held that such factors could legitimately include aesthetics and property values. Federal cases from other circuits have likewise upheld the right of localities to regulate the placement of manufactured homes for the same reasons as in *Lauderbaugh*.

Thus, in considering any changes to the zoning ordinance relative to manufactured homes the Town should be able to articulate a rational basis for the regulations and if we do this the regulations should be sustained if tested in court.

If the Town revisits the manufactured home provisions in the zoning ordinance an area to consider is the regulations for MHPs. We currently have rather strict standards as are set forth in Sec. 86-291 *et seq.*, copy attached. These might be relaxed somewhat to make it easier to establish a MHP or to permit an existing MHP to qualify for rezoning to R-MHP.

At the present time there are no R-MHP districts in the town so if an R-MHP district is desired a suitable area would have to be determined.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Johnson Eller, Jr.', with a long, sweeping horizontal line extending to the right.

J. Johnson Eller, Jr.

Enclosure

cc: Waverly Coggsdale
Dan Witt
Planning Commission

DIVISION 4. - R-MHP (RESIDENTIAL MANUFACTURED HOME PARK) DISTRICT

Sec. 86-291. - Statement of intent.

The R-MHP (residential manufactured home park) district is intended to accommodate manufactured homes. This R-MHP district is based on the premise that the demand for manufactured homes can best be supplied by the designation of appropriately located manufactured home parks. The following regulations are designed to provide an attractive and harmonious environment for manufactured home dwellings, with all amenities normally found in a substantially residential neighborhood.

Sec. 86-292. - Permitted uses.

The following uses are permitted by right or by special use permit in the R-MHP residential manufactured home park district, subject to all other applicable requirements contained in this chapter. An (S) indicates a special use permit is required. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in article IV, use and design standards:

(1) *Agricultural use types.*

(None)

(2) *Residential use types.*

Accessory apartment (S)*

Family day care home (S)*

Group home*

Home garden

Home occupation*

Manufactured home*

Manufactured home, emergency*

Manufactured home park*

(3) *Civic use types.*

Community recreation*

Cultural service

Public parks and recreational areas (S)

Religious assembly (S)*

Safety service

Utility service, minor

(4) *Office use types.*

(None)

(5) *Commercial use types.*

(None)

(6) *Industrial use types.*

(None)

(7) *Miscellaneous use types.*

Amateur radio tower*

Satellite dish antenna one meter or less in diameter or measured diagonally

Satellite dish antenna in excess of one meter in diameter or measured diagonally*

Sec. 86-293. - General regulations for residential manufactured home parks.

General standards.

- (1) Every manufactured home lot in a manufactured home park will front on either a public or private street.
- (2) The site plan for each manufactured home park shall be approved by the planning commission. According to the standards in article IV, this plan shall include drainage, street lighting, and water/sewer systems. All utilities shall be underground.
- (3) Manufactured home parks shall be enclosed with an approved fence or planted hedge, not less than seven feet in height and without openings to adjoining property other than the required entrances and exists to streets or public spaces.
- (4) No manufactured home dwelling shall be parked or installed outside the R-MHP district except when used as construction offices or when offered for sale on an authorized manufactured home sales lot.
- (5) The minimum number of lots completed and ready for occupancy before first occupancy is permitted shall be eight.
- (6) All construction shall comply with the Virginia Uniform Statewide Building Code.

Sec. 86-294. - Minimum size requirements.

Manufactured home park:	5 acres
Manufactured home lot:	5,000 square feet
Lot width:	50 feet

Sec. 86-295. - Yard and setback requirements.

General standards.

- (1) *Minimum distance between manufactured homes:* No manufactured home shall be placed within 25 feet of another.
- (2) *Yards abutting common areas:* The distance from the line or corner of the manufactured home stand to a private access drive, a common parking area, a common walk or other common area shall be 20 feet minimum including patios, carports and individual storage facilities.
- (3) *Distance manufactured homes to be located from manufactured home park boundary and public streets:* All manufactured homes shall be setback a minimum distance of 25 feet from any boundary line or street right-of-way.

Sec. 86-296. - Minimum setback requirements—Principal structure.

Front yard:	35 feet
Side yard:	10 feet
Side yard—Corner lot:	20 feet
Side yard—Aggregate:	25 feet
Rear yard:	25 feet

Sec. 86-297. - Minimum setback requirements—Accessory structures.

Front yard:	Not permitted in front yard
Side yard:	5 feet
Side yard—Corner lot:	20 feet
Rear yard:	5 feet

Sec. 86-298. - Maximum height of accessory structures.

Shall not exceed the height of principal structure.

Sec. 86-299. - Maximum lot coverage—All structures.

Twenty-five percent of total yard area.

Sec. 86-300. - Streets.

All streets, serving manufactured home lots, shall be built to public road standards and shall conform to the standards of the Virginia Department of Transportation.

Sec. 86-301. - Utilities.

All units must be connected to public water and sewer before a certificate of occupancy may be issued.

Sec. 86-302. - Skirting and underpinning.

Within a period of 90 days after placement of a manufactured home on a stand in district R-MHP, skirting shall be placed between the base of the body of the manufactured home and the stand or ground, completely enclosing the entire circumference of the manufactured home, the skirting to be a material to enhance the appearance of the individual manufactured home unit.

Town of Altavista, Virginia Worksession Agenda Form

Date: May 24, 2016

Agenda Item: Commonwealth Mobile Home Park Zoning Determination

Summary: Recently staff was contacted by an appraiser that was working for the owner's of the Commonwealth Mobile Home Park. The appraiser was inquiring about the zoning and permitted uses of the property and staff provided the regulations that are set forth in the ordinance related to "non-conforming uses". Staff has determined that Section 86-702(b)(6) of the Town Code permits a manufactured home/mobile home, that is deemed to be a nonconforming use, to be replaced one time with a later model unit on the same site as the previous unit. Subsequently, the owners of Commonwealth Mobile Home Park contacted the Town Manager to discuss their concerns that the zoning determination had "devalued" their property and that the determination was in error. At this time, no zoning permit application has been filed for the replacement of a manufactured home/mobile home on the site.

Based on staff's review, it appears that the wording in Section 86-702(b)(6) was adopted in 1987. Attached is correspondence from John Eller, Town Attorney, in regard to the interpretation of the ordinance.

One of the owners of the Commonwealth MHP, Ms. Jenny Allman, has requested an opportunity to address Council on this issue.

Legal Evaluation: Town Attorney will be available for questions.

Staff Recommendation: Staff recommends that Council consider the determination made by staff in regard to Section 86-702(b)(6).

Town Manager Recommendation: Council may provide any proposed changes they would like to see in regard to the Section 86-702(b)(6) of the Town Code.

Attachments: Correspondence from Town Attorney; 2012 Zoning Ordinance sections; 1987 Zoning Ordinance section; Current Section 86-702(b)(6) of the Town Code

Council Recommendation:

☐ Additional Worksession ☐ Regular Meeting ☐ No Action

WORKSESSION



LAW OFFICES OF
J. JOHNSON ELLER, JR.

P.O. BOX 209
ALTAVISTA, VIRGINIA 24517

TELEPHONE (434) 369-5661

FAX (434) 369-5663

ELLERLAW19@GMAIL.COM

May 16, 2016

**RE: Replacement of Single Wide Manufactured Home
in C-2 and/or R-2 Zoning District**

To Whom It May Concern:

I have been asked as Town Attorney to answer a hypothetical question as to the Altavista Zoning Ordinance.

Suppose an owner of a single wide manufactured home (SWMH) which was in place continuously in a C-2 Commercial (C-2) or a R-2 Multifamily Residential (R-2) zoning district since September 8, 1987 or prior thereto requests a zoning permit to replace the SWMH with a newer model to be placed on the same site as the previous SWMH. Would the Altavista Zoning Ordinance permit the replacement?

The answer is yes.

Suppose a SWMH was originally placed in the C-2 or R-2 prior to September 8, 1987 and was subsequently replaced with a newer model on the same site as the original SWMH. Would a zoning permit be issued for a second replacement? The answer is no.

Effective September 8, 1987, the Altavista Zoning Ordinance was rewritten. Manufactured homes were divided into three classes: "Class A" doublewides, "Class B" singlewides made after July 1, 1976 and "Class C" or "mobile homes made before July 1, 1976". In zoning districts C-2 and R-2 only Class A manufactured homes were permitted and SWMH were not permitted.

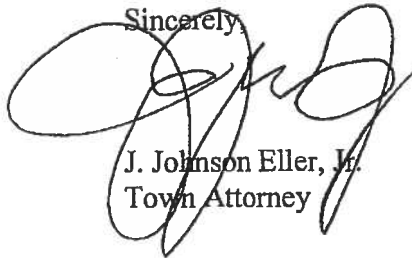
Thus, a SWMH placed before September 8, 1987 constitutes a "non-conforming structure" which may continue under the regulations prescribed in the Altavista Zoning Ordinance. This prohibition has continued through the 1990 recodification of the Zoning Ordinance and the comprehensive revisions of 2012.

Section 86-702 of the Zoning Ordinance of 2012 deals with non-conforming uses in general and Subsection (b) (6) thereof deals with manufactured homes specifically. Section 86-702 (b) (6) states that "Any manufactured home or mobile home existing in a district as a nonconforming use may be replaced once with a later model manufactured home, provided that the later model manufactured home is located on the site of the replaced home." This identical language appears in the 1990 and the 1987 zoning ordinances.

I note that after January 1, 2012, even doublewides are not permitted in the R-2 or the C-2 districts.

Thus, if the SWMH had been in place continuously since September 9, 1987 or before it could be replaced but an application to replace that SWMH again at some point in the future could not be permitted.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Johnson Eller, Jr.", written over the typed name.

J. Johnson Eller, Jr.
Town Attorney

ZONING

§ 86-32

wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

Intermodal facility means a facility where freight in transit is transferred from one mode of transportation (air, rail, truck, water) to another mode of transportation.

Kennel, commercial means the boarding, breeding, raising, grooming or training of dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

Laboratory means an establishment primarily engaged in performing research or testing activities into technological matters. Typical uses include engineering and environmental laboratories, medical, optical, dental and forensic laboratories, x-ray services; and pharmaceutical laboratories only involved in research and development. Excluded from this use type are any laboratories which mass produce one or more products directly for the consumer market.

Landfill, construction debris means the use of land for the legal disposal of construction and demolition wastes consisting of lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, and metals and plastic associated with construction waste from land clearing operations consisting of stumps, wood, brush, and leaves.

Landfill, rubble means the use of land for the legal disposal of only inert waste. Inert waste is physically, chemically and biologically stable from further degradation and considered to be non-reactive, and includes rubble, concrete, broken bricks, and block.

Landfill, sanitary means the use of land for the legal disposal of municipal solid waste derived from households, business and institutional establishments, including garbage, trash, and rubbish, and from industrial establishments, other than hazardous wastes as described by the Virginia Hazardous Waste Regulations.

Laundry means establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

Life care facility means a residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

* *Manufactured home* means a structure subject to federal regulations, built since June 15, 1976, which is transportable in one or more sections; is eight feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the

plumbing, heating, air conditioning, and electrical systems contained in the structure. This structure is not constructed to meet the Industrialized Building Code, Council of American Building Officials, Virginia Uniform Statewide Building Code Use Group R-4.

Manufactured home park means one or more contiguous parcels of land in which two or more lots are provided for manufactured homes.

Manufactured home sales means an establishment primarily engaged in the display, retail sale, rental, and minor repair of new and used manufactured homes, parts, and equipment.



Manufactured home, emergency means a manufactured home used temporarily for the period of reconstruction or replacement of an uninhabitable dwelling lost or destroyed by fire, flood, or other act of nature, or used temporarily as housing relief to victims of a federally declared disaster in accordance with section 86-456.

Meat packing and related industries means industries processing of meat products and by-products directly from live animals or offal from dead animals.

Medical office means use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Excluded from this definition shall be facilities operated for the treatment of drug addiction and substance abuse. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the commonwealth.

Mini-storage means a building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of 400 square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods. Cubicles may or may not be climate controlled.

Mobile home means a factory assembled structure or structures equipped with the necessary service connections and made to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without a permanent foundation and built before June 14, 1976 (also see Manufactured Home). This unit does not meet the requirements of the Council of American Building Officials (CABO) or the Virginia Uniform Statewide Building Code Use Group R-4. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon will be moved from time to time at the convenience of the owner.

Modular home means a dwelling unit constructed on-site in accordance with the Virginia Uniform Statewide Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Modular home sales means a site used for the construction and display of model modular homes, including a sales office and incidental storage associated with the construction of the model homes.

ZONING

§ 86-191

Sec. 86-138. Maximum lot coverage—Accessory structures.

Twenty-five percent of rear yard area.
(Ord. of 10-11-2011(3), § 2)

Sec. 86-139. Maximum height of structures.

Principal structures:	35 feet
Accessory structures:	Shall not exceed height of principal structure; however no accessory building in the R-1 district which is within ten feet of any lot line shall be more than one story high.
Exempt structures:	These structures are exempt from the 35-foot height limit: Church spires, belfries, cupolas, municipal water towers, chimneys, flues, utility poles, transmission structures, flagpoles, television antennas (except satellite antennas which are regulated by article IV of this chapter), and radio aeriels.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-140. Provisions for corner lots.

Of the two sides of a corner lot, the front of the lot shall be deemed to be the shorter of the two sides fronting on streets.

(Ord. of 10-11-2011(3), § 2)

Secs. 86-141—86-190. Reserved.**DIVISION 3. R-2 (MEDIUM-DENSITY RESIDENTIAL) DISTRICT****Sec. 86-191. Statement of intent.**

The R-2 (medium-density residential) district is composed of medium to high-density residential areas, ordinarily located near commercial areas or employment centers, and open areas where similar development is planned and/or likely to occur. The regulations for this R-2 district are designed to stabilize and protect the basic characteristics of the R-2 district, to promote and encourage, compatibility with the intensity of land use, a suitable environment for the enjoyment of family life and to permit limited commercial uses of a compatible character which are unlikely to develop general concentration of traffic, crowds of customers, and general outdoor advertising. The R-2 district is intended to protect against encroachment of general commercial or industrial uses. A wide variety of residential uses for both permanent

and transient occupancy are permitted. Development is focused on medium to high concentrations of dwellings and permitted uses are basically dwellings and additional uses such as schools, parks, clubs, churches and certain public facilities that serve the R-2 district. (Ord. of 10-11-2011(3), § 2)

Sec. 86-192. Permitted uses.

(a) The following uses are permitted by right or by special use permit in the R-2 medium-density residential district, subject to all other applicable requirements contained in this chapter. An (S) indicates a special use permit is required. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in article IV, use and design standards:

(1) *Agricultural use types.*

(None)

(2) *Residential use types.*

Accessory apartment*

Community garden (S)

Duplex*

Family day care home*

Group home*

Home garden

Home occupation*

* *Manufactured home, emergency**

Multi-family dwelling—Consisting of three or fewer units

Multi-family dwelling—Consisting of more than three units—(S)*

Single-family dwelling, attached*

Single-family dwelling, detached*

Temporary family health care structures*

Townhouse*

(3) *Civic use types.*

Assisted care residence*

Cemetery (S)

Club (S)*

Community recreation*

Crisis center (S)

Cultural service

*OTHER THAN EMERGENCY,
MAN. HOMES NOT PERMITTED*

Educational facilities, primary/secondary (S)

Governmental service (S)

Guidance service (S)

Halfway house (S)

Life care facility (S)

Nursing home (S)

Public parks and recreational areas (S)

Religious assembly (S)*

Safety service

Utility service, minor

(4) *Office use types.*

(None)

(5) *Commercial use types.*

Bed and breakfast (S)*

Day care center (S)*

Golf course (S)

(6) *Industrial use types.*

Recycling center (S)

(7) *Miscellaneous use types.*

Amateur radio tower*

Satellite dish antenna*

(Ord. of 10-11-2011(3), § 2)

Sec. 86-193. Site development regulations (in general).

The following (sections 86-194 thru 86-200) are the site development regulations for the R-2, medium-density residential district in general. For additional, modified or more stringent standards see article IV, use and design standards.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-194. Minimum lot area.

With public water and sewage:	8,000 square feet, however 12,000 square feet for a duplex
With public water and individual sewage*:	15,000 square feet
With individual water and sewage*:	20,000 square feet

Secs. 86-693—86-700. Reserved.

ARTICLE VII. NONCONFORMING USES AND OTHER VESTED RIGHTS

Sec. 86-701. Vested rights not impaired; general policy as to nonconforming uses.

(a) Nothing in this chapter shall impair any vested right. Pursuant to Code of Virginia, § 15.2-2307, a landowner's rights shall be deemed vested and shall not be affected by the subsequent amendment of this chapter if all of the following occur:

- (1) The landowner obtains or is the beneficiary of a significant affirmative governmental act;
- (2) The landowner relies in good faith on a significant affirmative governmental act; and
- (3) The landowner incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(b) Uses of land, buildings, structures and lots which do not conform to the regulations and restrictions prescribed by this article as of the effective date of the ordinance from which this section is derived may be continued only in conformity with the terms of this article.

(c) This article recognizes that the elimination of existing lots, buildings and structures or uses that are not in conformity with the provisions of this article is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this article. It is the intent of this article to permit these nonconformities to continue, but not to encourage their survival or permit their uses as grounds for adding other structures or uses prohibited elsewhere within the same district.

(d) Therefore, any structure or use of land existing at the time of the enactment of the ordinance from which this section is derived, and any subsequent amendments not in conformity with the regulations and provisions of this section, may be continued only subject to the provisions of section 86-702.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-702. General provisions as to nonconforming lots of record, structures, uses of land, and uses of structures.

(a) *Lots of record.* Where a lot or lots of record at the time of enactment of the ordinance from which this section is derived does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this chapter, the following provisions shall apply: Any lot or lots of record, in any district, at the time of enactment or amendment of this article which is less in area, or width or both than the minimum required by this article may be used for a permitted use in that district, provided that setback, side yard and requirements other than those applying to area and/or width of the lot shall conform to the regulations for the district in which such lot is located. However, when more than 50 percent of the lots in the block in which such nonconforming lots are located have dwellings constructed on them which

are nonconforming as to either front, side or rear yards, the owner may apply for a special use permit. The required area for permitted uses utilizing individual water supply and/or sewage disposal systems shall be approved by the health department and additional area shall be required if considered necessary for conditions encountered.

(b) *Nonconforming structure.* Where a lawful structure exists at the time of enactment or amendment of this article that could not be built in the district in which it is located by reason of restrictions on area, lot coverage, height, yard dimensions or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming building but no such building that is declared by any authorized town official to be unsafe or unlawful by reason of physical condition shall be restored, repaired or rebuilt except as set forth in subsections (b)(3)a. and (b)(3)b. of this section.
- (2) In accordance with Code of Virginia, § 15.2-2307, the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building, and in so doing, eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such building cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so.
- (3) Furthermore, a nonconforming building that is destroyed or damaged by any casualty to an extent not exceeding 50 percent of its current fair market value according to the records of the county treasurer, exclusive of foundations, may be restored within two years after such destruction or damage but shall not be enlarged except as provided in this section. If any such building is so destroyed or damaged to an extent exceeding 50 percent of its value, it shall not be reconstructed except:
 - a. In conformity with the regulations for the district in which it is located.
 - b. If the nonconforming building is a single-family detached dwelling, in which event it may be reconstructed within two years after such destruction or damage so as to occupy the same space that it occupied prior to such destruction or damage of any part.
- (4) A nonconforming structure may be enlarged or altered, provided that such enlargement or alteration does not create a nonconformity which did not previously exist. Any structure or portion thereof may be altered to decrease its nonconformity.
- (5) Should a nonconforming structure be moved, it shall thereafter conform to the yard requirements of the district in which it is located after it is moved.
- * (6) Any manufactured home or mobile home existing in a district as a nonconforming use may be replaced once with a later model manufactured home, provided that the later model manufactured home is located on the site of the replaced home.

ZONING

§ 86-702

(c) *Nonconforming uses of land.* Where a lawful use of land exists at the time of enactment of the ordinance from which this section is derived or any subsequent amendment thereto that would not be permitted by the regulations imposed in this section, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (1) After obtaining a special use permit pursuant to section 86-7, a nonconforming use may be enlarged or increased or extended to occupy a cumulative area not exceeding 25 percent of the area that was occupied at the time of enactment of the ordinance from which this section is derived.
- (2) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the time of enactment of the ordinance from which this article is derived.
- (3) No additional structure not conforming to the requirements of this article shall be constructed in connection with such nonconforming use.

(d) *Nonconforming uses of structures.* Where a lawful use of an individual structure, or of structures and premises in combination, exists at the time of enactment of the ordinance from which this section is derived, or from any subsequent amendment that would not be permitted in the district in which it is located under the requirements of this article, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (1) With the exception of pre-existing class B manufactured homes or class C mobile homes which may not be enlarged, the enlargement, extension or alteration of a structure devoted to a nonconforming use existing at the time of enactment of or amendment to the ordinance from which this section is derived is permitted after obtaining a special use permit pursuant to section 86-7, provided that such enlargement shall not exceed 25 percent in the aggregate of the floor area of the original structure devoted to the nonconforming use, and provided that all yard and other appropriate requirements of this article are met. The provision shall not apply to the changing of the use of a structure to a conforming use.
- (2) Any nonconforming use may be extended to occupy any part of a building that was manifestly arranged or designated for such use at the time of the effective date of the ordinance from which this section is derived, but no such use shall be extended to occupy any land outside such building.
- (3) A building in which a nonconforming use is conducted that is destroyed or damaged by any casualty to an extent not exceeding 50 percent of its current fair market value according to the records of the county treasurer, exclusive of foundations, may be restored within two years after such destruction or damage but shall not be enlarged except as provided in this subsection (d)(3)a. or (d)(3)b. If any such building is so destroyed or damaged to an extent exceeding 50 percent of its value, it shall not be reconstructed except:
 - a. For a conforming use.

Entire Zoning Ordinance re-enacted Sept. 8, 1987

Excerpt from Sec. 18-1 Definitions:

- (18) CONDOMINIUM: Real property, and any incidents thereto or interests therein, lawfully submitted to the terms of Chapter 4.2, Title 55, Code of Virginia by the recordation of condominium instruments pursuant to the provisions of said Chapter 4.2. No project shall be deemed a condominium within the meaning of said Chapter 4.2 unless the undivided interests in the common elements are vested in the unit owners.
- (19) CONDOMINIUM UNIT: A unit together with the undivided interest in the common elements appertaining to that unit.
- (20) COOPERATIVE: Real estate owned by an association, each of the members of which is entitled, by virtue of his ownership interest in the association, to exclusive possession of a unit such interest being governed by Chapter 24, Title 55, Code of Virginia.
- (21) COURT: An open space enclosed wholly or partly by buildings or circumscribed by a single building.
- (22) DWELLING: Any building, or portion thereof, which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, and trailers.
- (23) DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
- (24) DWELLING, MULTIPLE-FAMILY: A building arranged or designed to be occupied by more than one (1) family.

* (25) DWELLING, MANUFACTURED HOME: A mobile home used as a residence by a single family, containing one dwelling unit, and not meeting the Virginia Statewide Building Code standards of a single family dwelling (see MOBILE HOME). Categories of manufactured home dwellings are as follows:

- (a) Class A, design restricted - a multi-sectional manufactured home, constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U. S. Department of Housing and Urban Development and that satisfies each of the additional design criteria in section 18-109.

- (b) Class B, conventional - a traditional single or multi-sectional manufactured home constructed after July 1, 1976, that meets or exceeds the Manufactured Home Construction and Safety Standards, promulgated by the U. S. Department of Housing and Urban Development but that otherwise does not meet all of the criteria of a class A, design-restricted manufactured home.
 - (c) Class C, conventional - a manufactured home constructed before July 1, 1976, which does not meet the criteria of a class A or B manufactured home.
- (26) DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - (27) FAMILY: One or more persons related by blood or marriage occupying a premises as a family unit and living in a single dwelling unit, as distinguished from a group of persons unrelated by blood or marriage occupying a boarding house, lodging house, tourist home, or hotel.
 - (28) FIRE DISTRICT: A section of the town zoned C-2 bounded on the north by Pittsylvania Avenue, on the south by the Staunton River, to the east by Fifth Street and to the west by Seventh Street.
 - (29) GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is necessary; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one and one-half (1½) times as many automobiles as there are dwelling units in the multiple dwelling.
 - (30) GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling or storing motor-driven vehicles.
 - (31) GOVERNING BODY: The Town Council of Altavista, Virginia.
 - (32) GUEST ROOMS: Shall mean the provision for compensation of lodging and/or meals for not to exceed four (4) persons in a single dwelling.

high. No accessory building shall be more than the main building in height.

Sec. 18-77. Landscaping may be required.

Landscaping may be required within any established or required front setback area, the plans and execution of which must take into consideration traffic hazards, and no such landscape planting shall be permitted to exceed a height of three (3) feet within fifty (50) feet from the corner of any intersecting streets or edge of the street right of way. See also Section 18-110.

Article VIII - Commercial District C-2

Commonwealth MHP
Zoned C-2 until
2011 Re-zoned to R-2.

Sec. 18-78. Statement of Intent.

This district covers those areas of the community intended for the conduct of a variety of businesses to which the public requires direct and frequent access and is characterized by constant heavy traffic, and by noise of congestion of people and passenger vehicles. This district is the major business district of the town which is the focal point of business in the community. Residential uses may also exist in the C-2 district providing minimum standards are met.

Sec. 18-79. Use Regulations.

In Commercial District C-2, structures to be erected or land to be used, shall be used as follows:

A. Authorized uses - no Special Use Permit Required.

1. Retail stores.
2. Bakeries and Food stores.

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3. Drycleaners, laundries.
4. Hardware stores.
5. Wearing apparel stores.
6. Drug stores.
7. Barber and Beauty shops.
8. Auto and home appliance services.
9. Theaters, assembly halls.
10. Office buildings, banks.
11. Churches.
12. Libraries.
13. Funeral Homes.
14. Service stations--with major repair under cover.
15. Clubs and lodges.
16. Auto sales and service.
17. Mobile home sales and service except in the Fire District.
18. Lumber and building supply--with storage under cover.
19. Plumbing and electrical supply--with storage under cover.
20. Wholesale Businesses.
21. Machinery sales and service.
22. Furniture Stores including Cabinets, furniture and upholstery shops.
23. Restaurants.
24. Printing operations.
25. Public utilities such as poles, lines, distribution and/or transmission transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance, including water and sewerage facilities.

26. Church bulletin boards and church identification signs for church activities.
27. Signs used in the conduct of a business, providing that no establishment shall display more than three (3) signs, facing each street or alley upon which said business fronts, no one of which shall exceed eighty (80) square feet in area, and the aggregate of which shall not exceed one hundred fifty (150) square feet, and all lighting of which shall be indirect. Larger signs may be permitted by Special Use Permit.
28. Child Care Centers
29. All Authorized Uses in District C-1.
30. Residential
 - a. Single family dwellings provided they meet the requirements contained in Article IV (R-1).
 - b. Multiple-family dwellings provided they meet the requirements contained in Article V (R-2).



- c. Class A Manufactured home dwellings. See Section 18-109.

The requirements for residential uses as set forth above shall supercede those set forth in the subsequent sections.

31. Satellite Antennae
- B. Permitted Uses with Special Use Permit. The following uses may be permitted only upon the issuance of a Special Use Permit by the Town Council with such conditions as may be imposed by the Council:
1. Hotels, motels and Mobile Home Parks subject to requirements of Article VI of this ordinance.
 2. Wholesale and processing not objectionable because of dirt, noise, or odors.
 3. Public billiard parlors and pool rooms, bowling alleys, dance halls, and similar forms of public amusement.
 4. Animal Hospitals and/or kennels.

C. Prohibited uses.

1. Automobile graveyards.
2. Junkyards.
3. Materials storage yards.

Such uses which are in existence at the time of the adoption of this ordinance may continue as nonconforming uses, provided that they shall have a period of not exceeding three (3) years after said adoption in which to completely screen on any side viewed from a public road the operation or use by a solid six (6) foot high masonry wall, or other type of solid fencing or hedge approved by the Administrator.

D. Off-Street parking shall be provided as required in Article XI, Part 1.

E. All uses in this district are subject to the provisions of Article XV, Flood Control.

Sec. 18-80. Area Regulations.

None, except for uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official.

Sec. 18-81. Setback Regulations.

None.

Sec. 18-82. Side Yard Regulations; screening required; provisions for loading.

The minimum side yard or rear yard adjoining or adjacent to a residential district shall be twenty-five (25) feet except where bordered by a street or alley. Through the entire length of the said side yard there shall be required a solid fence six feet in height or a solid screen of three rows of coniferous trees initially planted five feet apart center to center staggered in all directions (three rows)

six feet or more in height at the time of planting and maintained in perpetuity.

Sec. 18-83. Height.

No building shall be erected to a height in excess of forty (40) feet above grade without prior approval of the Commission. Church spires, belfries, cupolas, monuments, cooling towers, utility poles, transmissions structures, municipal water towers, chimneys, flues, flag poles, television antenna, and radio aerials are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.

Sec. 18-84. Requirements for permitted uses.

Before a zoning permit shall be issued or construction commenced on any permitted use in this district, or a permit issued for a new use, detailed site plans indicating compliance with the substantive provisions of this ordinance and in sufficient detail to show the operations and processes shall be submitted to the zoning administrator for study. The administrator may refer these plans to the Commission for their recommendation. Modification of the plans may be required.

Sec. 18-85. Landscaping may be required.

Landscaping may be required within any established or required front setback area, the plans and execution of which must take into consideration traffic hazards, and no such landscape planting shall be permitted to exceed a height of three (3) feet within fifty (50) feet from the

The side yard on the side facing the side street shall be twenty (20) feet or more for both main and accessory buildings.

Article V - Residential District R-2

Part 1. General Regulations

Sec. 18-27. Statement of Intent.

This district is composed of medium to high-density residential areas, ordinarily located near commercial areas or employment centers, and open areas where similar development is planned and/or likely to occur. The regulations for this district are designed to stabilize and protect the basic characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit limited commercial uses of a compatible character which are unlikely to develop general concentration of traffic, crowds of customers, and general outdoor advertising. To these ends, retail activity is sharply limited and this district is protected against encroachment of general commercial or industrial uses. All residential types of structures for both permanent and transient occupancy and including institutions, are permitted. To these ends, development is limited to medium to high concentrations of dwellings and permitted uses are basically dwellings and certain additional uses such as schools, parks, clubs, churches and certain public facilities that serve the district.

Sec. 18-28. Use Regulations.

Unless in an apartment, condominium or cooperative complex, only one building and its accessory buildings may be erected on any lot or parcel of land in Residential District R-2. Structures to be erected or land to be used shall be used as follows:

A. Authorized uses - no Special Use Permit Required

1. Single-family dwellings.
2. Multiple-family dwellings, including apartments, condominiums, cooperatives and townhouses. All such multiple unit development shall meet the requirements of Part II and Part III of this Article V.
- * 3. Manufactured Home Dwellings, Class A.
4. Rooming and boarding houses.
5. Tourist homes.
6. Professional offices.
7. Home occupations conducted by the occupant within the dwelling.
8. Accessory buildings as defined, however, garages or other accessory buildings, such as carports, porches and stoops attached to the main building shall be considered part of the main building.
9. Public utilities: poles, lines, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities, including water and sewer systems.
10. Satellite antennae as provided in Article XI, Part 2.
11. Signs.
 - a. Signs, not exceeding two (2) square feet in area attached to the dwelling.

- b. Church bulletin boards and church identification signs for church activities only, not exceeding twenty-four (24) square feet in area.
 - c. Street and property identification signs, not exceeding two (2) square feet in area.
 - d. Illumination of signs shall be indirect, with the light source shielded from direct view.
12. Home gardens.
13. All Authorized Uses in Districts RLD and R-1.
- B. Permitted Uses with Special Use Permit. The following uses may be permitted only upon the issuance of a Special Use Permit by the Town Council with such conditions as may be imposed by the Council.
- 1. Schools, churches, libraries, clubs, lodges, parks and playgrounds.
 - 2. Hospitals, General, adult care homes, nursing homes.
- C. Prohibited uses. The following uses are prohibited:
- 1. Agriculture.
 - * 2. Mobile Homes (Manufactured home dwellings, Classes B and C).
- D. Off-street Parking. Off-street parking shall be provided as required in Article XI, Part 1.
- E. All uses in this district are subject to the provisions of Article XV, Flood Control.

Sec. 18-29. Area Regulations - With Public Water and Sewer.

For residential lots served by public water and sewage disposal the minimum lot area shall be not less than:

One (1) unit	Ten Thousand (10,000) square feet
Two (2) units	Twelve Thousand (12,000) square feet
Three (3) units	Fourteen Thousand (14,000) square feet

Multiple-Family dwellings with four or more units are subject to Part II and III hereof of this Article V.

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of the effective date hereof may be continued only in conformity with the terms of this ordinance.

This chapter recognizes that the elimination of existing lots, buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is, therefore, the intent of this Ordinance to permit these non-conformities to continue, but not to encourage their survival or permit their uses as grounds for adding other structures or uses prohibited elsewhere within the same district.

Therefore, any structure or use of land existing at the time of the enactment of this Ordinance and any subsequent amendments thereto not in conformity with the regulations and provisions herein, may be continued only subject to the provisions of Section 18-112.

Sec. 18-112. General provisions as to nonconforming lots of record, structures, uses of land, and uses of structures.

A. Lots of Record. Where a lot of record at the time of enactment of the Ordinance does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this Ordinance, the following provisions shall apply:

Any lot of record, in any district, at the time of enactment or amendment of this Ordinance which is less in

Supplement Page. (Entire Chapter 18 amended 9/8/87).

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area, or width or both than the minimum required by this Ordinance may be used for a permitted use in that district, provided that setback, side yard and requirements other than those applying to area and/or width of the lot shall conform to the regulations for the district in which such lot is located; however, when more than (fifty (50) per cent) of the lots in the block in which such nonconforming lots are located have dwellings constructed on them which are nonconforming as to either front, side or rear yards, owner may apply for a special use permit. The required area for permitted uses utilizing individual water supply and/or sewage disposal systems shall be approved by the Campbell County Health Department and additional area shall be required if considered necessary for conditions encountered.

B. Nonconforming Structures. Where a lawful structure exists at the time of enactment or amendment of this Ordinance that could not be built in the district in which it is located by reason of restrictions on area, lot coverage, height, yard dimensions or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provision:

Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming building but no such building that is declared by any authorized town official to be unsafe or unlawful by reason of physical condition shall

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be restored, repaired or rebuilt except as set forth in Paragraph 2(a) and (b) below.

2. A nonconforming building that is destroyed or damaged by any casualty to an extent not exceeding (fifty (50) per cent) of its current fair market value according to the records of the Treasurer of Campbell County, exclusive of foundations, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided herein. If any such building is so destroyed or damaged to an extent exceeding (fifty (50) per cent) of its value as above, it shall not be reconstructed except:

(a) In conformity with the regulations for the district in which it is located.

(b) If the nonconforming building is a single family detached dwelling, in which event it may be reconstructed within two (2) years after the aforesaid destruction or damage so as to occupy the same space that it occupied prior to such destruction or damage or any part thereof.

3. A nonconforming structure may be enlarged or altered, provided such enlargement or alteration does not create a nonconformity which did not previously exist; any structure or portion thereof may be altered to decrease its nonconformity.

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4. Should a nonconforming structure be moved, it shall thereafter conform to the yard requirements of the district in which it is located after it is moved.

5. Any mobile home existing in a district as a nonconforming use may be replaced once with a later model mobile home provided that the later model mobile home is located on the site of the replaced mobile home. *

C. Nonconforming Uses of Land. Where a lawful use of land exists at the time of enactment of this Ordinance or any subsequent amendment thereto that would not be permitted by the regulations imposed herein, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. After obtaining a special use permit pursuant to Section 18-96, a nonconforming use may be enlarged or increased or extended to occupy a cumulative area not exceeding twenty-five (25) percent) of the area that was occupied at the time of enactment of this Ordinance or any subsequent amendment thereto.

2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment of this Ordinance or any subsequent amendment thereto.

3. No additional structure not conforming to the requirements of this Ordinance shall be constructed in connection with such nonconforming use.

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D. Nonconforming Uses of Structures. Where a lawful use of an individual structure, or of structures and premises in combination, exists at the time of enactment of this Ordinance or any subsequent amendment thereto that would not be permitted in the district in which it is located under the requirements of this Ordinance, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

1. With the exception of mobile homes (Class B or C manufactured home dwellings) which may not be enlarged, enlargement, extension or alteration of a structure devoted to a nonconforming use existing at the time of enactment of or amendment to this Ordinance is permitted after obtaining a special use permit pursuant to Section 18-96 provided said enlargement shall not exceed a cumulative twenty-five (25) percent) in the aggregate of the floor area of the original structure devoted to the nonconforming use and provided all yard and other appropriate requirements herein are met. The provision shall not apply to the changing of the use of a structure to a conforming use.

2. Any nonconforming use may be extended to occupy any part of a building that was manifestly arranged or designated for such use at the time of the effective date of this Ordinance, but no such use shall be extended to occupy any land outside such building.

Supplement Page. (Entire Chapter 18 amended 9/8/87).

3. A building in which a nonconforming use is conducted that is destroyed or damaged by any casualty to an extent not exceeding (fifty (50) per cent) of its current fair market value according to the records of the Treasurer of Campbell County, exclusive of foundations, may be restored within two (2) years after such destruction or damage but shall not be enlarged except as provided herein. If any such building is so destroyed or damaged to an extent exceeding (fifty (50) per cent) of its value as above, it shall not be reconstructed except:

(1) For a conforming use.

(2) If the nonconforming use of the building is as a single family detached dwelling, in which event it may be reconstructed within two (2) years after the aforesaid destruction or damage so as to occupy the same space that it occupied prior to such destruction or damage or any part thereof.

4. If a building in which a nonconforming use is conducted is moved for any distance whatever, for any reason, then any future use of such building shall be in conformity with the regulations specified by this Ordinance for the zoning district in which such building is located.

5. If any building in which any nonconforming use is conducted is hereafter removed, the subsequent use of land on which such building was located and the subsequent

Supplement Page. (Entire Chapter 18 amended 9/8/87).

Secs. 86-693—86-700. Reserved.

ARTICLE VII. NONCONFORMING USES AND OTHER VESTED RIGHTS

Sec. 86-701. Vested rights not impaired; general policy as to nonconforming uses.

(a) Nothing in this chapter shall impair any vested right. Pursuant to Code of Virginia, § 15.2-2307, a landowner's rights shall be deemed vested and shall not be affected by the subsequent amendment of this chapter if all of the following occur:

- (1) The landowner obtains or is the beneficiary of a significant affirmative governmental act;
- (2) The landowner relies in good faith on a significant affirmative governmental act; and
- (3) The landowner incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(b) Uses of land, buildings, structures and lots which do not conform to the regulations and restrictions prescribed by this article as of the effective date of the ordinance from which this section is derived may be continued only in conformity with the terms of this article.

(c) This article recognizes that the elimination of existing lots, buildings and structures or uses that are not in conformity with the provisions of this article is as much a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this article. It is the intent of this article to permit these nonconformities to continue, but not to encourage their survival or permit their uses as grounds for adding other structures or uses prohibited elsewhere within the same district.

(d) Therefore, any structure or use of land existing at the time of the enactment of the ordinance from which this section is derived, and any subsequent amendments not in conformity with the regulations and provisions of this section, may be continued only subject to the provisions of section 86-702.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-702. General provisions as to nonconforming lots of record, structures, uses of land, and uses of structures.

(a) *Lots of record.* Where a lot or lots of record at the time of enactment of the ordinance from which this section is derived does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this chapter, the following provisions shall apply: Any lot or lots of record, in any district, at the time of enactment or amendment of this article which is less in area, or width or both than the minimum required by this article may be used for a permitted use in that district, provided that setback, side yard and requirements other than those applying to area and/or width of the lot shall conform to the regulations for the district in which such lot is located. However, when more than 50 percent of the lots in the block in which such nonconforming lots are located have dwellings constructed on them which

are nonconforming as to either front, side or rear yards, the owner may apply for a special use permit. The required area for permitted uses utilizing individual water supply and/or sewage disposal systems shall be approved by the health department and additional area shall be required if considered necessary for conditions encountered.

(b) *Nonconforming structure.* Where a lawful structure exists at the time of enactment or amendment of this article that could not be built in the district in which it is located by reason of restrictions on area, lot coverage, height, yard dimensions or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming building but no such building that is declared by any authorized town official to be unsafe or unlawful by reason of physical condition shall be restored, repaired or rebuilt except as set forth in subsections (b)(3)a. and (b)(3)b. of this section.
- (2) In accordance with Code of Virginia, § 15.2-2307, the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building, and in so doing, eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance. If such building cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so.
- (3) Furthermore, a nonconforming building that is destroyed or damaged by any casualty to an extent not exceeding 50 percent of its current fair market value according to the records of the county treasurer, exclusive of foundations, may be restored within two years after such destruction or damage but shall not be enlarged except as provided in this section. If any such building is so destroyed or damaged to an extent exceeding 50 percent of its value, it shall not be reconstructed except:
 - a. In conformity with the regulations for the district in which it is located.
 - b. If the nonconforming building is a single-family detached dwelling, in which event it may be reconstructed within two years after such destruction or damage so as to occupy the same space that it occupied prior to such destruction or damage of any part.
- (4) A nonconforming structure may be enlarged or altered, provided that such enlargement or alteration does not create a nonconformity which did not previously exist. Any structure or portion thereof may be altered to decrease its nonconformity.
- (5) Should a nonconforming structure be moved, it shall thereafter conform to the yard requirements of the district in which it is located after it is moved.
- (6) Any manufactured home or mobile home existing in a district as a nonconforming use may be replaced once with a later model manufactured home, provided that the later model manufactured home is located on the site of the replaced home.

Town of Altavista, Virginia Worksession Agenda Form

Date: June 28, 2016

Agenda Item: Trade Lot/Band Booster Storage follow up

Summary: At Council's Regular Meeting on February 9, 2016, the Altavista Band Boosters requested that they be allowed to locate a trailer next to the concession stand, which would replace the shed that had been broken into several times. Council agreed to a "trial period" through Uncle Billy's Day.

At this time, the item is placed back on Council's agenda for additional consideration and final disposition. Staff is not aware of any comments/complaints regarding the location of the trailer at this site. Attached are photos of the trailer from 7th Street and the Trade Lot.

Legal Evaluation: Town Attorney will be available for questions.

Staff Recommendation: Staff recommends approval; however, it may be reasonable to include an annual automatic renewal with a 90-day notification period of intent to terminate. (Place on July 12th Town Council Consent Agenda.)

Attachments: Photos of trailer located at the Trade Lot.

Council Recommendation:

☐ Additional Worksession ☐ Regular Meeting ☐ No Action

WORKSESSION



Altavista Band Boosters – *Trade Lot Concession storage – Trailer unit*



View from 7th Street



View from Trade Lot

Town of Altavista, Virginia Worksession Agenda Form

Date: June 28, 2016

Agenda Item: Clarion Road – Truck Crossing at Abbott warehouse

Summary: Staff received an inquiry in regard to installation of warning mechanisms on Clarion Road regarding truck traffic crossing the road to and from the Abbott warehouse. Staff has consulted with VDOT and there are devices that could be placed in this area to warn motorists of this situation; however, it would be at the Town's cost. Staff is working on developing the cost of options.

At this time staff is seeking direction from Council on whether you would like information in regard to what this would look like and cost.

Legal Evaluation: Town Attorney will be available for questions.

Staff Recommendation: None at this time.

Attachments: Photos of Clarion Road (Abbott warehouse area)

Council Recommendation:

☐ Additional Worksession ☐ Regular Meeting ☐ No Action

WORKSESSION



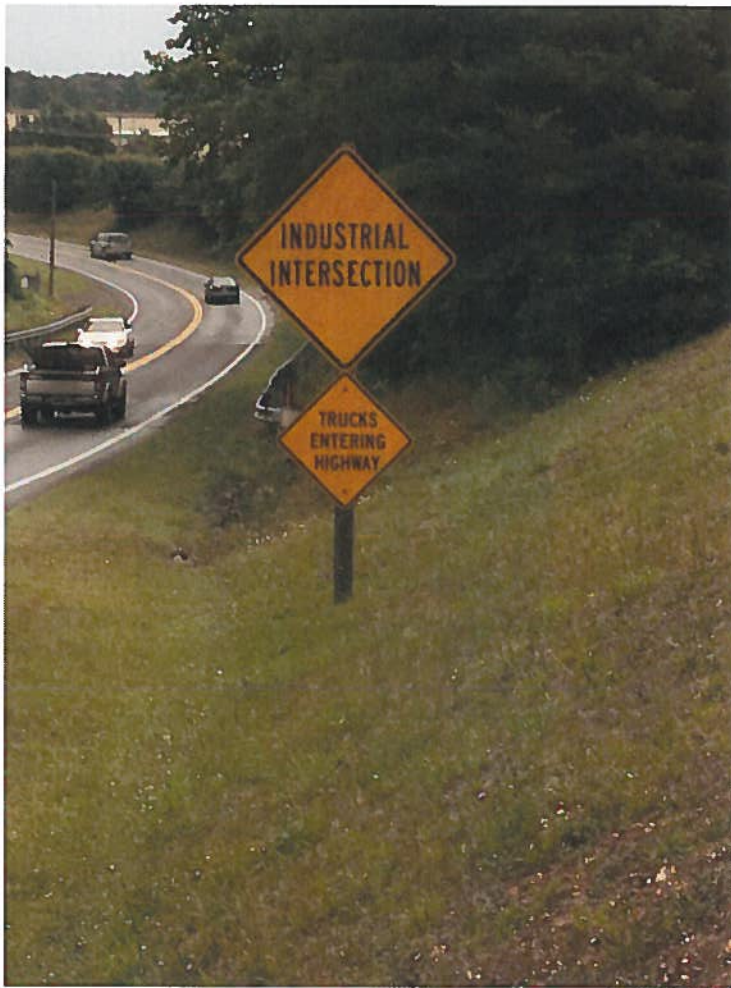
CLARION ROAD - Abbott Warehouse Crossing



Heading North (from Lynch Mill Road)



Looking South (from Altavista Common direction)



Sign – coming from Lynch Mill Road



Sign – coming from Rt. 29/Altavista Commons

Town of Altavista, Virginia Worksession Agenda Form

Date: June 28, 2016

Agenda Item: Deer Management/Town Property Hunting Policy

Summary: The Town of Altavista previously established an Urban Archery season through the Department of Game and Inland Fisheries (DGIF), in an effort to assist with the deer herd management within Town. In addition, for numerous years we have allowed hunting on certain Town-owned properties to assist with the deer management.

The Urban Archery season consists of two periods, the early one is the month of September and the late one is the Monday after the first Saturday of January to the end of March. During these seasons, hunters can only take does or antlerless bucks. The regular hunting season runs from the first Saturday of October to the first Saturday of January, while this season permits hunting in various forms, only bow hunting is allowed in the Town limits but both does and bucks can be harvested. In addition, Sunday hunting is permitted in Virginia, but not on government owned land.

Staff has reviewed our existing policy in regard Deer Management/Town Property use for hunting and would like to propose a new method. The attached memorandum sets forth the basis for the new method for Council's consideration. In effect, this could provide more individuals with an opportunity to hunt Town-owned land, while setting forth a priority to Town citizens, then Town employees, and ultimately all others that are interested.

Legal Evaluation: Town Attorney will be available for questions.

Staff Recommendation: Staff recommends approval of the concept of the Deer Management/Town Property Hunting policy. Staff will develop the specific policy and implement it for the upcoming hunting seasons.

Attachments: Staff memo

Council Recommendation:

☐ Additional Worksession ☐ Regular Meeting ☐ No Action

WORKSESSION





MEMORANDUM

To: Waverly Coggsdale, Town Manager

From: Dan Witt, Assistant Town Manager

Date: June 24, 2016

Re: Urban Archery

The Town has had an urban archery program for 10+ years. The program, initiated and regulated by the Department of Game and Inland Fisheries (DGIF), has as its primary purpose, deer management within an urban setting. Participation is strictly volunteer and while municipalities are permitted to have some department approved regulations, by in large, the DGIF sets the regulations for seasons and bag limits. The urban season runs during the month of September and from the first week of January through the end of March. During this time only does or antlerless bucks may be harvested. The general archery and firearms seasons run from the first Saturday of October through the first Saturday in January and does or bucks may be harvested. Along with the State game laws the Town has established the following regulations:

Altavista

- *Except for target shooting, discharge of archery equipment is prohibited within 100 yards of an occupied dwelling.*
- *No hunting on private property without written permission from the landowner which must be carried on the person at all times when hunting.*
- *No person shall discharge a bow from, over or across any street, sidewalk, alley, roadway, or public land or public place within Town limits or toward any building or dwelling in such a manner that an arrow may strike it.*
- *Except for target shooting, archery equipment can only be discharged from elevated stands.*
- *Hunters must register and sign a release at Town Hall, with the Town Manager or designee, to hunt on Town-owned property.*
- *Hunters, while hunting on Town owned property, are required to have a safety harness on at all times while in a tree stand.*
- *In addition to the urban archery season, archery deer hunting is also allowed during the early archery season and the general firearms deer season (i.e., from the first Saturday in October through the first Saturday in January).*

One of the components, managed by staff, of the urban archery season has been hunting on Town owned properties. There are 4 properties that staff has identified as suitable for

urban archery hunting: Greenhill Cemetery, dead end of 11th Street, corner of Franklin & 10th Streets and a parcel north of the WWTP lagoon. The maximum number of hunters at any one time on these properties is limited to 12 and the number for each parcel is based on the amount of acreage. Staff has always issued permission to hunt based on a 'first come' basis and allowed hunters to choose 2 parcels to hunt. Typically, there have not been enough hunters to fill all the spots available. Additionally, it needs to be noted, that while it does not have an urban season, 10 hunters are permitted to bow hunt the Reynolds Spring's property during the general hunting seasons.

In the past staff has not considered whether or not a hunter lived in or out of town or worked for or didn't work for the Town. It was strictly 'first come', with a valid hunting license, and permission was granted. As the popularity of the urban season has grown, this policy may need to be updated to allow preference to, town residents (first), town employees (second), and third those living outside of town limits. Staff would recommend the ratio of 6-4-2 hunters respectively, based on the preferences cited above.

Also, rather than assigning a specific parcel(s) for each hunter, staff would create a system whereby a hunter would check out a piece of property with each property having a preset maximum number of hunters for a given day. This system is similar to methods used by hunting clubs and is familiar to most hunters who have ever been involved with a club. It is easily manageable by staff and the specific rules could be provided to all those hunters applying.

Staff would have an open application period, for example, the month of July. The applications would go into 3 pots; residents, employees, & nonresidents. If only 12 persons applied all would be given permission; however, if more than, for example, 6 residents applied there would be a random draw, and the same for the other categories. However, if less than 4 employees or 2 nonresidents applied and more than 6 residents applied, the additional residents would be given preference for the unfilled slots.

I have spoken with the person with the DGIF, who manages this program, and the plan is to implement an 'earn a buck' EAB program for the 2017 season for all the localities participating in the urban program, in addition to implementing a method whereby harvest totals can be tracked for towns. EAB is already in place at the county level (Bedford) and it requires a hunter to harvest a doe either prior to or after harvesting a buck. While the Town cannot require EAB on private property in town (at this time), it could do so on property owned by the Town. Staff recommends EAB, requiring harvesting a doe on town property prior to harvesting a buck. Note, as stated bucks can only be harvested during the general hunting seasons. The basis for this recommendation goes back to the primary purpose of the urban program- deer management. As a condition for hunting town owned property, hunters would be required to report all deer harvested, within 24 hours, using a 3" x 5" card and depositing it in the drop box at town hall.

I can answer any questions you or Town Council may have and am open to suggestions for managing this program going forward.

Town of Altavista, Virginia Worksession Agenda Form

Date: June 28, 2016

Agenda Item: New Beginnings Baptist Church request

Summary: Attached is email correspondence from the staff of New Beginnings Baptist Church (NBCC) requesting use of the town owned property on the corner of 14th Street and Avondale Drive. The church intends to have a “block party” on the property as an “outreach” to the community. The event is scheduled for August 13th from 10:00 a.m. to 1:30 p.m.

Legal Evaluation: Town Attorney will be available for questions.

Staff Recommendation: Staff recommends

Attachments: Correspondence (email) from NBCC; Map

Council Recommendation:

☐ Additional Worksession ☐ Regular Meeting ☐ No Action

WORKSESSION



Waverly Coggsdale III

From: Bobby Brumfield <nbbc2012@yahoo.com>
Sent: Friday, June 17, 2016 3:17 PM
To: Waverly Coggsdale III
Cc: Barry Stocks
Subject: August 13th

Church
Road

New Beginnings Baptist
1874 Lynch Mill
Altavista Virginia 24517
434-309-7278/nbbc2012@yahoo.com

June 17th 2016

New Beginnings Baptist Church of Altavista is asking permission to use the empty field on the corner lot of 14th street and Avondale drive. Our last community meeting, we discussed doing something for children in the area that will not be able to have a vacation this summer. This is the location that we project we can reach a lot of children. This field will be supervised by our church members along with the Altavista Police Department. Chief Mike Milnor and Captain Barry Stocks has helped with ideas and will help assist with this project. We will be having a block party trailer from Liberty University. We will be having the block party on August 13th from 10:00am till 1:30pm. Nbbc and members will be sure the property is clean up well after the event. Nbbc's insurance through Church Mutual covers us from location to location as well. If you have any other questions please contact Melissa Logan at 434-309-7278 office number (Monday and Friday 8am to 2pm) or 434-238-6661 cell anytime.

In Christ,

Melissa Logan, Secretary

Bobby Brumfield, Pastor

New Beginnings Baptist Church

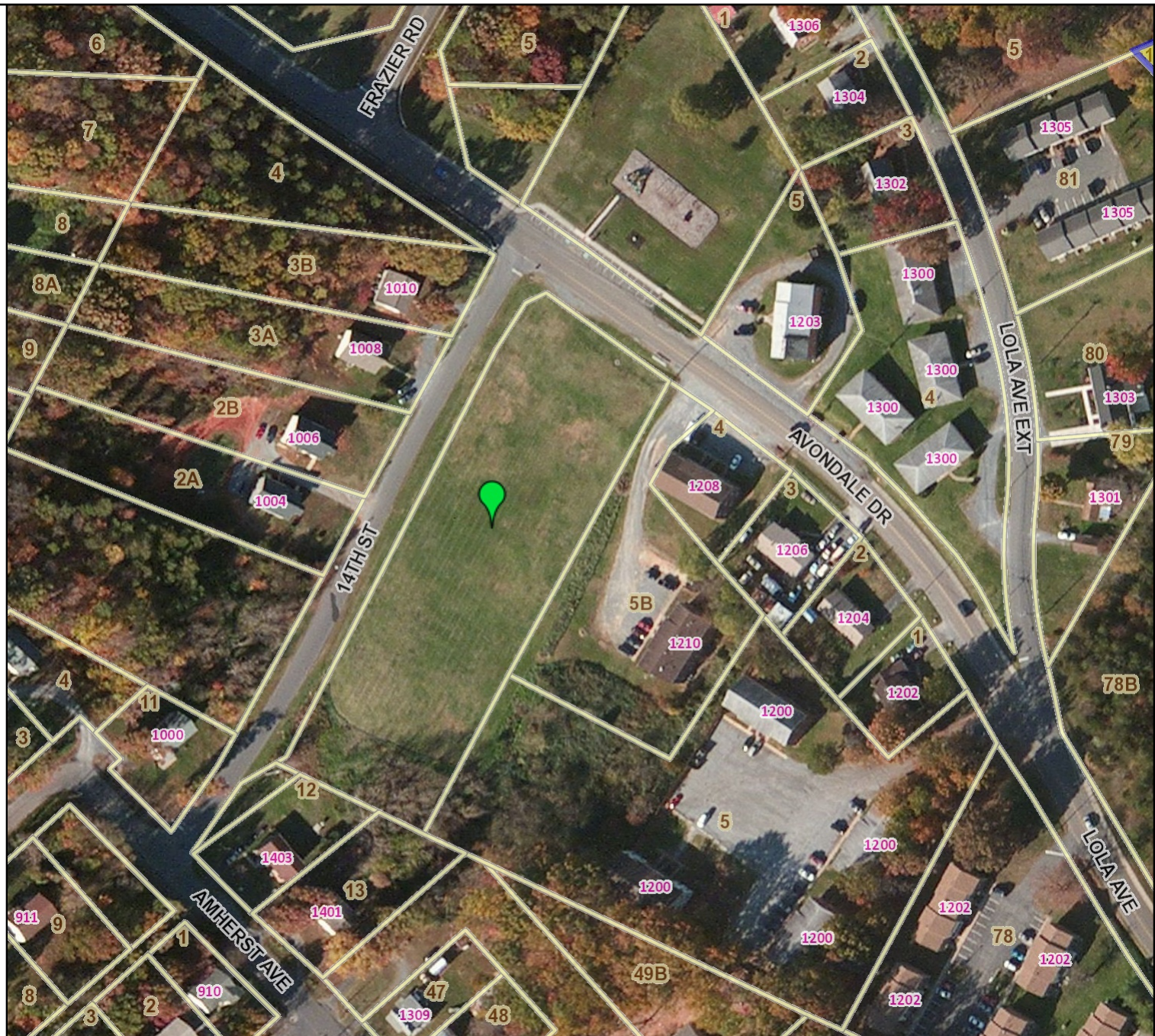
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This message has been scanned for viruses and dangerous content by **Rose Computers**, and is believed to be clean.

Campbell County, VA

Legend

- E9-1-1 Addresses
- Street Names
- Lot Numbers
- Parcels
- County Boundary
- HiddenRoadCenterline



Title: New Beginnings Baptist Church Request

Date: 6/24/2016

Feet
0 50 100 150 200
1:2,257 / 1"=188 Feet

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Campbell County is not responsible for its accuracy or how current it may be.

Town of Altavista, Virginia Worksession Agenda Form

Date: June 28, 2016

Agenda Item: Department of Public Works/Utilities

Summary: Over the past few months, staff has looked at the organizational structure of the Department of Public Works/Utilities and our ability to recruit personnel for certain positions. Based on this review, staff presents the concept of creating two divisions in the Department of Public Works/Utilities. Each division would be led by a Director, one would oversee the Public Work functions, while the other would oversee the Utility functions. Currently David Garrett oversees all of these functions.

Staff feels this structure will provide a better opportunity to recruit qualified individuals to oversee the Utility operations; while allowing Mr. Garrett to concentrate on the Public Works functions. We have experienced difficulty over the past several months identifying a viable candidate for the Water Plant Superintendent position. Under the proposed reorganization, that position would be eliminated and the management duties for both the water and sewer plants would ultimately be the responsibility of the new Director of Utilities position. This new position would be a Grade Level 25 with a salary range of \$57,500 to \$83,990. A financial detail of the impact of these changes will be provided at the meeting.

The reorganization would also do the following:

- Eliminate the Public Works Manager position, which has not been filled and is a Grade Level 18 (Salary Range: \$40,900 - \$59,650).
- Formalize two (2) Water Treatment Plant Lead Operator positions as a Grade Level 13 (Salary Range: \$32,100 - \$46,800), these would replace the Operator In Charge position titles (Same Grade Level and Salary Range)

The proposed changes are necessary at this point to assist the Town in recruiting a qualified candidate to lead the Utility Department. In the near future, staff will be seeking to re-designate and reclassify other positions shown on the organizational chart.

Legal Evaluation: Town Attorney will be available for questions.

Staff Recommendation: Staff recommends acceptance/approval of the reorganization concept of the Department of Public Works/Utilities.

Attachments: Organizational Chart

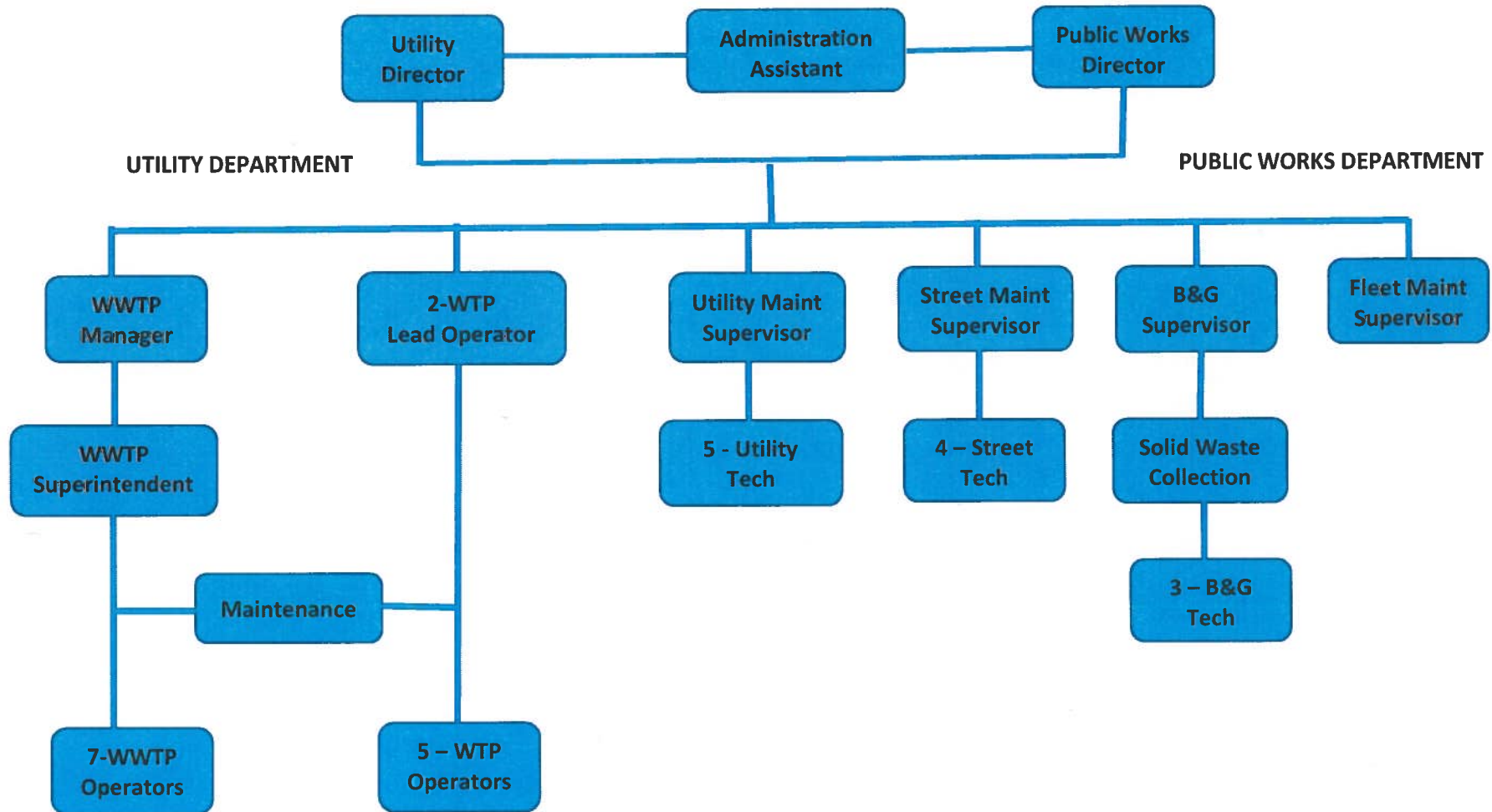
Council Recommendation:

☐ Additional Worksession ☐ Regular Meeting ☐ No Action

WORKSESSION



Public Works / Utility Department



Town of Altavista, Virginia Worksession Agenda Form

Date: June 28, 2016

Agenda Item: Financial Department Items

Summary: There are two items related to the Finance Department for your review, one will require action the other is for informational purposes. The first is staff's annual request to write off delinquent utility accounts that are five years old and those of deceased individuals. The total amount of the write-off request of \$1,612.13. If Council reaches a consensus on this item, it can be placed on the July 12th Town Council Consent Agenda. The second item is staff's report to Council in regard to departmental transfers related to the budget. The three departmental transfers are attached for informational purposes.

Legal Evaluation: Town Attorney will be available for questions.

Staff Recommendation: Staff recommends approval of the requested utility account write-offs in the total of \$1,612.13, as presented.

Attachments: Staff memo regarding utility account write-offs; and Departmental Transfers

Council Recommendation:

☐ Additional Worksession ☐ Regular Meeting ☐ No Action

WORKSESSION





DATE: June 13, 2016

MEMO TO: Waverly Coggsdale

FROM: Tobie Shelton

RE: Delinquent Water and Sewer Accounts

Attached is a listing of delinquent water and sewer accounts which are over five years old. Our efforts to collect the delinquent billings have been unsuccessful. Annually we request Council to consider writing off and adjusting our financial records.

We have thirteen accounts over five years old totaling \$1,386.05; and five accounts for deceased individuals totaling \$226.08. The total write-off proposal is \$1,612.13.

I respectfully request Council's approval to write-off. We would like to clear these outstanding invoices within the current fiscal year.

Thank You.

PROPOSED WRITE-OFF
DELINQUENT WATER & SEWER ACCOUNTS

June 28,2016

A+A1:C29CCOUNTS OVER FIVE YEARS OLD

<u>Name</u>	<u>Date Account Closed</u>		<u>Amount Past Due</u>
Loressa Berkley	9/7/2010	\$	36.86
Stephanie S. Cadogan	8/30/2010	\$	12.00
Cash Advance Centers	6/23/2009	\$	25.58
Janet Gregory	11/11/2010	\$	127.40
Jason Lacy	5/2/2011	\$	45.15
Larry Lambert	2/1/2011	\$	176.88
Melissa Lovelace	6/16/2010	\$	337.32
Connor Michaelson	6/14/2010	\$	60.00
Suzette Moon	11/11/2010	\$	51.86
Vertna Payne	1/27/2011	\$	350.84
Danielle Rice	11/3/2010	\$	46.98
Kelly ice	6/2/2011	\$	5.04
Christopher Thompson	9/16/2010	\$	110.14
Sub-total		\$	1,386.05

DECEASED INDIVIDUALS

<u>Name</u>	<u>Date Account Closed</u>		<u>Amount Past Due</u>
Lloyd C. Reynolds	10/9/2015	\$	15.40
Malcolm Drinkard	1/21/2016	\$	40.31
John C. Johnson	3/16/2015	\$	95.18
E. Leon Brown	8/6/2015	\$	42.90
Lafe McCluster	3/10/2014	\$	32.29
Sub-total		\$	226.08

GRAND TOTAL		\$	1,612.13
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DEPARTMENTAL FUNDS TRANSFER

General Accounting
Town of Altavista, 510 7th Street, Altavista, Virginia 24517

Transfer Jnl ID#:

General Accounting Use Only

See Processing Instructions Below

Requester Mike Milnor Required Department Name: Police Required Date of Request: 6/16/2016 Fiscal Year: 2016
Phone #: _____ Email Address: mmilnor@altavistava.gov

Reason for Transfer:

Increase in repairs and maintenance to patrol vehicles

Excluding Salary/Wages Line Items

DEBIT: (Charge)

Account Number	Amount - Enter as Positive (+) Incr Amt	Description - REQUIRED FIELD (Limit to 30 Characters)	Reference
010-3101-501.60-08	\$1,800.00	Vehicle & Equip R & M	
Total Debits:		\$1,800.00	

CREDIT:

Account Number	Amount - Enter as Negative (-) Decr Amt	Description - REQUIRED FIELD (Limit to 30 Characters)	Reference
010-3101-501-60.16	-\$1,800.00	Mat & Supp/Drug Invest	
Total Credits:		-\$1,800.00	

Total Credits and Total Debits must be equal zero.

Approvals Required:

Jodie C. Shultz 6/17/16
Prepared By Date Phone

Departmental Funds Transfer was approved at the Regular Council Meeting held on June 10, 2014.

DEPARTMENTAL FUNDS TRANSFER

General Accounting
Town of Altavista, 510 7th Street, Altavista, Virginia 24517

Transfer Jnl ID#:

General Accounting Use Only

See Processing Instructions Below

Requester Tobie Shelton Department Name: Administration Date of Request: 6/20/2016 Fiscal Year: 2016
Required *Required*
 Phone #: _____ Email Address: mlmilton@altavistava.gov

Reason for Transfer:

Transfer of funds within the department to cover operational costs, such as replacement of firewall for network, duct work in Council Chambers due to mold, payment towards land for canoe site and bat clean-up. No new funds are required.

Excluding Salary/Wages Line Items

DEBIT: (Charge)

Account Number	Amount - Enter as Positive (+) Incr Amt	Description - REQUIRED FIELD (Limit to 30 Characters)	Reference
010-1101-401-30.26	\$3,900.00	IT/Network Website Support	
010-1101-401-50.32	\$1,570.00	Miscellaneous	
010-1101-401-50.34	\$130.00	Misc Reimbursement/	
010-1101-401-60.04	\$3,200.00	Repairs & Maintenance	
Total Debits:		\$8,800.00	

CREDIT:

Account Number	Amount - Enter as Negative (-) Decr Amt	Description - REQUIRED FIELD (Limit to 30 Characters)	Reference
010-1101-401-50.10	-\$1,840.00	Property Insurance	
010-1101-401-50.12	-\$2,480.00	Vehicle Insurance	
010-1101-401-50.18	-\$4,480.00	General Liability Insurance	
Total Credits:		-\$8,800.00	

Total Credits and Total Debits must be equal zero.

Approvals Required:

Tobie C. Shelton 6/20/2016
 Prepared By Date Phone

Departmental Funds Transfer was approved at the Regular Council Meeting held on June 10, 2014.

DT-6

DEPARTMENTAL FUNDS TRANSFER

General Accounting
Town of Altavista, 510 7th Street, Altavista, Virginia 24517

Transfer Jnl ID#:

General Accounting Use Only

See Processing Instructions Below

Requester David Garrett

Required

Department
Name: Public Works

Required

Date of
Request: 6/20/2016Fiscal Year: 2016

Phone #:

Email Address: mmilnor@altavista.govReason for
Transfer:

Transfer of funds within the department to cover operational costs. No new funds are required.

Excluding Salary/Wages Line Items

DEBIT: (Charge)

Account Number	Amount - Enter as Positive (+) Incr Amt	Description - REQUIRED FIELD (Limit to 30 Characters)	Reference
010-4101-601-30.08	\$200.00	Maintenance Svc Contracts	
010-4101-601-60.34	\$600.00	Train Station Supplies	
010-4101-601-60.08	\$1,000.00	Vehicle/Equip R&M	
010-4101-601-60.10	\$2,600.00	Uniforms	
010-601-4103-50.02	\$1,000.00	Electrical Services	
010-4104-602-50.02	\$2,500.00	Electrical Services/BB	
010-4104-602-60.18	\$3,500.00	Supplies / Park	
010-4104-601-50.34	\$200.00	Misc Reimb	
010-4103-601-60.18	\$500.00	Supplies	
Total Debits:		\$12,100.00	

CREDIT:

Account Number	Amount - Enter as Negative (-) Decr Amt	Description - REQUIRED FIELD (Limit to 30 Characters)	Reference
010-4101-601-30.18	-\$200.00	R&M Electronics	
010-4101-601-50.26	-\$300.00	Conventions & Education	
010-4101-601-60.22	-\$1,000.00	Hwy, St. & Sidewalks	
010-4101-601-60.28	-\$2,900.00	Storm Drainage	
010-601-4103-50.04	-\$1,000.00	Heating Services	
010-4102-601-60.08	-\$6,000.00	Vehicle/Equip R&M/San	
010-4103-601-60.24	-\$700.00	Small Tools	
Total Credits:		-\$12,100.00	

Total Credits and Total Debits must be equal zero.

Approvals Required:

John C. Shultz
Prepared By

6/22/2016
Date

Phone

Departmental Funds Transfer was approved at the Regular Council Meeting held on June 10, 2014.