



TOWN COUNCIL WORK SESSION MINUTES

Monday, June 4, 2018 @ 7:00pm
Town Hall Council Chambers

1. Budget Amendment to Create a Separate Departmental Budget for Community Development – Director Finance

SUMMARY: Council is requested to approve a FY19 Budget Amendment to create a separate departmental budget for Community Development in the amount of \$41,500. The Town currently has \$87,396.96 that has been carried forward for Community Development. A portion of funds previously set aside that have been carried forward on purchase order#28285 could be used to fund the new departmental budget. The new departmental budget would be used to retain a graphic artist, create a newsletter to send to businesses, create additional brochures that would be geared toward businesses, and other expenses associated with Community Development.

BUDGET/FUNDING: 1000-3510110 – G/F Appropriated Funds Forward - \$41,500.00

1206-43002 – C/D Professional Services -\$25,000.00
1206-43007 – C/D Printing & Binding - \$5,000.00
1206-43007 – C/D Advertising -\$1,000.00
1206-45201 – C/D Postal Services -\$1,500.00
1206-45401 – C/D Office Supplies -\$500.00
1206-45411 – C/D Books & Subscriptions -\$500.00
1206-45412 – C/D Furniture & Fixtures -\$1,000.00
1206-45413 – C/D Other Operating Expense -\$1,000.00
1206-45504 – C/D Travel & Education -\$4,500.00
1206-45801 – C/D Dues & Memberships -\$1,500.00

- Community Development		
Account	Name	FY19 Proposed
43002	Professional Services	25,000
43006	Printing & Binding	5,000
43007	Advertising	1,000
45201	Postal Services	1,500
45401	Office Supplies	500
45411	Books & Subscriptions	500
45412	Furniture & Fixtures	1,000
45413	Other Operating Expenses	1,000
45504	Travel & Education	4,500
45801	Dues & Memberships	1,500
Total Operating Expenses		\$ 41,500
Total - Department		\$ 41,500
Annual Adopted Budget		-
Amended Budget Amount		\$ -
Difference from actual vs amended		

Council Discussion:

Mr. Waltz noted that the main focus was to change the matter from a contract into an actual department in order to track the funding per line item. Vice Mayor Tewalt stated that he did not wish to have the Tourism and Community Development budget grow and grow annually. Mr. Waltz noted that it is not additional funds from what was approved in the budget. Council chose to move the matter forward.

2. Off-Street Parking Requirements on Southern Part of Chester Street

SUMMARY: Town Code 175-870.A.17 exempts properties along East Main Street, and along the portion of Jackson Street between South Royal Avenue and Church Street, from the requirements for off-street parking, found under Town Code 148-870.A. A copy of this entire section is attached with number 17 highlighted.

The owner of the Virginia Beer Museum has initiated a request for the Town to consider amending the Off-Street Parking requirements of the Town Code. This request was initiated by the owner of the Virginia Beer Museum after Town Staff denied an application to enclose (with gate) the entire rear yard area of 14 and 16 Chester Street. The application was later amended by the applicant to only fence the rear yard, which was approved.

There are three ways that a code amendment may be initiated: 1) by Town Council through a referral to the Planning Commission, 2) by a recommendation from the Planning Commission, or 3) by a citizen application with an application fee of \$400.

BUDGET/FUNDING: N/A

STAFF RECOMMENDATION: Staff recognizes that many of the properties on the southern section of Chester Street are similar to those on East Main Street. For example, the separation between most buildings is minimal to zero and the buildings are surrounded by public parking areas. In addition, both sets of properties are in the historic district and zoned C-2 District. In this regards, there is some merit in the applicant's request. However, the applicant's request raises concerns because it would reduce parking spaces that are available for the public in general. With the revitalization of the downtown, and the increased parking demand that comes with it, the Town needs to find more ways to increase and improve parking, not reduce it. If Town Council supports amending the Town Code, one option would be to require a special use permit application. In this case, the applicant should explain in a special use permit application why it is necessary and appropriate to not have off-street parking.

Council Discussion: Mr. Camp noted the three options Mr. Downes can go forward with; a code amendment; have it initiated with the Planning Commission; or have Council send matters to the Planning Commission. He stated that Mr. Downes fenced the parking area in the rear and there is a beer museum parking requirement of about seven spaces. Councilman Sealock stated that there were many picnic tables blocking the entrance to the parking area and the tables are not allowed to block the site, according to Mr. Camp.

Vice Mayor Tewalt noted his ongoing concern with individuals wanting to change zoning ordinances; noting that perhaps the Town should not have the ordinance in the first place. He stated that if Council should pursue Code changes, that is one thing – but the route that Mr. Downes is taking for a Code change is unacceptable. Councilman Sealock noted that he agreed with Mr.

Tewalt. Mayor Tharpe noted that Mr. Downes may wish to have picnic tables in the parking area and have his customers park in the Town lot.

Council noted that they did not wish champion the matter and Mr. Downes would need to apply with Mr. Camp and the matter would move forward to the Planning Commission.

3. Discussion of Addressing Blighted and Derelict Structures in Town

SUMMARY: Effective July 1, 2018, the General Assembly passed, and the Governor signed, Town Charter Amendments, which, among other things, now provide:

“SEC 18 CONTROL OF TOWN AFFAIRS AND PROPERTY; ENUMERATION OF POWERS.

...The council shall in addition to other powers given by law, have power to make such ordinances, orders, bylaws and regulations as they may deem proper and necessary to carry out the following powers, which are hereby vested in them:

“27. Powers and authority over blighted and derelict building and structures. The council shall have all powers and authority to remedy, remove, repair, and secure any blighted or derelict building or structure which are granted to any other city, town, or county in the Commonwealth.” [Emphasis added.]

This Charter amendment means that the Town can take advantage of any statutory authority now granted to specific localities, and not just State-wide statutory authority, to regulate blighted and derelict structures. While this does not give the Town *carte blanche* to do what it wants, because of constitutional limitations on dealing with private property, it does give the Town more latitude.

Among the powers the Town does now have, the Town can:

- Adopt the Towns of Clifton Forge and Pulaski vacant derelict building registration program, on pain of a civil fine for failure to comply.
- Adopt a real estate tax abatement program which requires the owners of derelict buildings to remove or renovate derelict buildings and receive a real estate tax abatement for 15 years equal to the amount of the amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations.
- With the assistance of the County of Warren, cause the sale of blighted or derelict buildings, then use the City of Richmond’s statutory authority to purchase the blighted property for the nominal sum of \$1.00, turn around and sell the property to a seller who must in turn bring the property in compliance with the Building Code within two years.
- Create redevelopment and housing authorities, which have the power to engage in spot abatement programs and redevelopment programs to clean up, repair, and even purchase derelict and blighted buildings, and to redevelop areas of the Town that are felt necessary for redevelopment. My understanding is that Federal and State funds possibly may be available to help with these programs.
- Require removal or repair of buildings that are derelict, and if the owner does not do so, the locality may affect the removal and repair, and recover the costs from the owner.
- Cause the abatement or removal of buildings and structures that constitute public nuisances.
- Reconsider adopting the Property Maintenance Code and rental inspection district ordinance when the Town’s finances are on a firmer basis.

- Continue enforcing the Town's tall grass, weed, and refuse ordinances.

Attached are ordinances from the Town of Culpeper and the City of Winchester, and a newspaper article discussing ordinances from the City of Winchester, which indicate how these two municipalities address their blighted and derelict structures. Both these municipalities seem to do a good job keeping their derelict structures under control.

However the Town chooses to address blighted and derelict structures, it might will be a good idea to form some sort of Town committee, formal or informal, to look at each blighted structure individually at periodic intervals. Each structure may need a different approach in order to find the most effective way to deal with that property.

BUDGET/FUNDING: These programs will require varying amounts of funding to implement and would need to be explored further if Town Council is interested in possibly pursuing.

STAFF RECOMMENDATION: It is recommended that staff be tasked with obtaining more detailed information regarding each of these programs, as to the successes and lack of successes in various localities where each of the programs have been implemented, to give Town Council a better feel for further proceeding.

Council Discussion:

Councilman Meza noted that the property has to be unsafe, and vacant, not just an eyesore. Councilman Napier stated that the Town Engineer can make the determination as to whether it is unsafe. Mayor Tharpe voiced support of Mr. Napier and a Staff meeting with City of Winchester officials. Vice Mayor Tewalt noted that the City of Winchester has more staff onboard that are able to assist with the process. Mr. Tewalt stated that the Town has been dealing with Culpeper as well and the Town of Front Royal should have been able to do things that that Culpeper has been using for some time. Mr. Napier explained the Clifton Forge vacant property program and how it has helped their locality. Vice Mayor Tewalt expressed support of keeping the matter as simple as possible. Mr. Napier agreed in keeping it simple and finding out what works best for the Town. Councilman Gillispie suggested having the Building Inspector appoint a third-party inspector in order to have another inspector available for the Town.

Councilman Meza voiced interest in more information about the Committee that would review the properties in the area. Mayor Tharpe noted that at this point it would be Town Staff meeting with the other locality.

4. Council Discussion/Goals

Vice Mayor Tewalt distributed a letter from Gen. Hobgood regarding the 4-H Center seeking financial sponsors for the 2018 Fireworks Celebration at the center seeking at \$2,500. Councilman Meza noted that there should be criteria for such requests and without funds in the budget he would not be in support of the request. Councilman Gillispie voiced support of the full amount. Councilman Morrison voiced support of less than \$2,500.

Councilman Meza thanked Town Manager for the updates from the water damage through the weekend.

Councilman Meza asked for an Afton Inn update; Mr. Camp noted that they may wish to come forward and speak with Council regarding parking and the design. He added that talks went on for some time to meet with Mrs. Duncan. Mr. Meza stated that sales occur and then projects tend to go nowhere.

Councilman Sealock stated that he drove everywhere possible after the rains and he was aware that previously some type of cleaning would take place in the creek beds. He noted that the debris needs to be cleaned out. Mayor Tharpe noted that perhaps Council could check with Staff in order to see what needs to be done and obtain approval.

PRESENT: Mayor Tharpe, Vice Mayor Tewalt, Councilman Gillispie, Councilman Morrison, Councilman Meza, Councilman Sealock, Town Manager Waltz, Town Attorney Napier, Clerk of Council Berry, Director of Planning Camp, Director of Finance Wilson, Director of Energy Services Jenkins, Police Chief Magalis, Interim Director of Environmental Services Boyer, Community Development Director Hart, IT Director Jones, members of the public and members of the press.

ABSENT: Councilman Connolly