

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
DECEMBER 4, 2012
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, December 4, 2012 at 6:00 p.m., with Madame Chair Janet Stockton presiding.

The following members of Planning Commission were present when the meeting was called to order: Madame Chair Janet Stockton and Vice Chair John Speidel; and Planning Commission Members Bud Blanchard, Ina Clements, Derwin Hall and John Tiggle. Let the record show that Planning Commission Member Jerry Greer was not present.

The following staff members were present: Assistant Town Manager Matthew C. Hankins, Town Planner Patrick Rust, Town Attorney John Boitnott, Finance Director Linda Woody, and Deputy Clerk Stacey B. Sink.

APPROVAL OF AGENDA

Madame Chair Stockton asked if there were any additions or corrections to the presented agenda, and being none, entertained a motion.

- Motion was made by Planning Commission Member Clements to approve the agenda as presented, with motion on the floor being seconded by Planning Commission Member Blanchard. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

APPROVAL OF MINUTES

Let the record show there were no draft minutes presented for approval at this time.

PUBLIC HEARING

Let the record show there were no public hearings held at this time.

OLD BUSINESS**(1) iPads**

The assistant town manager advised the Planning Commission that the iPads have been received and are in his office. Staff needs to set them up and install software before they can be distributed.

NEW BUSINESS**(1) Proposed Changes to Town Code regarding Weed & Trash Abatement**

Staff gave the following report:

- This agenda item is a referral from Town Council Member Jerry Greer and specifically concerns the length of time that people have to respond to a summons about weed and trash and whether or not a new level of civil fines or penalties can be instituted for offenders.
- Council members often call staff because they receive complaints from concerned citizens regarding property conditions in Town. Staff, generally the town planner, then performs an inspection on the property.
- Once the property has been inspected and deemed in violation of Town Code, then a letter is sent allowing the property owner 14 days to remedy the situation.
- If the property owner does not mow, then the Town can mow it, but this requires additional letters.
- If the property owner does not claim the letter sent by staff, meaning it is returned by the post office, then staff must physically post a notice on the property in question and wait additional time before mowing.
- Because of this, it can take a month before the Town can actually take action on a property, based on the current code.
- Frequently, there are follow-up calls from Council Members or other citizens expecting a fast remedy on a particular situation, usually a few days after the initial complaint, which are very time consuming.
- In addition, the letters are sent certified which creates additional expense.
- Council Member Greer asked staff and Planning Commission to look at ways of improving the code and possibly recovering some of the cost.
- Staff has not tried to recover civil fines in the past and has typically taken a lenient approach. There are elderly people who must rely on someone else to mow their yards, and people who are sick. However, since the housing market

crashed and lots of homes went into foreclosure, it has been a nightmare, because now staff must deal with banks or other companies that are managing the properties. Most of these companies will do just what they have to do to get by.

- The request is to look at shortening the period of time allowed for someone to mow a yard once a notice of violation has been sent, and to also look at trying to recover some of the cost through the use of civil fines.
- The Town currently does attempt to recover costs if the Town mows the property for the property owner, which is just the cost for the public works crew to mow. The town does not currently seek civil penalties even though they are allowed.
- Community Development currently does not track the collection of these fees, but is refining its process internally to have better tracking of these cases. Most of the fees are not paid until a house is sold, and then it is collected at closing. The fees essentially become a tax lien against the property.
- By the time staff sends a letter, several attempts have generally been made to contact the property owner.
- If a property is inspected and deemed not to be in violation of code, but nearing it, then staff will send a friendly letter asking that the property be mowed before it becomes a violation.
- The Town's legal recourse is with the property owner, but a lot of the properties are rental properties, and it is the renters that are not mowing the yard, not the property owner. Still, it is the property owner's responsibility. In one such case the property owner suggested that he was going to start addressing the issue with his rental agreement.
- Spring, summer and early fall is the hot time for weed and trash complaints, and also inoperable vehicles. There are approximately 10 to 15 property owner repeat violators every year. Staff wants to focus on the repeat violators.

The Town Attorney offered the following information:

- Under the current ordinance, if weeds are over 14 inches in height, then the property is in violation, and the property owner is entitled to notice of that violation, and is given 14 days to abate it. At the end of 14 days, if the property owner has not abated the conditions, then the Town can abate it for the property owner at the Town's cost.
- On the first abatement, the Town is entitled to collect the cost of the abatement, plus it is entitled to an administrative fee of \$50.00. The abatement must be performed before the Town can collect any money. This fee is transferred to the Finance Department where a lien is placed against the property in the same manner as for unpaid taxes. This is generally taken care

- of when the property is sold or refinanced.
- It would not be sound fiscal policy to pursue legal action to collect these small amounts.
 - The property owner can be charged with a class 4 misdemeanor and there are instances in which repeat offenders were charged and brought to court.
 - If an offender has more than one abatement in a 12-month period, then in addition to the cost of the abatement and a \$50.00 administrative fee, there can be \$100.00 civil penalty added to a second or subsequent abatement.
 - The administrative fee and civil penalty cannot be imposed until the Town does the abatement.
 - Virginia code will allow for up to \$200.00, and also provides for a “reasonable period of time” for the abatement to occur.

Discussion by Planning Commission ensued:

- Is 14 days too long?
- 14-inch tall grass did not get that tall over night, and then if waiting for 14 days to remedy, it will be quite an eyesore.
- Can the length of grass be considered as well?
- The town attorney noted that the City of Roanoke ordinance, which is comparable to the Town’s ordinance, is at 10 inches and provides for a seven day notice.
- Property owners on either side of the violating properties are the ones who are suffering.
- It would probably take 2.5 weeks for grass to reach 10 inches.
- There does not appear to be a way to recover the certified fees.
- What about the property on South Main that only mows around the edges? This property is within code because it is undeveloped and over one acre.
- There are three things to consider: (1) the height of the grass; (2) the number of days allowed to abate the problem; and (3) the civil penalty amount.
- It was the consensus of Planning Commission to recommend a height of ten inches, and seven days from the day the letter is mailed to abate (which constitutes legal notice).
- Does a class 4 misdemeanor allow for a fine of up to \$100? Can it be made a higher class misdemeanor?
- The town attorney will prepare a draft ordinance, taking into account Planning Commission’s recommendations, and will present it to Planning Commission again for recommendation to Town Council.

(2) 2013 Meeting Calendar

Staff is presenting the 2013 meeting calendar for Planning Commission's review. This is important to review early in reference to advertising deadlines. There are a couple of suggested changes, being:

- Tuesday, January 1 is a conflict due to it being a holiday. The suggested change is to Tuesday, January 8.
 - The November meeting falls on Election Day. This year is a gubernatorial election, and staff recommends changing this meeting to the following Wednesday.
 - These are the only noted changes affecting Planning Commission's meeting calendar.
 - Concern was expressed about the April meeting date and its conflict with spring break.
- Motion was made by Vice Chair Speidel to accept the proposed 2013 meeting calendar as presented, with motion on the floor being seconded by Planning Commission Member Hall. There being no further discussion, let the record show that the motion on the floor passed unanimously by those present.

COMMISSIONER CONCERNS & STAFF UPDATES

Discussed the following:

- The finance director pointed out that all Planning Commission members will be considered employees of the Town effective January 1. This is in relation to the stipend members receive for meeting attendance.
- The assistant town manager gave an update on the recent community meeting which was held for the west side of Town and noted that the plan is to do quarterly community meetings.
- Discussed the status of 20 Spring Street.
- The Pigg River Bridge replacement project is underway.
- Vice Chair Speidel expressed concern about the pedestrian crosswalk at the hospital with the flashing lights.
- Planning Commission Member Hall expressed concern about the crosswalk on the corner at Carter Bank & Trust.
- Discussed the sidewalk project for 40 East.

ADJOURNMENT

At 6:50 p.m., and with no further business to discuss, Madame Chair Stockton entertained a motion to adjourn, with motion being made by Planning Commission Member Clements, seconded by Planning Commission Member Tiggle, and carried unanimously by those present.

Janet Stockton, Chairman

ATTEST:

Stacey B. Sink, Deputy Clerk

/sbs