

October 12, 2022

A work session of Town Council of the Town of Grottoes was held on Wednesday, October 12, 2022, at 6:00 p.m. at the Grottoes Town Hall, Grottoes, Virginia.

CALL TO ORDER

Mayor Plaster called the work session of October 12, 2022, of the Grottoes Town Council to order at 6:00 p.m.

ATTENDANCE: Council Members present: Jim Justis, Joshua Bailey, Mark Sterling, Mayor Jo Plaster, Tim Leeth, David Raynes and Michael Kohl.

Other Town Officials present were: Town Attorney Nathan Miller, Town Manager Stefanie McAlister, Deputy Clerk Kim Clark, Public Works Director A.J. Hummel, Parks/Tourism Director Austin Shank, Treasurer Rhonda Danner, and Police Chief Jason Sullivan.

Manager McAlister gave a brief synopsis of Ordinance Amendment of Chapter 100, Article XIX – Flood Plain Districts. There are two primary areas of the 100-year flood plain within the town. Grottoes participates in FEMA’s National Flood Insurance Program. The current ordinance is noncompliant; however, the CAV report notes that the noncompliant aspects are “minor”. It is recommended that the Town adopt the model ordinance provided by DCR, which meets the minimum FNIP requirements. This ordinance needs to be remedied by December 24, 2022 or the Town will be referred to FEMA for enforcement actions that can potentially include probation or suspension from the NFIP.

Nathan Miller expressed concerns with some of the model ordinance suggestions that have been presented. He has reviewed Staunton, Bridgewater, and Strasburg’s ordinances. He wants to be selective when using the model ordinance provided by DCR, and to assure that the model is relevant to Grottoes. He also wants to make sure who will be enforcing the recommendations and what the penalties for non-compliance would be.

Council member Justis recommended getting copies of ordinances that have been approved by DCR.

Manager McAlister said that the town indicates on zoning permits if any portion of the property where improvements are being proposed, is in the flood plain. We need to work with Rockingham County to ensure compliance, since the county issues all building permits and performs all inspections.

Council member Justis made a motion, Council member Leeth seconded the motion, and carried by a vote of 6-0, vote recorded as follows: JUSTIS – AYE; BAILEY – AYE; STERLING – AYE; RAYNES – AYE; LEETH – AYE; KOHL – AYE to set a Joint Public Hearing with the

Planning Commission, regarding an Ordinance Amendment of Chapter 100, Article XIX – Flood Hazard Districts, for November 14, 2022.

Manager McAlister reviewed the 12th Street Townhomes Site Plan Amendment. Over the summer, council agreed to sell Mr. Milstead, the developer, a 40-foot by 400-foot strip of land in “Railroad Alley”. This purchase of land was needed so that Mr. Milstead could have room to add two townhouse units to the 2 rows of townhouses that were already approved in that location. An amended site plan has been submitted and reviewed by staff, as well as the planning commission on September 27, 2022. The Commission recommends approval of the amended plan to council. This will come up as an action item under New Business. Mr. Milstead has established an HOA and put in a new dumpster pad and dumpsters, resulting in the individual cans be removed. Town staff fielded quite a few phone calls from citizens who were upset because the cans were taken away.

A radar speed sign report presentation was given by Chief Sullivan. The 60-minute and 30-minute increment graphs are what the police department uses to decide when to increase patrol for speeding. Right now, the graphs are indicating a 5 mile an hour and 10 mile an hour violation. The radar signs will be placed throughout the Town, rotating to a new location every 2-weeks.

Council member Bailey questioned procedure and discussion used by council and suggested that the council become more familiar with Roberts Rules of Order. Mayor Plaster agreed everyone could use training of this nature and said it will be part of the next work session.

Mayor Plaster adjourned the work session at 6:41 p.m.

October 12, 2022

A regular session of Town Council of the Town of Grottoes was held on Wednesday, October 12, 2022, at 7:03 p.m. at the Grottoes Town Hall, Grottoes, Virginia.

CALL TO ORDER

Mayor Plaster called the regular session of October 12, 2022, of the Grottoes Town Council to order at 7:01 p.m. Mayor Plaster asked for a roll call.

ATTENDANCE: Council Members present: Jim Justis, Joshua Bailey, Mark Sterling, Mayor Jo Plaster, David Raynes, Jim Leeth, and Michael Kohl.

Other Town Officials present: Attorney Nathan Miller, Town Manager Stefanie McAlister, Deputy Clerk Kim Clark, Treasurer Rhonda Danner, Public Works Director A.J. Hummel, Parks/Tourism Director Austin Shank, and Police Chief Jason Sullivan.

APPROVAL OF MINUTES

On motion by Council member Raynes, seconded by Council member Leeth, and carried by a vote of 6-0, vote recorded as follows: JUSTIS – AYE; BAILEY – AYE; STERLING – AYE; RAYNES – AYE; LEETH – AYE; KOHL – AYE; the Council approved the minutes from the meeting on September 12, 2022.

PRESENTATION OF PETITIONS AND CLAIMS (public comment)

Scott Sacra addressed the council regarding the brush site hours. Mr. Sacra also expressed concern over the town's infrastructure and all the new housing development.

Eddie Chittum inquired about his application to be on the planning commission, that he submitted months ago. Mayor Plaster said that his request is being worked on.

Clarence Mullen III inquired about the possibility of him acquiring a 40-foot section of land adjacent to his backyard, for the installation of a garage. Mayor Plaster suggested that Mr. Mullen go to Rockingham County to find out all the building code guidelines, since his property is located in a flood zone.

REPORTS OF STANDING COMMITTEE:

FINANCE – Council member Raynes made a motion, seconded by Council member Leeth, and carried by a vote of 6-0, vote recorded as follows: JUSTIS – AYE; BAILEY – AYE; STERLING – AYE; RAYNES – AYE; LEETH – AYE; KOHL – AYE; to approve the financial reports for the month of September.

WATER AND SEWER – no report

ORDINANCE, HEALTH, AND PROPERTY – Council member Kohl announced the Second Reading to amend Chapter 117 Nuisance, section 177-5A, making the 4th violation in a 24-month period a class 3 misdemeanor. Council member Kohl made the motion, seconded by Council member Sterling, and carried by a vote of 6-0, vote recorded as follows: JUSTIS – AYE; BAILEY – AYE; STERLING – AYE; RAYNES – AYE; LEETH – AYE; KOHL – AYE; to approve the resolution to amend Chapter 117 Nuisance, section 177-5A Violations and Penalties.

ORDINANCE AMENDING CHAPTER 117-5A OF THE CODE OF GROTTOS

WHEREAS, the Town of Grottoes ("Town") had previously enacted Chapter 1 17-5A of the Town of Grottoes Code for the purpose of controlling and restricting nuisances which can be detrimental to the health, welfare, safety and quality of life of inhabitants of the Town; and

WHEREAS, the Town intends to amend Chapter 1 17-5A of the Town of Grottoes Code in order to include additional penalties for enforcement; and

WHEREAS, the Town Council has determined that it is in the best interests of the Town to amend Chapter 117-5A of the Town of Grottoes Code.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Grottoes, Virginia, to wit:

Chapter 1 17-5A (Violations and Penalties) of The Town Code of the Town of Grottoes, Virginia, is hereby amended to include additional penalties for enforcement as follows:

"In the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a twenty-four-month period, then such violations shall be Class 3 misdemeanors. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation."

This ordinance shall be effective from the date of its passage.

STREET AND STREET LIGHTS – no report

PARKS, RECREATION AND PUBLIC FACILITIES – no report

SPECIAL EVENTS – Council member Leeth announced the Senior Citizens Luncheon will be this Saturday, October 15th. Prepping/loading will begin at the Grottoes Fire Department at 11:00 a.m., for deliveries and in person meals will begin at noon. Grand Caverns will be hosting the Haunted Cave, October 28-30, with a Fall Festival on October 29th. There will be a Veteran’s Day Ceremony at Town Hall on Friday, November 11th.

PERSONNEL, FIRE AND POLICE PROTECTION – Mayor Plaster requested to hear a motion to appoint Dylan Nicely to the BZA. A motion was made by Council member Leeth, seconded by Council member Bailey, and carried by a vote of 6-0, vote recorded as follows: JUSTIS – AYE; BAILEY – AYE; STERLING – AYE; RAYNES – AYE; LEETH – AYE; KOHL – AYE; to appoint Dylan Nicely to the BZA.

RESOLUTION OF THE GROTTUES TOWN COUNCIL
Recommendation of Dylan Nicely for
Appointment as a Member to
the Board of Zoning Appeals
20221012-01

BE IT RESOLVED by the Council for the Town of Grottoes, Virginia, as follows:

1. At a meeting held on October 12, 2022, the Town Council unanimously nominated and recommended DYLAN NICELY as a member of the Board of Zoning Appeals.
2. The Grottoes Town Council recommends and submits to the Circuit Court of Rockingham County, Virginia, the name of DYLAN NICELY.

NOW THEREFORE, the Town Council hereby recommends DYLAN NICELY as a member of the Board of Zoning Appeals with a term to begin November 1, 2022 ending on December 31, 2023.

The undersigned Clerk of the Town Council of the Town of Grottoes, Virginia, certifies that the foregoing constitutes a true, complete, and correct copy of the Resolution adopted at a meeting of the Town Council of the Town of Grottoes, Virginia, held on October 12, 2022, and has not been revoked, rescinded, or repealed.

STAFF REPORTS

TOWN MANAGER. A written report was provided. Manager McAlister reported that the first step in the franchise agreement with Shentel/GloFiber to bring high-speed fiber product to Grottoes is to allow Shentel to place a utility cabinet. This cabinet will be placed at the short

dead end of 2nd Street off Aspen Avenue, near the old jail. The cabinet should be completed by February 2023 or sooner. Installation work should begin around the first quarter of 2023. Shentel will be responsible for notifying residents and is required to submit plans for approval before installation begins.

ATTORNEY. No report

TREASURER. A written report was provided. There were no additional comments from staff and no questions or comments from Council members.

ASSISTANT TO TOWN MANAGER. A written report was provided. Manager McAlister pointed out the Shady Creek item in the provided staff report. She stated that she met with the developer earlier in the week. The 10-inch water line from the Town's well has to be installed, as well as the installation of a turning lane on Route 340, before moving on to the next phase of development. The developer will contact adjacent land owners regarding the installation of the 10-inch waterline which begins Monday, October 17th. The developer also indicated during the meeting, that increased interest rates, material costs and labor costs will impact the ability for construction within the development to continue at the previous pace.

POLICE CHIEF. A written report was provided. Chief Sullivan announced that an offer was accepted by Steve Knight, to become Sergeant, beginning November 1, 2022. Officer Knight is presently a part-time officer with the town. There will be a pinning ceremony on November 9th, 6:00 – 8:00 p.m., which will be open to the public. Chief Sullivan reported that the police department is now fully staffed, with the exception of an administrative assistant.

PUBLIC WORKS. A written report was provided. Manager McAlister reported that a portion of the allocated ARPA funds will be used for our top priority of a water line replacement along Aspen Avenue and Caverns Blvd. Rob Mangrum the town's contracted engineer will be working on design, permitting and engineering needs for the project. Presently, there may be as much as a 32-week wait to receive needed water lines. Council member Leeth suggested that we order supplies for all upcoming projects, due to the extended wait time and questioned the time frame for using ARPA funds if materials are so hard to come by. Manager McAlister explained that all funds had to be allocated by the end of calendar year 2024 and spent by the end of calendar year 2026.

PARKS AND TOURISM DIRECTOR. A written report was provided. Director Shank announced that Lily Whitman will begin working Monday, October 17th as Parks Coordinator. She will receive 3 months of training by himself and Tracey Collins. Director Shank said that a number of tour guide positions are vacant and that he has received hardly any applications since September.

NEW BUSINESS –

Mullen Request - Council member Bailey spoke against the request from Clarence Mullen to purchase a 40-foot section of an alley between 11th Street and 12th Street. He stated that he is not in favor of selling town land. A motion made by Council member Kohl, seconded by Council member Leeth, and carried by a vote of 5-1, vote recorded as follows: JUSTIS – AYE; BAILEY – OPPOSED; STERLING – AYE; RAYNES – AYE; LEETH – AYE; KOHL – AYE; to allow the Town Attorney and Town Manager to create and negotiate a purchase agreement with Mr. Mullen.

Tourje Request - A motion was made by Council member Justis, seconded by Council member Kohl. Council member Bailey commented that this makes sense to sale, but he still cannot support selling any town property. The motion carried by a vote of 5-1, vote recorded as follows: JUSTIS – AYE; BAILEY – OPPOSED; STERLING – AYE; RAYNES – AYE; LEETH – AYE; KOHL – AYE; to allow the Town Attorney and Town Manager to create and negotiate a purchase agreement with Mr. Tourje.

May Request - A motion made by Council member Kohl, seconded by Council member Justis. Council member Bailey asked what will be done on the other side of the property on the south side of 4th Street between Block 1, Lot 24 and Block 2, Lot 19 and spoke against requiring Mr. May to purchase the portion of land he has requested. Manager McAlister said that adjacent landowners were notified, due to the public hearing and reported that the appraisal was \$.40 per square feet = \$2,400 for the land. This does not include attorney fees or recording of deed. Council member Justis amended the motion to have the purchase price at \$1.00. Seconded by Council member Sterling. Council member Kohl felt everyone should pay appraised value for land. The amended motion failed by a vote of 2-4, vote recorded as follows: JUSTIS – AYE; BAILEY – OPPOSED; STERLING – AYE; RAYNES – OPPOSED; LEETH – OPPOSED; KOHL – OPPOSED; The original motion carried by a vote of 4-2, vote recorded as follows: JUSTIS – AYE; BAILEY – OPPOSED; STERLING – OPPOSED; RAYNES – AYE; LEETH – AYE; KOHL – AYE; to allow the Town Attorney and Town Manager to create and negotiate a purchase agreement with Mr. May.

Milstead Request - A motion made by council member Kohl, seconded by Raynes. Council member Bailey said he couldn't support the additional townhouses because he didn't feel he was aware of the project and because he didn't support the sale of the land. The motion passed by a vote of 4-2, vote recorded as follows: JUSTIS – AYE STERLING – OPPOSED; BAILEY – OPPOSED; RAYNES – AYE; LEETH – AYE; KOHL – AYE; to approve the 12th Street Townhouse plan amendment.

OLD BUSINESS – none.

ADJOURNMENT

Mayor Plaster declared the meeting adjourned at 7:44 p.m.

Mayor

Deputy Clerk