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**KILMARNOCK PLANNING COMMISSION
Monday August 8, 2011
Town Hall
Kilmarnock, VA**

Regular Meeting Minutes

1. Call to Order

Chair Ludwig called the regular meeting to order at 6:00 pm with the following members present:

Jane Ludwig, Chair
Steve Bonner
Joan Gravatt

Denis Bouslough, Council Liaison
Lindsay Gardner
Dave Reedy

Staff Present:

Marshall Sebra, Zoning Administrator/Planning Director
Paul C. Stamm, Jr., Town Attorney

2. Recognition of Guests:

Chair Ludwig welcomed Kilmarnock residents, business owners and guests.

3. Acceptance of the Agenda

Commission Member Bonner stated that he would like to amend the agenda to include a slide show regarding signs. The presentation was included under Commissioner Comments.

ACTION: Commission Member Reedy made a motion to accept the August 8, 2011 Planning Commission meeting agenda as amended, seconded by Council Liaison Bouslough; and carried unanimously.

4. Public Forum:

Chair Ludwig opened the public forum by inviting members of the audience to voice their concerns or ideas in regards to planning issues. Each speaker was limited to 3 minutes.

Mrs. Gail Smith addressed the Planning Commission and voiced her concern regarding the land that was cleared on Harris Road.

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Chair Ludwig advised that she did not have any knowledge of this and asked Zoning Administrator/ Planning Director Sebra if he did.

Mr. Sebra replied that he knew that the property owner had obtained the proper permits from the county to disturb the land and had submitted plans to VDOT for two entrances. However, Mr. Sebra said that the Town did not know what their intentions were at this time. Mr. Sebra thought that the owner might be cleaning up the property so that it would be more attractive to potential buyers and added that they could possibly submit a plan to the Town any day.

Mrs. Smith stated that she was concerned because she did not see any rip rap to keep the dirt from going into Dwyer's Creek which was the head waters of the Chesapeake Bay.

Mr. Sebra advised that several state agencies had contacted him with the same concern and were directed to the county in order to get the issue worked out. Mr. Sebra stated that whatever plan was filed with the county should have had erosion control measures in place.

Mrs. Smith replied that she did not see any and added the land had already been leveled. Mrs. Smith commented that the damage had already been done and wanted to know what could be done now. Mrs. Smith asked if the property was within the Town limits or if it was in the county.

Mr. Sebra replied that the property was located within the Town limits but stated that the Town did not have an erosion control ordinance and therefore had no jurisdiction over their operation with exception of putting pressure on the property owner at a county level.

Mrs. Smith replied that she hoped the Town would do that.

5. Minutes: Approve, Correct or Amend the Minutes for the July 11, 2011 Planning Commission Meeting.

ACTION: Commission Member Bonner made a motion to approve the minutes for the July 11, 2011 Planning Commission meeting as presented, seconded by Commission Member Reedy; and carried unanimously.

6. Commissioner Comments

Commission Member Bonner stated that he had put together a slide show that he wanted to share with the Planning Commission regarding signage. Mr. Bonner said that like any small town, Kilmarnock had a collective grouping that made it what it was. Mr. Bonner advised that sometimes individuals hone in on

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particular signage without seeing the overall picture. Mr. Bonner stated that over-regulation was not the answer particularly in the present business climate. Mr. Bonner said that there was very little response from the public regarding a recent survey asking their opinion on LED signs currently in Town. Mr. Bonner stated that either people didn't care, they accepted what the Town had, or didn't understand the principals of advertising and bidding for prospective dollars. Mr. Bonner advised that his slide presentation was set to the music "New York, New York" and added an interesting piece of information. According to Mr. Bonner, in history books Kilmarnock was dubbed the New York of the Northern Neck. Mr. Bonner said that Kilmarnock was a unique and successful Town and he didn't want to see things happen like what happened with his truck advertisement. Mr. Bonner advised that his truck was out all weekend and would be out there when he needed it to be because it was his right. Mr. Bonner said that he also wanted to talk about the scrolling sign as well. Mr. Bonner stated that he didn't want people to start honing in on things and feelings getting hurt. Mr. Bonner proceeded with his slide presentation.

Following the presentation, Commission Member Bonner commented that he was pro-business and signage to a degree. Mr. Bonner said that Kilmarnock was not Carry Town or historic Williamsburg and added that sometimes they had to just realize what the Town really was and why people came there. Mr. Bonner advised that the people he talked to said that they came to Kilmarnock because the Town was "laid back". Mr. Bonner said that Council Liaison Bouslough was a good example of that. Mr. Bonner advised that Kilmarnock was a busy little Town and they were very lucky in that aspect. Mr. Bonner challenged anyone to try to find out how many Towns in the United States not only had a balanced budget but had a \$400,000 surplus. Mr. Bonner reiterated that they were a fortunate Town and must have been doing something right.

Chair Ludwig stated that the trucks going through Town with signs and so forth had never been questioned. Mrs. Ludwig said that she recently visited Leesburg VA and the surrounding area where the history and character of each Town was very important as was Kilmarnock. Mrs. Ludwig advised that so much money and time had been spent on the Steptoe's District in order to bring Kilmarnock back to the Town everyone remembered and loved. Mrs. Ludwig stated that she studied the signage on all of the businesses in each little Town and her conclusion was that no animated, rolling messaging, or flashing signs would be in keeping with the character of the Steptoe's District. Mrs. Ludwig said that what businesses put in their windows, which was their own little private area, was one thing but signs like the one that brought all of this to everyone's attention were something else. Mrs. Ludwig stated that with so much money going into the downtown area, why would anyone want to compromise that vision. Mrs. Ludwig suggested that they should promote and advertise the charm of the Town and Steptoe's District as the quaint and wonderful destination point that it was. Mrs. Ludwig said that they should bring an essence to the area that would draw the quality of businesses and visitors that they had, do have, and

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want to have in the future. Mrs. Ludwig stated that was how she felt about the signage. Mrs. Ludwig recalled that in the past all sign applications were reviewed by the Town Manager first and then by the Planning Commission for their opinion, which she would like to see happen again.

Commission Member Bonner advised that he didn't think that anyone wanted the flashing, rolling signs and asked Vice-Chair Ludwig what she thought about the particular sign in question now since it only displayed one word like the bank's time and temperature signs. Mr. Bonner said that he thought the way of the future was LED signs whether they liked it or not but added that they didn't have to be flashing or animated. Mr. Bonner advised that Virginia Beach struggled with this issue for two years and it finally came down to text only. Mr. Bonner didn't feel that he and Chair Ludwig were that far apart on their views because he didn't want to see the animated or flashing signs either. Mr. Bonner recalled when they had a problem with back-lit awnings when they first came out.

Commission Member Gravatt asked if policy had changed since she had owned Amanda's. Mrs. Gravatt recalled putting up a sign in front of her store after expansion and getting a visit from the Town Manager because the sign had been placed too close to the building. Mrs. Gravatt asked if the Town Manager was still the person who received the sign application requests.

Commission Member Bonner advised that Zoning Administrator/Planning Director Sebra received the requests now and in reference to what Chair Ludwig had said earlier, Mr. Bonner commented that the Town received as many as twenty sign applications at a time on occasions and was not going to be able to run to the Planning Commission with every one of them. Mr. Bonner added that Commission Member's did get a report from staff regarding the sign applications.

Chair Ludwig advised that those reports came after the fact.

Commission Member Gravatt asked if the same policy was still in effect as when she was in business.

Commission Member Reedy replied that it was.

Town Attorney Stamm confirmed that it was the same as when she was in business.

Commission Member Gravatt asked if the sign in question was brought up to the Planning Commission before it was put up.

Chair Ludwig replied no because there was no ordinance in place.

Commission Member Reedy advised Mrs. Gravatt that the ordinance had changed a little since then.

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Council Liaison Bouslough stated that the sign in question went through Mr. Sebra and at that time it complied with all existing ordinances. Mr. Bouslough said with nothing in place to say otherwise, the sign was approved.

Commission Member Bonner advised that if the Planning Commission didn't do something than each day a new sign could pop up. Mr. Bonner stated that staff was looking for guidance as to what to do about LED signs in Steptoe's District.

Council Liaison Bouslough said that the bottom line was, if someone wanted to put one of these signs in the Steptoe's District, then Mr. Sebra would have no choice but to approve it because there was nothing in place to prevent it.

Commission Member Gravatt commented that if they used the terminology LED then they would probably have to change it within two months.

Commission Member Gardner replied that was the reason they were going to use the term "message board" vs. "animated" to get away from specific terminology. Ms. Gardner stated that she had been thinking about how this would be applied on Main Street. Ms. Gardner said that in order to comply with all of the setback requirements a business on Main Street would almost have to place the LED sign on shingles because there would be no room for a free standing sign. Ms. Gardner felt this needed to be taken into consideration when reaching a decision. Ms. Gardner said that a couple of the responses received from business owners were that they were in agreement and she found it interesting that they didn't seem to differentiate between "animated" and "messaging" but seemed to just lumped everything together as "moving" or "lit". Ms. Gardner noted that a couple of them understood about having the message boards outside but felt that they should be able to have them inside so they could be seen from a window.

Zoning Administrator/Planning Director Sebra advised that technically that would count towards the total square footage for signage. Mr. Sebra said that if it was just a little sign saying "open" or "closed" then it would not count nor would a little temporary banner.

Commission Member Gardner sought clarification by saying that if someone wanted to put an electronic message board inside a window it would count toward the total square footage.

Mr. Sebra stated that was correct.

Ms. Gardner said that she felt a little torn because some of the business owners felt that this was a separate issue whereas the Planning Commission had it lumped together. Ms. Gardner said that most of the business owners who replied seemed to be against lighted signs.

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Commission Member Reedy asked Ms. Gardner if she thought that they should to allow message boards on the inside of businesses.

Commission Member Gardner replied not necessarily but felt that they needed to be aware of all of the consequences of what they were going to consider.

Commission Member Bonner stated that first the Planning Commission needed to find out if the people wanted message boards on Main Street or not and if they didn't then it would be easy to say don't allow them in Steptoe's. Mr. Bonner felt they were going to get flack from the "open" signs because somebody was going to have one that somebody else didn't like.

Council Liaison Bouslough asked if the Planning Commission approved the verbiage would the proposal still have to go to Mr. Sebra and would he have the right to refuse it or if it met all of the criteria listed would he have to approve it.

Mr. Sebra replied that it would be either allowed or not allowed. Mr. Sebra advised that if the applicant wanted to seek some type of variance then they would have to go to the BZA. Mr. Sebra said that his position was either yes or no and if the applicant didn't like the decision they would have to appeal it.

Mr. Bouslough commented that these would be the guidelines.

Mr. Sebra replied that was correct.

Commission Member Reedy replied that this was what Mr. Sebra was recommending to the Planning Commission.

Mr. Bouslough asked if they met the criteria then it would be an approved sign that could go into the window of a building on Main Street.

Mr. Sebra replied "certainly".

Mr. Bouslough wanted to know from the rest of the Planning Commission Members if they were in general agreement that animated signs were prohibited.

It was the general consensus of the Planning Commission that they were.

Council Liaison Bouslough commented that took care of #12 and stated that all they had to do now was examine #13 which was dealing with electronic message signs.

Commission Member Bonner referred Planning Commission Members to page 11 under section d, which said that no sign should exceed 24 square feet in

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area. Mr. Bonner commented that meant if they elected to, someone could have an electronic sign 24 square feet in area with a message on it.

Zoning Administrator/ Planning Director Sebra said that those were just figures he obtained from various localities when he was conducting research. Mr. Sebra stated that was why he threw it out there as a draft and noted that it could be discussed and changed.

Town Attorney Stamm added that in another place in the zoning ordinance the linear footage of the building had to be included and therefore this would not apply to every building in Town.

Commission Mission Bonner stated that alleys and side streets were different or rather the corner buildings were different because they could have two signs if they were continuous from the front to the side of the building.

Mr. Sebra replied that was why he had comprised Section A, which read that there should be no more than one electronic message sign per business.

Mr. Bonner stated that a continuous wrap around sign was only one sign. Mr. Bonner commented that he was just trying to bring up everything that he could think of.

Zoning Administrator/Planning Director Sebra asked Chair Ludwig if she cared to move to item #7 on the agenda which would bring the meeting out of Commissioner Comments and into Sign Ordinance Review.

Chair Ludwig stated that she would.

7. Old/Unfinished Business

A. Sign Ordinance Review

Chair Ludwig acknowledged that after Commission Member Bonner's presentation, the conversation that took place under Commissioner Comments should have been held during this section of the agenda. Mrs. Ludwig continued the conversation by saying that one individual was appalled by the electronic sign that was put up over a building that had been around for a while with the beautiful brick pillars and aesthetics. Mrs. Ludwig reiterated that was what led to the review of the sign ordinance.

Commission Member Bonner said that no one had asked the question as to whether or not they wanted to allow electronic message boards in the Steptoe's District.

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Chair Ludwig stated that this was a very important issue because their decision would not just affect the Town today but for the future as well.

Council Liaison Bouslough commented that he had received a variety of input on this subject. Mr. Bouslough stated that the preponderance of the input was that it was an historical area and the general feeling given to him was that they would not like to see animated or electronic signs in it. Mr. Bouslough added that he did not receive much input from the businesses in that area stating that they were either for or against electronic signs. Mr. Bouslough asked the rest of the Planning Commission Member's if they have had any input from people in the community who were concerned over this issue.

Chair Ludwig stated that she had people to come to her and say that they did not want electronic message boards in the Steptoe's area and added that it seemed to be a consensus amongst the general public. Mrs. Ludwig stated that they feel that the Steptoe's District should remain quaint.

Commission Member Bonner laughed and stated that he didn't want a sign to ruin the quaintness of the paper boxes in front of Tri-Star. Mr. Bonner said that it was the business community who spent the millions of dollars on Steptoe's. Mr. Bonner stated that the money did not come from sewer and water but from pass through taxes of the businesses and that was why he had suggested that they get input from the business community. Mr. Bonner said that they could always go with no LED signs on Main Street unless a special use permit was issued. Mr. Bonner stated that there were only three choices which were to allow them, not allow them, or allow them with a special use permit.

Chair Ludwig stated that she didn't know how that could be done.

Mr. Bonner stated that what he was saying was that LED signs could only be put in the downtown area with a special use permit which would make it harder for people to do it and in turn make it so that people wouldn't want to do it and would give the Planning Commission some control.

Commission Member Reedy asked Zoning Administrator/Planning Director Sebra if the Planning Commission had to have a public hearing on this issue.

Mr. Sebra replied that they did.

Commission Member Reedy advised Planning Commission Members that if they adopted the text amendments to the ordinance tonight then it would still go before the public for their input during the hearing before reaching Council.

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Mr. Sebra verified that was correct and followed with a brief staff report. Mr. Sebra advised that the draft regulations which resulted from the past few Planning Commission meetings were included in each Commission Member's packet. Mr. Sebra stated that the additions to the ordinance had been made in red ink and the text to be deleted had been highlighted. Mr. Sebra advised that the deletions were from the previous draft. Mr. Sebra stated that originally they had come up with some language for electronic message board signs and animated signs but since then they received some feedback from businesses, and based on that and their discussions from previous meetings, he had proposed that animated signs be prohibited in all districts. Mr. Sebra stated that if Planning Commission Members felt that they liked the way that it read and no more adjustments were needed then they would proceed with a public hearing. Mr. Sebra added if Planning Commission Members did not like the way that it read then they needed to keep working on it. Mr. Sebra said that when the Planning Commission was satisfied with the draft then it would be presented at a public hearing on the Planning Commission level where the public and businesses would have an opportunity to come in and speak in a formal setting before a recommendation was made to Council.

Chair Ludwig asked Mr. Sebra if he thought they should review the whole sign ordinance before a public hearing was held.

Commission Member Bonner stated that they only needed to revise the one part. Mr. Bonner asked if either of the Planning Commissioners had spoken to anyone who was in favor of LED signs in Steptoe's.

Several Commission Members replied no.

Commission Member Bonner asked why then were they still sitting there discussing it which generated laughter.

Chair Ludwig said that she was just wondering if they should review the whole sign ordinance before having a public hearing.

Commission Member Reedy asked Zoning Administrator/Planning Director Sebra if he felt the entire ordinance needed to be updated.

Mr. Sebra replied that the only reason they were reviewing it at this time was because of the issue that came up resulting in complaints about a certain sign. Mr. Sebra advised that the appropriate approach would be for the Planning Commission to study the ordinance and look for a median between the businesses and public interest and put something in place that would help in the future.

Council Liaison Bouslough commented that if something was not put into place then another sign like the one in question would surely appear meeting the

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criteria in existence today and then they would be confronted with the same situation all over again.

Commission Member Bonner added that the next person might not be quite as willing as Mr. Donahue to take their sign down.

Council Liaison Bouslough stated that they were all in agreement that they were not going to approve animated signs but still had to reach an agreement on the verbiage for electronic signs and recommend it to Council to prohibit the reoccurrence of reason they were currently there.

Zoning Administrator/Planning Director Sebra brought them back to the question of why look at the whole ordinance. Mr. Sebra said that this example could be one of several others that were in existence within the ordinance. Mr. Sebra suggested that maybe they should take a look at it to see if there were any other areas that needed to be addressed. Mr. Sebra said that the last update was in 2007 although he was not sure how significant it was.

Commission Member Bonner replied that in 2007 big changes were made and the whole sign ordinance was revised because of the Steptoe's District. Mr. Bonner said that he preferred not to go through it again. Mr. Bonner asked Town Attorney Stamm what his thoughts were.

Town Attorney Stamm advised that in his opinion he would not allow animated signs at all and as far as electronic message boards went, he recommended that the draft submitted by Mr. Sebra be accepted as presented. Mr. Stamm said that the good news was that it coordinated with the Town Code now and as it was revised in 2007 yet showed no arbitrary or capricious matter in dealing with it. Mr. Stamm stated that he would not put the words "discretion of the zoning administrator" anywhere in the ordinance because it would open the door for appeals.

Council Liaison advised that would open the Town up for possible court cases.

Chair Ludwig added that was how some of the signs in existence which would not be in compliance today were erected because the person went directly to a Town Manager. Mrs. Ludwig made mention of a billboard.

Town Attorney Stamm replied that the same billboards had been around since he was a kid.

Commission Member Gravatt commented on one that had fell down but was put back up within 24 hours.

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Town Attorney Stamm said that falling down and being put back up was in the “not used for a year type thing”. Mr. Stamm stated that if someone’s building fell down then they could rebuild it.

Commission Member Gravatt stated that was true but it had to be up to code.

Town Attorney Stamm replied that some things had to be up to code for health and safety reasons but not signs.

Commission Member Gravatt asked what if it prevented people from being about to see traffic.

Mr. Stamm stated that he knew exactly which one she was talking about. Mr. Stamm said that it was big, intrusive, but legal.

Commission Member Reedy stated that Mr. Sebra had put a lot of work into the draft and made the following motion:

ACTION: Commission Member Reedy made a motion to accept the draft regarding the amendments to the sign ordinance as presented and proceed with a public hearing, seconded by Council Liaison Bouslough;

Discussion:

Chair Ludwig asked Commission Member Reedy for clarification on which version of the draft he was referring to “Version A” or “Version B”.

Council Liaison Bouslough noted that would be # 12 and # 13 in the red.

Town Attorney Stamm said “Version B”

Commission Member Gardner commented that would ban animated signs but would still allow electronic message signs in Steptoe’s.

Zoning Administrator/Planning Director Sebra clarified that animated signs would be prohibited in all districts throughout Town. Mr. Sebra stated that electronic message boards would not be particular to any one district. Mr. Sebra said that if the Planning Commission wanted to ban electronic message boards in the Steptoe’s district then they could certainly look into doing that. Mr. Sebra wanted to make it clear that the electronic message board regulations pertained to the whole Town and not specifically to the Steptoe’s District.

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Council Liaison Bouslough said that following up on what Commission Member Gardner had said earlier, the sign would have to meet the criteria of the rest of the ordinances for the downtown Steptoe's area. Mr. Bouslough added that someone would not be able to have a sign sitting in the middle of the sidewalk flashing or with text. Mr. Bouslough said that the sign would probably have to be on the building or inside of it.

Commission Member Gardner stated that she was still not comfortable with having electronic message boards in Steptoe's area as much as she would like to give business owners the right to have them. Ms. Gardner said that she thought it would be difficult to distinguish and the thought of driving down Main Street and seeing electronic signs were not in keeping with character of that area.

Town Attorney Stamm stated that people would come to the public hearing which would give Commission Members another bite of the apple.

Commission Member Gardner replied that was if the public came.

Chair Ludwig asked Mr. Reedy again what his actual motion was and if it just included the animated signs or if it included electronic message signs as well.

Commission Member Reedy replied that his motion was "Version B" as listed in the draft.

Chair Ludwig said that she didn't think the electronic message signs should be allowed.

Town Attorney Stamm replied that was why they would have a public hearing and deal with it at that time.

Chair Ludwig asked how the rest of the Commission Members felt about the motion. Mrs. Ludwig said that she knew Commission Member Gardner was not in favor of it. Mrs. Ludwig asked Commission Member Reedy why he was in favor of having electronic message boards in the Steptoe's District because it was not in keeping with the revitalization project.

Commission Member Reedy replied as long as it followed along with what the other ordinances said he didn't see anything wrong with it.

Chair Ludwig asked if he meant the proposed ordinance.

Commission Member Reedy replied yes.

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Zoning Administrator/Planning Director Sebra pointed out that the definition that he had read “which automatically displays changing characters, text, and/or numbers on lamp bank through mechanical or electrical means” and gave the example of the bank time and temperature.

Chair Ludwig replied that the bank signs had been in Town for years. Mrs. Ludwig asked everyone to imagine if all of the businesses down town had something like that going on all at once.

Commission Member Gravatt stated that Mr. Sebra’s ordinance was saying was that there could not be any rolling messages.

Mr. Sebra replied that he would consider that to be animated.

Commission Member Gravatt added that no one down town would even want to put up an electronic sign if they were allowed only five second intermits because no one driving through Town would see the message.

Chair Ludwig said that in five seconds no one would be able to read it.

Commission Member Gravatt commented that was her point.

Commission Member Bonner asked if the color of the lights bothered a lot of people. Mr. Bonner noted that the banks’ signs had white lights but asked what if they had red and wondered if they should be subdue the color to white.

Chair Ludwig said that there was already a motion on the table so it either had to be withdrawn, gone forward with, or amended.

(Numerous people speaking simultaneously).

Council Liaison Bouslough stated that once the public hearing was held, that would tell Planning Commission Members what they needed to do because both sides of the coin would have the opportunity to speak up.

Commission Member Bonner added then it would go to Council and people would have another shot.

Chair Ludwig stated that the motion made went with “Version B” and called for the vote.

The vote was 5 to 1 in favor of.

B. Ordinance Chapter 18, Penalties for Repeat Offenders Review

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Chair Ludwig stated that this topic had been discussed at the last meeting and many ideas had been put forth.

Commission Member Gravatt stated that the code read that “all charges, penalties and expenses incurred in the cutting of grass should be chargeable to and paid by the owners” which she said caused the Town to become a collection agency. Mrs. Gravatt continued reading “ an administrative fee of \$75 is here ordained to be accessed” and commented that she thought that every time someone was sent from the Town Office to take care of a situation such as this, it should cost the offender \$100 because it was the same people over and over again. Mrs. Gravatt noted that of course there would be times when there were extenuating circumstances such as people being away on vacation, or severe illness but said that was not what was happening. Mrs. Gravatt finalized by saying that it was just people letting their grass grow up.

Commission Member Bonner stated that they could not differentiate.

Town Attorney Stamm advised that the penalties either were or weren't. Mr. Stamm said that if someone was out of town or sick, a neighbor would more than likely take care of it.

Commission Member Gravatt stated that she had experienced this especially behind the building that she used to own where often the grass was up to her knees. Mrs. Gravatt said that she felt that they should put a little “bite” into the ordinance.

Commission Member Bonner said that the amount of \$100 was discussed and they figured that was too high. Mr. Bonner stated that a few people had been scared just by them discussing the issue. Mr. Bonner said that he went by one person's house who told him that he was going to cut his grass because he didn't want the Town doing it.

Zoning Administrator/Planning Director Sebra advised that this came to the Planning Commission's attention from a discussion by Council during their June meeting. Mr. Sebra stated that Commission Members discussed this during their last meeting whereas he was directed to draft some regulations that would satisfy the discussion that was had. Mr. Sebra advised that a letter would be sent to the offender first notifying them of the violation. Then if the Town had to step in to correct the violation, there would be a \$75.00 Administration Fee and a \$50.00 civil penalty would be added to that which would make the first offense cost the offender \$125.00. Mr. Sebra advised that it would go up in increments for repeat offenders after that. Mr. Sebra stated that the \$75.00 Administration Fee would be in addition to whatever civil penalty was accessed. Mr. Sebra advised Planning Commission Members that the draft before them was what they had come up with at the last meeting. Mr. Sebra said that in reviewing what other localities did in this situation he found that they were all pretty much alike. Mr.

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Sebra stated that he tried to keep on track with other localities because it seemed to be working for them.

Commission Member Gravatt asked who would make the determination of when someone's grass needed to be cut.

Mr. Sebra replied that normally the process started with a citizen filing a complaint with the Town Office, then acting as the Zoning Administrator at the direction of the Town Manager he would go out to view the property and determine if there was a violation. Mr. Sebra stated that it would not be one citizen thinking that another person's grass didn't look like theirs therefore it had to be cut.

Commission Member Bonner advised Commission Member Gravatt that they were careful in making sure that it would not be cheaper for the Town to cut someone's grass then if they hired someone to cut it themselves.

Commission Member Gravatt commented that this was near and dear to her heart.

Commission Member Bonner stated that he knew about the place behind her and across the street from her.

ACTION: Commission Member Reedy made a motion to accept the draft for the text amendments to CH.18 Environment, Articles II-Weeds and Wild Growth as presented and proceed with a public hearing, seconded by Commission Member Bonner; and carried unanimously.

8. New Business

A. Recommend Appointment to Fill Vacancy on Planning Commission

Chair Ludwig advised that Mr. Denis Bouslough had been appointed to serve on the Kilmarnock Town Council and was now acting as Council Liaison instead of Commission Member therefore someone needed to fill his vacancy.

Zoning Administrator/Planning Director Sebra advised that the vacancy was advertised and there were three applicants.

Council Liaison Bouslough stated that all three of the applicants had been previously discussed by both the Planning Commission and Council because they had applied for the previous vacancy.

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Commission Member Bonner recognized Ms. Towner as one of the applicants seated in the audience and noted that even though she was well qualified for the position, the Planning Commission had recommended two names to Council for the previous vacancy as the result of a tie vote, which were Travis Abbott and Joan Gravatt. Mr. Bonner felt that he had to support Mr. Abbott for this vacancy for that reason and therefore he nominated Mr. Travis Abbott again for recommendation to Council to fill the vacant Planning Commission seat.

Council Liaison Bouslough recommended that they go around the table like they did the last time and each Planning Commission Member give their nominee and if there was a majority for one person, then that person would be recommended to Council to fill the vacancy. Mr. Bouslough added that if there was a tie like last time then they would send up both names.

Chair Ludwig started with Commission Member Reedy who nominated Travis Abbott.

Commission Member Gardner stated that she was happy to see that Mr. Abbott had submitted more information this time and nominated him as well.

Commission Member Bonner nominated Travis Abbott.

Commission Member Gravatt nominated Travis Abbott.

Commission Member Bouslough nominated Travis Abbott.

ACTION: Commission Member Bonner made a motion to recommend to Council that Mr. Travis Abbott fill the vacancy on the Kilmarnock Planning Commission, seconded by Council Liaison Bouslough; and carried unanimously.

B. Recommend Term Appointments

Zoning Administrator/ Planning Director Sebra stated that during the April Planning Commission meeting, Commission Member Reedy made a motion to recommend to Council that Ms. Lindsey Gardner and Ms. Sonja Headley be reappointed to the Kilmarnock Planning Commission in September 2011 to serve a full four year term. Mr. Sebra advised that the motion was seconded and carried however it was never taken to the Council level. Mr. Sebra said that since then Mrs. Gravatt replaced Sonja Headley who resigned. Mr. Sebra advised that Commission Member Gardner's seat and Commission

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Member Gravatt's seat would expire in September but noted that the motion for recommendation to reappoint had already been made. Mr. Sebra wanted to make sure that motion still stood prior to presenting the recommendation to Council.

Commission Member Bonner stated that when the Planning Commission made the recommendation to Council to advertise vacancies it was for vacancies that occurred because a person had resigned or moved forward such as Mr. Bouslough and not for continuation of terms. Mr. Bonner felt that Commission Members Gravatt and Reedy should receive consideration in that manner because it was not an appointment but a reappointment.

Chair Ludwig felt it would be best just to make a new motion since Ms. Headley was no longer serving on the Planning Commission.

ACTION: Commission Member Bonner made a motion to recommend to Town Council that Commission Member Gardner and Commission Member Gravatt be reappointed in September 2011 to continue their service on the Kilmarnock Planning Commission, seconded by Council Liaison Bouslough; and carried unanimously.

C. Appoint Vice-Chair

Chair Ludwig stated that she was accepting nominees for Vice-Chair because she definitely needed all of the help she could get.

Commission Member Gardner stated that she would like to nominate Commission Member Reedy for Vice-Chair.

Commission Member Bonner thought that Mr. Reedy would make a great Vice-Chair.

Council Liaison Bouslough did as well.

ACTION: Commission Member Gardner made a motion to elect Commission Member Reedy to serve as Vice-Chair of the Kilmarnock Planning Commission, seconded by Council Liaison Bouslough; and carried unanimously.

D. Zoning Log Report

August 8, 2011

A copy of the zoning log report was included in each Commission Member's packet.

Zoning Administrator/Planning Director Sebra reported that the Town did have a substantial zoning violation recently and the property owner complied with the notice of violation to remove a building without the issue going before the BZA or before the court. Mr. Sebra advised that he was glad the matter was settled in the manner that it was.

9. Adjournment

Action: Newly elected Vice-Chair Reedy made the motion to adjourn, seconded by Council Liaison Bouslough; and carried unanimously.

Meeting adjourned at 7:15 PM

Prepared by:

Joan N. Kent

Jane Ludwig, Chair