**MINUTES**

**ORDINANCE CODIFICATION WORKSHOP**

**TUESDAY, FEBRUARY 18, 2020**

**TOWN HALL – 6:00 P.M.**

Council Members Present: Others Present:

Kyle Fletcher-Absent Debora Baca – Treasurer

Kenneth Holbrook-Vice Mayor Marty Stanley – Deputy Treasurer

Greg Bailey Julie Hensley – Town Attorney

Monty Salyer

Tim Boardwine

Jason Kilgore

Harry Kelly

Vice Mayor Holbrook called the meeting to order, stating the workshop has been properly advertised and the purpose is to review the draft and final copy of the town ordinances to be codified. Two copies of the strike-out draft of the original ordinances were made available and a copy of the final ordinances to be codified.

Vice Mayor Holbrook explained that Municode legal staff offered footnotes with their recommendations and cited antiquated ordinances that conflict with federal and state law. The staff has spent a lot of time working on correcting language.

Chief Johnson reviewed all of the changes and deletions in the sections pertaining to his department and criminal and civil offenses. Since the police department charges all criminal offenses under state code, he has asked Municode to delete all criminal offenses and replace it with language similar to what is at the beginning of “Traffic & Vehicles” indicating that the Town charges all criminal offenses according to the VA State Code. Chief Johnson also pointed out his request to change the Noise Ordinance from criminal to civil penalty.

Ms. Baca entered the meeting to record the minutes and Ms. Stanley left the meeting.

Ms. Baca explained that most of the criminal offenses that were left in the final draft were under “Miscellaneous Offenses” and Chief Johnson is asking that all criminal violations be deleted and replaced with Virginia State Code. Councilman Salyer asked if these ordinances will be available online once these are adopted. Ms. Baca advised that she has a whole list of services Municode offers and a coinciding fee schedule.

Councilman Bailey stated concerns about the minimum $5.00 civil penalty. Chief Johnson said most of the civil penalties go up to $25.00 with no less than a $5.00 penalty. The violation of handicap parking is $100. Ms. Baca recalled that the minimum was left as it was previously stated, but the maximum was increased.

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Councilman Salyer asked about the section regarding “building inspector”. Ms. Baca noted that on the first page of that section, enforcement of the Uniform Statewide Building Code is referenced and she is recommending that Section 6-87 (Code Official) should be changed to indicate that the town **or** county shall be the enforcing agency and the town **or** county building official will enforce the building code. Follow a brief discussion about the role Robert Mullins plays as the town’s zoning administrator and the fact that the county issues building permits and does the inspections for the town, Ms. Hensley commented that when the county issues a permit, they are actually doing so on behalf of the town. She suggested that you could say “town or appropriate designee”.

Councilman Salyer asked about the Fire Department’s charge for out of town fire calls. Councilman Holbrook pointed out that Municode had a footnote asking if this was correct and if it was enforced. Ms. Baca said the language is unchanged, but she responded to this section as “agreed” because they had a footnote in the draft.

As explained to her by Municode, Ms. Baca noted that only ordinances permanent in nature are codified. Ordinances that are ever changing, such as the budget, water rate increases, and several others cited by Municode, are kept as separate ordinances, but are not subject to codification.

Following further discussion about the changes and the difference in types of ordinances, Ms. Baca said she will email the proposed changes to Municode. Councilman Holbrook noted that this matter is on the agenda for Thursday’s council meeting, so if council members see anything else that should be addressed before the final copy is completed, it can be discussed then.

There was a brief discussion about the public hearing advertisement, what newspaper is used, and the timeline required for notification of the public hearing and adoption of ordinances.

There being no further discussion, the meeting was adjourned.

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Vice Mayor

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Town Clerk