



# PLANNING COMMISSION

## Regular Meeting

### Town Hall

### September 6, 2011

At 6:00 p.m. in the Town Hall, Chairman Bruce Brinkley, having established a quorum, called to order the Regular Meeting of the Planning Commission. In attendance were Commissioners Malcolm Hayward, Dennis McCoy, Roger Munz, Joan Natali and Mike Strub. Also present were Town Planner Tom Bonadeo and Town Clerk Libby Hume. There were no members of the public in attendance.

A moment of silence was observed followed by the Pledge of Allegiance.

#### **REGULAR MEETING PUBLIC COMMENTS**

There were no comments from the public nor any written comments submitted prior to the meeting.

#### **CONSENT AGENDA**

Malcolm Hayward stated that he would like to add discussions regarding blighted houses and houses with debris. Bruce Brinkley stated that these items could be added under New Business.

**Motion made by Mike Strub, seconded by Roger Munz and unanimously approved to accept the agenda format as amended.**

The Commissioners reviewed the minutes for the August 2, 2011 Regular Meeting.

**Motion made by Joan Natali, seconded by Mike Strub, to approve the minutes from the August 2, 2011 Regular Meeting as presented. The motion was unanimously approved.**

#### **REPORTS**

Tom Bonadeo gave a storm update as follows: i) The Town had some worries regarding the 736' antenna as winds of 115MPH, as predicted, could have caused damage. The total fall radius included both wastewater treatment plants and the intersection of Marina and Bayshore Roads; ii) An electrical short on a pole near the Rosenwald School caused a power outage to the Bay Creek Golf Community and points west, including the tower. It was also learned that AT&T only had battery backup for their cell node and after eight hours without power, the batteries dies and cell service went dead for AT&T customers; iii) Some fairly extensive erosion was observed on the north side of Sea Breeze causing the bank to erode into the Sea Breeze property and the electrical transformer to drop over the bank. ANEC moved the transformer Sunday morning and emergency fill work had started; and iv) High tide on Saturday night reached about 7.5' which was less than the level of the boardwalk but some wave action water did come over the edge at Jefferson Avenue; v) There was a small sinkhole on Bay Avenue which was an old storm water outfall. VDOT was working to fix it.

Tom Bonadeo continued to report the following: i) The construction of the new wastewater treatment plant was moving along and the Town employees were being trained and some equipment testing had begun. The Town expected to begin taking effluent in early November; ii) The Sinclair FM Tower, standing 736' tall, survived the storm. The tower was constructed in 1983 as an FM tower and since then other equipment and antennae have been added. The current load had a wind problem at about 115MPH and was scheduled to be unloaded when the new monopole was built. Sinclair was waiting on the final environmental studies and payment from AT&T and

Verizon for tower usage in order to start constructing the new tower. Bruce Brinkley added that permits should be required for each cell unit going on the tower along with an engineer's design to ensure it could withstand a wind load of 115MPH. Tom Bonadeo stated that both he and Jeb Brady require this information; and iii) The County Board of Supervisors have not had great success with their wind ordinance. Gamesa had continued their work on the offshore turbine and bird studies would resume in the fall. He recently saw an advertisement from the County regarding their wind ordinance so it appears they were ready to move forward.

## **OLD BUSINESS**

### *Sign Ordinance Review – Definitions*

Tom Bonadeo informed the Commissioners that Bruce Brinkley recommended that the International Zoning Code Definitions, which were used by numerous jurisdictions, be reviewed and added that the definitions were good with pictures to explain the language. Tom Bonadeo proposed using the majority of the definitions and drafting a replacement ordinance for further review at the October meeting.

The Commissioners reviewed the International Zoning Code Sign Ordinance and the following comments were made:

- i) The definition of "Billboard" referred individuals to "Off-premise sign" or "Outdoor advertising sign." When you went to the definition of "Off-premise sign," it referred you to "Outdoor advertising sign" which the Commissioners did not think was appropriate. After some discussion, it was agreed that a good definition of "Billboard" was needed and the definition of "Off-premise sign" would be deleted and under the definition of "Outdoor advertising sign" the phrase "sometimes referred to as Off-premise sign" would be added. Tom Bonadeo stated that he would also add a size for "Outdoor advertising sign" to differentiate a Billboard.
- ii) Joan Natali stated that she did not see a definition for "movable sign" which needed to be addressed. Tom Bonadeo stated that he would include language from the Town's existing ordinance. There was some discussion as to whether this would fall under "Temporary sign" but the Commissioners felt that a temporary sign was more for events, political signs, etc. Movable signs were like sandwich boards that shop owners take inside when their business was closed.
- iii) Under Section 1004 – General Provisions, there was some discussion regarding § 1004.6 – Animation and changeable messages and whether these types of signs were permitted in the Town. Tom Bonadeo stated that electronically animated signs were not permitted but manually changeable signs were permitted. A church sign where the copy is changed manually is an example of this type of sign.
- iv) Joan Natali stated that she did not see historical markers as permitted signs. Roger Munz asked whether the historical signs became a part of the real estate once hung on a building and added that they could be included under Item 3 of Section 1005.1 – Exempt signs. Tom Bonadeo stated that the Town's current ordinance referenced historical markers and agreed that they would be included in Section 1005.1.3.
- v) There was some discussion regarding prohibited signs and items 2 and 5 in Section 1006.1. Various signs within Town were discussed as well as trailers parked on the streets. Tom Bonadeo noted that there was a difference between trailers parked on the street vs. trailers stored on the street.
- vi) On Figures 1003.1(1) and 1003.1(2), Tom Bonadeo stated that "Roof signs" were not permitted and discussed removing the example from the page. Bruce Brinkley recommended keeping the example so people would be able to see it and know what was not permitted.

Tom Bonadeo stated that this information was very helpful and thanked Bruce Brinkley for providing this document for review. Tom Bonadeo informed the Commissioners that he would

rewrite the Definition Section and Ordinance as discussed for further review at the October meeting.

## **NEW BUSINESS**

### *Blighted/Derelict Houses*

Malcolm Hayward stated that there were two houses on Randolph Avenue which were in a terrible condition and causing a hardship on a property owner trying to sell their house which was across the street. The houses were a disgrace and the Town needed to tear them down and put liens on the properties. One of the properties got around the Town ordinance by putting on a new roof. Tom Bonadeo stated that the one house that Malcolm Hayward referred to was currently under Code Enforcement which forced the owner to install a new roof. Both properties were on a list that Council would be reviewing at their next work session. These houses were in this condition when the property owner across the street purchased their home. The houses were contributing structures and could be saved.

Bruce Brinkley stated that the Town had a history in dealing with derelict structures and added that he wrote an article for Virginia Town & City magazine regarding this issue. Municipalities were limited in their authority to force a property owner to do anything. The Town Council needed to decide which direction they wanted to go regarding whether to get the owners to fix the properties or to demolish them. Malcolm Hayward felt that it was the Commissioners' responsibility to do this. Tom Bonadeo explained that this was not under the purview of the Planning Commission, but a decision to be made by the Town Council.

There was much discussion and debate regarding this issue and Bruce Brinkley pointed out that a property that did not look good was entirely different from a derelict structure and should be handled differently. The Town faced difficulty in enforcing these cases especially in the historic district. If a house was a contributing structure but falling down, the owners should either fix the property, sell it or demolish it. Tom Bonadeo stated that many of the owners of these houses could not afford to fix them up. The properties were selling and the new owners were renovating them. Joan Natali agreed with Bruce Brinkley regarding the distinction between a derelict structure and one in need of repair and the Town needed to keep its inventory of historic buildings. Joan Natali added that some people bought their homes which were next to derelict structures and probably got a good deal, but were thinking differently now that they were trying to sell. These buildings might not be pleasant to look at but there were procedures that must be followed in dealing with these properties. Tom Bonadeo reiterated that the Town Council was in the process of reviewing this issue and a work session was being held next week. Demolition of a property could cost up to \$10K and the Town did not have any money budgeted for this purpose. Joan Natali asked whether there was any provision in the law that permitted the Town to seize a property and sell it to get it fixed up. Bruce Brinkley stated that if the taxes are paid and the structure was not deemed as unsafe, there was not anything that the Town could do. Under eminent domain, the Town needed to compensate the owner for the value of the property. Bruce Brinkley stated that there were laws in place regarding derelict structures but the enforcement process was lengthy and expensive and usually a complicated and emotional issue.

### *Properties in Town with Accumulation of Debris*

Malcolm Hayward asked whether this issue was part of the Planning Commission's purview to which Tom Bonadeo responded that it was not. The Town Council would be reviewing the Nuisance Ordinance at their next work session. Enforcement process for debris was very complicated. If there was a fence around the property, the Town could not even look into the yard or enter the property. Bruce Brinkley agreed and added that the Town could address the issue if rats or vermin were spotted around the property which would make it a health and safety issue. Tom Bonadeo informed the Commissioners that the Town had been working to update the Nuisance Ordinance and had been working with the attorneys to get their input regarding the

proposed revisions. The attorney suggested the Town pursue enforcement under the fire code which was governed by the State.

**ANNOUNCEMENTS**

Joan Natali informed the Commissioners that the Fall Festival was scheduled for September 24<sup>th</sup> with the parade beginning at 10:00 AM.

**Motion made by Mike Strub, seconded by Dennis McCoy, and unanimously approved to adjourn the Regular Meeting of the Planning Commission.**

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Chairman Bruce Brinkley

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Town Clerk