



**TOWN OF BOWLING GREEN
TOWN COUNCIL MEETING
DRAFT MINUTES**

Thursday, May 5, 2022
7:00 p.m.
Town Hall

ROLL CALL AND QUORUM ESTABLISHED

Mayor Gaines called the meeting to order and noted a quorum was present.

The Pledge of Allegiance was recited.

MEMBERS PRESENT

Mayor Mark Gaines
Vice-Mayor Valerie Coyle
Council Member Jean Davis
Council Member Jeff Voit
Council Member Tammie Gaines
Council Member Deborah Howard
Council Member Randy Hageman
Council Member Arthur Wholey

PUBLIC HEARING

Rezoning - #RZS-2021-025 – Northview

Ms. Finchum noted the public hearing is a continuation from the April 7, 2022, meeting. Ms. Finchum reviewed the following:

- Request to rezone 34.54 acres from B-1, Business to R-3, Residential
- Proposed residential subdivision;
- Located at the intersection of Route 301 (AP Hill Boulevard) and Lakewood Road;
- Commercial to front on AP Hill Boulevard;
- Residential to consist of 72 single-family houses and 35 townhomes;
- Proffers submitted and signed;
- Comprehensive Plan recommendation;
- Traffic Impact Analysis not submitted; and
- Available capacity for water and sewer connections.

Council asked if a representative from the Department of Environmental Quality (DEQ) would be attending tonight's meeting. Staff noted that a representative will be present at the June 2, 2022 meeting.

Mayor Gaines asked if the applicant would like to address the members.

Mr. Jason Manns, Applicant, requested a deferral to the June 2, 2022, meeting.

Mayor Gaines opened the public hearing.

Ms. Bonnie Cannon, Resident, addressed the members in opposition of the development.

Mayor Gaines closed the public hearing.

On the motion of Mr. Voit, seconded by Ms. Howard, which carried a vote of 7-0, the Town Council voted to defer action to the June 2, 2022, meeting, at the request of the applicant.

Rezoning - #RZS-2021-020 - Fairmont

Ms. Finchum noted the public hearing is a continuation from the February 3, 2022, meeting. Ms. Finchum reviewed the following:

- Request to rezone from B-1, Business to R-3, Residential;
- Six (6) parcels, approximately 19.47 acres;
- Proposed 78-parcel residential subdivision;
- Combined townhouses and single-family houses;
- Conditional Rezoning, with Proffers;
- Proffers have been signed and submitted;
- Comprehensive Plan recommendation; and
- Concerns with the project.

Mayor Gaines asked if the applicant would like to address the members.

Mr. Dan Webb, Applicant, addressed the members and reviewed the following revisions:

- Addition of a twenty-four (24) foot buffer along Route 301;
- Buffer to include a double row of opaque evergreens for additional privacy screening;
- Amenity package defined;
- Addition of a secondary emergency access;
- Homeowners Association (HOA) documents to be submitted for review;
- Downward, Reflecting Site Lighting to reduce impact to Fort AP Hill; and
- Contacted DEQ for recommendations for water capacity expansion.

Council asked for clarification regarding the revised proffer for water capacity expansion. The Applicant discussed the revision and requested input from Council. Town Attorney recommended deferral of the discussion to the scheduled meeting with DEQ to resolve the issue.

The Applicant requested to defer the rezoning request to the June 2, 2022, meeting.

Council asked if buffer along Route 30 will be impacted by utility connections. The Applicant noted all applicable utility lines will be installed along the interior streets; not along Route 301.

Council commented favorably on the proffered trail and asked if approval has been obtained from VDOT for the use of the right-of-way. The Applicant noted that written confirmation has not been received. Council requested written confirmation. The Applicant agreed.

Council recommended prohibiting the rental of homes within the first three years of purchase. The Applicant agreed to take the requirement under consideration.

Mayor Gaines opened the public hearing.

Ms. Bonnie Cannon, resident, addressed the members in opposition of the development.

On the motion of Mr. Voit, seconded by Mr. Wholey, which carried a vote of 7-0, the Town Council voted to continue the public hearing and defer action to the June 2, 2022, meeting, at the request of the applicant.

Staff reviewed previously noted concerns regarding land use and inconsistencies with the Comprehensive Plan. Staff requested careful consideration of the request.

Rezoning – #RZS-2022-008 – JPM Investments, East Broaddus Ave

Ms. Finchum presented to the members the request to rezone four (4) parcels totaling 2.29+/- acres from B-1, Business to R-1, Residential. Ms. Finchum discussed the following:

- Three (3) parcels are vacant;
- One (1) parcel contains a principal structure and an accessory structure;
- Existing structure appears to have been built as a dwelling;
- No record of past rezoning approval but changed to commercial;
- Used for many years as an office by State Farm Insurance;
- Accessory structure contains a garage with a second-floor apartment;
- Apartment has been rented continuously as a residence and maintained non-conforming use rights;
- Principal structure must be rezoned for use as a residential dwelling; and
- Area identified as commercial in the Comprehensive Plan.

Mr. Jason Manns, Applicant, addressed the members and presented the following information:

- Principal structure built by grandfather for residential use;
- State Farm obtained past approval for commercial use;
- Adjoining vacant lots intended for the development of single-family homes; and
- Third party contracted to purchase lots for donation to Habitat for Humanity.

Council asked for information regarding the zoning of the western adjoining property. Staff stated the parcel is zoned commercial but has been continuously used as residential.

Council noted the Stormwater Management and Special Use Permit (SUP) stipulations included with the approval by the Planning Commission.

Mr. Jason Tickle, Habitat for Humanity, addressed the members and presented the following information:

- Plans for Stormwater Management;
- Subterranean rain gardens used for water mitigation;
- Assistance from Friends of the Rappahannock for stormwater management;
- Minimization of land disturbance;
- Workforce housing;
- Require ownership of the home for (3) three years prior to selling;
- Difference between workforce and subsidized housing; and
- Income requirements range from \$28,000 to \$72,500 per year.

Council asked if the program was limited to families. The Applicant's Representative stated the program is open to singles and families.

Council asked for information on the programs credit score requirements. The Applicant's Representative explained that the USDA 502 Direct Loan requires a credit score of 640 or above; no late or missed payments for twelve (12) months; no bankruptcy within thirty-six (36) months; current on all government obligations; and two years of consistent income.

Council asked for clarification regarding the third-party purchase of the property. The Applicant's Representative stated a third-party has been contracted to purchase and donate the parcels to Habitat for Humanity.

Council inquired if subletting of the dwellings will be prohibited. The Applicant's Representative stated subletting is prohibited.

Council noted the admirable efforts of Habitat for Humanity. Council noted that the home buyer is required to put in 30 hours per week towards the construction of the home or a surrogate may be designated for those unable to perform the work. The Applicant's Representative concurred, a fully disabled individual is permitted up to three (3) surrogates, a single person up to two (2), and a married or unmarried couple up to one (1).

Mayor Gaines opened the public hearing.

Mr. Mac Williams, Director of Building Operations for Habitat for Humanity, addressed the members and discussed the following:

- Industry leading product design;
- Zero-entry, conditioned crawl space;
- High performance energy star home;
- 1400 square foot homes with three (3) bedrooms, two baths;
- ADA adaptable; and
- Partnerships with retailers reduce cost, not quality of materials.

Mayor Gaines closed the public hearing.

Council asked for clarification regarding the submission of property plats. Staff explained that a property plat is not required for rezoning requests; however, a plat will be required for construction.

Council discussed the land use history of the site; the vision of the area; sufficient water availability for three existing lots; and addition of rental prevention requirements. Staff recommended a Comprehensive Plan Amendment. Council agreed.

On the motion of Mr. Voit, seconded by Mr. Hageman, which carried a vote of 7-0, the Town Council approved the request to rezone four (4) parcels from B-1, Business to R-1, Residential.

DELEGATIONS

None.

PUBLIC COMMENTS

Mayor Gaines opened the public comment period.

Mr. Brain Marmaduke, Bowling Green Volunteer Fire Department, addressed the members in opposition of the recent increase of Town Hall Rental Rates. Mr. Marmaduke requested Council consider an increase in fund donation.

Mr. Justin Chenault, Bowling Green Volunteer Fire Department, addressed the members to request an increase of funding for the fire department.

Mayor Gaines closed the public comment period.

MEMBER COMMENTS

Council asked that a written request for additional funding be submitted for review.

Council discussed the deferral of hearings, visitor center preparation, audio/video options for meetings, and agenda amendments.

Council asked for information regarding Planning Commission Report. Staff noted the Planning Commission Report will be added to agendas moving forward.

Council discussed the progress of improvement for the playground.

Council noted complaints received on the condition of sidewalks and requested future discussion for sidewalk improvement.

Council noted the completion of repairs to the handicap ramp located on Main Street.

Council noted appreciation to the members and staff for the resolution of street light issues.

STAFF REPORTS & PRESENTATIONS

The following staff reports were presented to Council:

Public Works/Utilities Monthly Report for April 2022

- Discussed completion of annual hydrant flushing; and
- Need for replacement or repair of out of service hydrants.

Police Departments Monthly Report April 2022

- Discussed options for removal of wildlife under building.

Town Clerk/Treasurer Council Monthly Report April 2022

- Noted successful payroll processed with new accounting software.

Town Manager Monthly Report for April 2022

- No discussion.

CONSENT AGENDA**Bills – April 2022**

- Council asked for clarification of the new reports and requested a more detailed breakdown. Staff noted differences with the new accounting software and will provide more detailed reports as requested.
- Council asked for information regarding the expense for Local Services LLC. Staff noted the expense is for monthly portable toilet rental.

On the motion of Mr. Voit, seconded by Mr. Wholey, which carried a vote of 7-0, the Town Council voted to accept Consent Agenda item eight (8) as presented.

Approval of the December 02, 2021; January 06, 2022; February 03, 2022; and April 07, 2022, Worksession Meeting Minutes

- Council noted correction on page 149, amendment to the attendance of Mr. Wholey, from present to absent;
- Council noted correction on page 151, amendment to the attendance of Mr. Wholey, from absent to present; and
- Council noted correction of page 153. amendment to the attendance of Mr. Wholey, mark present.

On the motion of Mr. Hageman, seconded by Mr. Voit, which carried a vote of 7-0, the Town Council voted to accept Consent Agenda item nine (9), with corrections as noted.

Approval of the December 02, 2021; February 03, 2022; and April 07, 2022, Regular Meeting Minutes

- Council noted correction on page 167-169, amendment to the number of votes from eight (8) to seven (7).

On the motion of Mr. Voit, seconded by Mr. Wholey, which carried a vote of 7-0, the Town Council voted to accept Consent Agenda item ten (10), with corrections as noted.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Tinsel Town 2022

Council discussed the request for a reduction of the new Town Hall Rental Rates. Council suggested donation to mitigate the increase. Council recommended careful consideration when determining which organizations receive donations. Council noted the historic significance of Town Hall and the importance of rental rate collection to maintain the building.

On the motion of Ms. Davis, seconded by Mr. Voit, which carried a vote of 6-1, with Ms. Gaines opposing, the Town Council voted to deny the request for a reduction of Town Hall Rental Rates for Tinsel Town.

Authorize Advertisement of the FY23 Budget Public Hearing

On the motion of Mr. Wholey, seconded by Ms. Davis, which carried a vote of 7-0, the Town Council approved the advertisement of the FY23 Budget Public Hearing for June 2, 2022.

Authorize Advertisement of the Water Rate Increase Public Hearing

On the motion of Mr. Voit, seconded by Mr. Wholey, which carried a vote of 7-0, the Town Council approved the advertisement of the Water Rate Increase Public Hearing for June 2, 2022.

INFORMATIONAL ITEMS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Motion to made by Mr. Voit, seconded by Mr. Wholey, which carried a vote of 7-0, the Town Council voted to adjourn the May 5, 2022 meeting at 8:38 p.m.