

Town of Gate City Planning Commission

February 3, 2009 Meeting Minutes

- 1 Meeting was **called to order** at 6:00 PM by Richard Hubbard.
- 2 **Members Present:** Richard Hubbard, Nancy Willis, Tammy Johnson, Walter Salyers, Beate Flanary, David Alan Flanary, Rita Tipton, Steve Templeton
- 3 **Members Absent:** None
- 4 **Public expression:** None
- 5 **Minutes** were approved as presented upon motion by Rita Tipton and second by Walter Salyers, all ayes.
- 6 **Election of Secretary** On motion by **Nancy Willis** and second by **Walter Salyers** and all members voting aye, Tammy Johnson was elected to fill the vacant position of secretary following Beate Flanary's resignation from the post.

7 Reports and Requests

- a. Zoning Administrator - Two Requests to verify proper Zoning. Nothing to BZA.
- b. Town Council Representative -
- c. Park Committee Representative - The Rain Garden at the Grogan Park expansion had begun and was expected to be completed before the end of the month. The Scott County School Board has contributed \$4,000 toward the construction of an outdoor classroom at the park. The construction of the walking trail has not begun due to the weather, but a contractor has been awarded the bid.
- d. EDARC Representative - The EDARC is currently reviewing the Comprehensive Plan, and will be working with us to update it. We have joint meetings with the EDARC concerning the Plan.
- e. Comprehensive Plan Committee - *The Committee was not yet appointed.*
- f. Land Use Committee - *The Committee was not yet appointed.*
- g. Subdivision Committee - *The Committee was not yet appointed.*
- h. Zoning Committee - *The Committee was not yet appointed.*
- i. Capital Improvement Committee - *The Committee was not yet appointed.*

8 Under **Existing business**, the commission

a. Lane Request: Larry Lane appeared before the commission with a request for Street abandonment. The request was earlier denied by the town. The street, Campbell Street off of Benton, is located adjacent to the Lane property. Mr. Lane stated the street is unused and has been maintained by his family since 1978. The possibility of an easement for future infrastructure use was discussed. Mr. Lane was amenable to the idea.

The Planning Commission recommends that the Town Council close or abandon Campbell Street.

Motion by Walter Salyers, Second by Tammy Johnson, motion carried.

b. The following Committee appointments were made:

1. Comprehensive Plan - David Flanary and Tammy Johnson
2. Land Use - Tammy Johnson
3. Subdivision - Richard Hubbard and Rita Tipton
4. Zoning - Nancy Willis and Rita Tipton
5. Capital Improvement - Rita Tipton and Walter Salyers

9. Under **new business**,

- a. the Commission discussed the Yard Sale Ordinance requested by Gate City Town Council, and

formulated the following recommendations following the outline prepared by Beate Flanary:

Chapter 31

Yard Sale Ordinance

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Sec. 31 Purpose

Purpose

The Yard Sale Ordinance of the Town of Gate City, Virginia shall be for the general purpose of regulating the occasional sale or display of goods for sale in residential areas and zoning districts where Yard Sales are a permitted use.

This section not discussed by the Planning Commission; responsibility of the Town Council.

Sec. 31.1 Definitions

31.1.1 Yard Sale: Yard sale refers to the occasional sale of or display of goods for sale in residential areas and zoning districts where yards sales are a permitted use. The term shall apply whether the sale is conducted from a single family, multi-family, or business location or vacant lot. Attic sales, bazaars, basement sales, garage sales, moving sales and any similar sales not operated under a business license shall be classified as Yard Sales.

Motion by Tammy Johnson, Second Walter Salyers, motion carried.

31.1.2 The term Yard Sale shall not include the sale of one or two items of personal property not placed on display to the public.

Motion by Tammy Johnson, Second by Beate Flanary, motion carried.

Sec. 31.2 Permits

31.2.1 General: All sales classified as a yard sale shall require a permit, which can be obtained from the Town Clerk for a \$5 permit application fee. If granted, the permit must be placed in a location visible to the public during the sale.

31.2.2 An applicant's failure to pay any monies owed to the town shall constitute grounds for the denial of a yard sale permit.

31.2.3 Violation: The violation of any provision of this article shall constitute a misdemeanor subject to a fine of \$25 per offense. Each day of continued violation shall constitute a separate offense. *Motion by Walter Salyers, Seconded by Rita Tipton, motion carried.*

Sec. 31.3 Limits

31.3.1 Goods: All yard sales shall be limited to used household goods from households in the immediate neighborhood of the sale. Said goods may not be displayed in the yards of any dwelling or business or vacant lot within town limits except for one (1) day prior to and on the day(s) of the sale.

Motion by Tammy Johnson, second Nancy Willis, motion carried.

31.3.2 Frequency: No physical address within town limits shall be permitted to host more than four (4) yard sales in any calendar year.

Motion to accept, Walter Salyers, second Nancy Willis, motion carried

Sec. 31.4 Times

31.4.1 All yard sales shall take place in the hours of daylight.

Motion to accept, Nancy Willis, second, Beate Flanary, motion carried.

31.4.2 No yard sale shall be conducted for more than three (3) consecutive days.

Motion to accept, Nancy Willis, second, Beate Flanary, motion carried.

Sec. 31.5 Signs

31.5.1 Placement: Signs promoting a yard sale may not be placed in the public right-of-way, and/or on any utility pole or traffic sign without express written permission. In addition, permit holders may not place signs on any property not their own unless they have received the express permission of the property owner.

Motion to accept, Beate Flanary, second, Rita Tipton, motion carried.

31.5.2 Appearance: Signs shall be temporary and limited to three (3) square feet in area. All signs shall also display the location and date of the yard sale.

Motion to accept, Tammy Johnson, second David Flanary, motion carried.

31.5.3 Removal: Signs may be placed no more than two (2) days prior to a yard sale, and must be removed as specified in the Zoning Ordinance. If in any case the permit holder fails to

comply, town employees may remove the non-conforming signs and the cost of the removal may be billed to the permit holder.

Motion to accept, Beate Flanary, second, Tammy Johnson, motion carried.

Sec. 31.6 Exceptions

31.6.1 Valid nonprofit, religious, community service, educational, veterans or fraternal organizations, as well as volunteer fire departments and rescue squads raising funds for charitable purposes shall be exempt from the permit fees.

Motion to accept Beate Flanary, second, Nancy Willis, motion carried.

31.6.2 The Town Manager may, upon application, grant additional consecutive days to qualified nonprofits.

Motion to accept, Rita Tipton, second, Beate Flanary, motion carried.

Sec. 31.7 Effective Date

31.7.1 This Yard Sale Ordinance of the Town of Gate City, Virginia, shall be effective at and after 12:01 A.M., February 20, 2009

This section not discussed by the Planning Commission; responsibility of the Town Council.

b. The Commission needs to have the Comprehensive Plan updated by June 2009.

10. Meeting was **adjourned** at 8:05 PM upon motion by **David Flanary** and second by **Nancy Willis** , motion carried.