

PUBLIC HEARING



PUBLIC HEARING MINUTES AMENDMENT TO NOISE ORDINANCE, SECTION 16.3 SEPTEMBER 19, 2017 6:30 PM

I. PUBLIC HEARING: Amendment to Town of Gate City Ordinance Section 16.3 - Noise

II. ROLL CALL – Town Clerk – Wayne Bledsoe

	PRESENT:	ABSENT:
Mayor, Frances Perry	X	
Vice Mayor, Roger Cassell	X	
Council Member, Allan “Cotton” Roberts	X	
Council Member, Robin Richards		X
Council Member, Wallace W. Ross, Jr.	X	
Council Member, Ron Kindle	X	
Town Manager, Greg Jones	X	
Town Attorney, Michele Brooks	X	

Others present: Bill Gilliam, Larry Lane, Debbie Kindle, Kenneth Ayers, Kimberley Ayers, Roy Peters, Kevin Barnett

III. NEW BUSINESS

Amendment to Town of Gate City Ordinance Section 16.3 – Noise

IV. PUBLIC COMMENT

- **Bill Gilliam:**
 - **What is the reason for this proposed amendment?**
 - Mayor Frances Perry and Town Manager Greg Jones said they have fielded many complaints concerning animal nuisances (noise) within the Town and are responding to these.
 - Vice-Mayor Roger Cassell said he had asked this to be advertised for Public Hearing because he has fielded complaints and lives in the neighborhood where the complaints are originating.
 - Current Town Ordinance prescribes a measured decibel meter reading for enforcement. Vice-Mayor Cassell said this is difficult to enforce due to the current condition of the town’s meter.
 - Modeled after Abingdon, VA’s current Town Ordinance.
 - Town Attorney Michelle Brooks said there had been changes in the Virginia Code which no longer require the decibel meter measurement to enforce this law. Case in City of Virginia Beach now allows for a “reasonable person test” (i.e., will it interfere with a reasonable person’s expectation of excessive noise?)
 - Ordinance is meant to enforce against a continual action.

- **If passed, how is this enforced and the fines collected?**
 - Town Attorney Michele Brooks said this would be handled as a civil court matter (i.e., a ticket issued).
 - No jail time, but court costs associated if appearing within court.
 - **Does the cost of collecting the fine outweigh the amount of the fine?**
 - Mr. Gilliam asked if the costs associated with pursuing the fines outweighed the amount of the fines, and if this was cost-effective for the town.
 - Town Manager Greg Jones explained that processes such as Property Maintenance are not reimbursed to the Town, yet need to be enforced and are a part of the operations of the Town.
 - Town Attorney Michele Brooks noted that once residents realize the Town is serious and proactive with enforcement, compliance will increase.
 - Vice-Mayor Roger Cassell explained that the minimum fine has been drafted into the proposed amendment, and Council can approve an increase in fines if the penalties are deemed too lenient.
 - **Where do the monies that are collected and generated go?**
 - Town Manager Greg Jones said that the monies collected will go back into the Town's General Fund.
- **Larry and Debra Lane:**
 - Expressed concern about a home located approximately 200 yards from their residence that has "coon dogs" on the property.
 - Mr. and Ms. Lane spoke at Public Hearing to notify Council of a noise problem that they feel needs to be dealt with.
- **Debbie Kindle:**
 - Addressed the proposed ordinance with corrected times of enforcement.
 - Revise 10 PM – 6 PM to read 10 PM – 6 AM.
 - Town Attorney Michele Brooks said the language concerning decibel meter requirements should be omitted, as this requirement is no longer needed pursuant to current case law (see previous comments under Bill Gilliam's Public Comments).
 - Tenants are struggling to provide basic utilities for home in which they are renting – concern if these tenants are the rightful owners of pets (dogs) on the property.
 - **Is there a difference between residential and commercial in enforcement of this proposed amendment?**
 - According to the proposed amendment, specifications between residential and commercial do not exist; the proposed amendment applies to the entire town.
 - Ms. Kindle also mentioned the business located in the downstairs portion of Town Hall (excessive noise).
 - Town Manager Greg Jones says he has had no complaints concerning this business.
 - Ms. Kindle expressed concern that in previous Council Meetings, the noise from this downstairs business was excessive and prohibitive to attendees accurately hearing what was being discussed at Council Meetings.
 - Vice Mayor Roger Cassell wished to go on record, saying "this is one of the stupidest decisions ever made". Council Member Ron Kindle agreed
 - Town Manager Greg Jones said this business generates \$1,800 in monthly income to the town.

- Vice Mayor Roger Cassell reiterated that there were other ways for the town to generate revenue.
- **Kimberly Ayers:**
 - Seeking clarification on recent article printed in Scott County Star concerning the proposed animal noise amendment. Council addressed the long-term intent of the ordinance, as opposed to a single bark, crow, or meow, as stated in the ordinance. Resident satisfied with explanation.
- **Roy Peters:**
 - Asked about Property Maintenance vs. Noise Enforcement and wondered why the town was concerned with noise if property issues remain.

Close public comment at 7:13 P. M.

V. PUBLIC HEARING CLOSES AT 7:13 P.M.

Frances Perry – Mayor

Wayne Bledsoe - Town Clerk