

Bradley E. Grose, Mayor
Robert R. Altice, Councilmember
Carolyn D. Fidler, Vice Mayor
Matthew S. Hare, Councilmember
William "Wes" Nance, Councilmember



Vinton Municipal Building
311 South Pollard Street
Vinton, VA 24179
(540) 983-0607

**Vinton Town Council
Regular Meeting
Tuesday, December 6, 2011**

AGENDA

Consideration of:

- A. 6:00 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM**
- B. CLOSED MEETING**
1. Request to Convene in Closed Meeting, Pursuant to § 2.2-3711 A (1) of the 1950 Code of Virginia, as amended, for discussion or consideration of personnel matters relating to the Police Chief position.
 2. Request to Convene in Closed Meeting, Pursuant to § 2.2-3711 A (3) of the 1950 Code of Virginia, as amended, for discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body relating to purchase of right of way easements by Appalachian Power Company for the Huntington Court Transmission Line.
- C. RECONVENE AND ADOPT CERTIFICATION OF CLOSED MEETING**
- D. MOMENT OF SILENCE**
- E. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG**
- F. CONSENT AGENDA**
1. Consider approval of minutes for Council in the Neighborhood Meeting of November 15, 2011.
 2. Consider approval of minutes of Special Council Meeting of November 30, 2011.
- G. AWARDS, RECOGNITIONS, PRESENTATIONS**
1. Recognition of our Public Works Staff and the Town's Recycling Program.

H. **CITIZENS' COMMENTS AND PETITIONS** - This section is reserved for comments and questions for issues not listed on the agenda.

I. **PUBLIC HEARING**

1. Application from Potomac Foods Real Estate, LLC, to rezone three parcels of land off Bedford Road from R-3 Residential to GB General Business District to expand Bojangles' Restaurant parking areas and associated improvements.
 - a. Report from Staff
 - b. Conduct Public Hearing
 - c. Consider adoption of an Ordinance approving the rezoning

J. **TOWN ATTORNEY**

K. **TOWN MANAGER**

1. Presentation of the June 30, 2011 Comprehensive Annual Financial Report by Brown Edwards & Company, LLP and consider adoption of a Resolution approving and accepting said Report.
2. Consider adoption of a Resolution authorizing the Town Manager to execute a Supplemental Agreement with Norfolk Southern Railway Company to revise a License Agreement dated June 15, 1951, for wastewater line crossing.

L. **MAYOR**

M. **COUNCIL**

N. **ADJOURNMENT**

NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.
Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Town Council meetings. Please call (540) 983-0607 at least 48 hours prior to the meeting date so that proper arrangements may be made.

NEXT TOWN COUNCIL MEETING:

- December 20, 2011 – 7:00 p.m. – **Regular Council Meeting – Council Chambers**

MINUTES OF A COUNCIL IN THE NEIGHBORHOOD MEETING OF VINTON TOWN COUNCIL
HELD AT 6:30 P.M. ON TUESDAY, NOVEMBER 15, 2011, AT THE CRAIG AVENUE RECREATION
CENTER LOCATED AT 90 CHESTNUT STREET, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor
Vice Mayor Carolyn D. Fidler
Robert R. Altice
Matthew S. Hare
William W. Nance

STAFF PRESENT: Christopher S. Lawrence, Town Manager
Susan N. Johnson, Town Clerk
Michael Kennedy, Public Works Director
Joey Hiner, Assistant Public Works Director
Ben Cook, Police Chief
Christopher Linkous, Fire/EMS Captain
Lauren Hodges, Facilities Manager
Barry Thompson, Finance Director/Treasurer
Anita McMillan, Planning and Zoning Director
Penny Beyer
Consuella Caudill, Assistant Town Manager/Economic Development
Manager

The Mayor opened the meeting at 6:30 p.m. and welcomed everyone in attendance. Joe Banks of 315 Franklin Avenue commented on some kids that were in the neighborhood recently and appeared to be hanging around the house that has been burned at 856 Chestnut Street. He wondered if it could be boarded up. Anita McMillan, Planning and Zoning Director, explained that someone had brought that property and is in the process of gaining entrance to the property so it can be demolished. She further commented that he had been in the Planning Office to pick up the proper forms some time ago, but they could possibly write a letter to the new owner.

Mr. Nance commented that Ms. McMillan is right that we need to give the new owners an opportunity to work on improving the property, but there seems to be a zoning issue as well as a law enforcement issue that we can look at.

At this time all the town staff and several police officers who were present were introduced to the group.

The Town Manager introduced Doug Blount, the County's Associate Director of Parks and Recreation, who will be the Director effective January 1, 2012. He welcomed the group to the Craig Center.

Allen Kasey of 105 Giles Avenue asked Council about the widening of Giles Avenue and putting it in the upcoming budget. It was planned as part of the revitalization of the neighborhood in

1987 when Dick Cranwell got the grant for the Town and he would like to see results this year. The Mayor commented that the upcoming budget will again be a tight budget and that the Town does not get the funding from the State that they need to assist with highway construction and maintenance. Mr. Altice indicated that the original grant was not fully funded.

The Mayor expressed thanks to the community for inviting Council to the Gladetown Reunion.

The Town Manager introduced Anita McMillan who gave an update on the natural trail that is being developed around the detention basin. The project was stopped because they needed property to create a pedestrian bridge and now Mr. and Mrs. Tommy Wood have donated a piece of property for this purpose. In the upcoming months, volunteers will begin working on the trail. She also indicated that she had a map of the new trail and information on all the greenway trails for citizens to pick up after the meeting.

Mike Kennedy made brief comments on some information he had available for citizens to pick up relating to water, wastewater and stormwater management. He showed the backflow prevention device which is for your outside water hose. He explained the purpose of the device and indicated that he had brought enough for each household to have one at no charge. He also commented on the current Recycle and Win Program and that the Town has picked up around 25 new recyclers since the Program started and encouraged those who are not recycling to call Public Works for their free container.

A citizen asked if there were covers for the containers of newspapers to keep the papers from getting wet. Mr. Kennedy replied that they do not have covers, but they will take the paper wet, but appreciate those who put the papers in plastic bags.

Mr. Hare commented that the community has a neighborhood watch program and are there any crime issues that have been brought up in their meetings. James Childress indicated that they had problems in the past, but they addressed them in their meetings.

Mr. Casey asked if could put something over the large grates over the stormwater inlets to keep someone from getting hurt.

The Town Manager commented any specific issues, rather large or small, are important and this type of meeting helps staff to be advised of those issues. The citizens know more about the issues in their own neighborhood because they live there.

The Mayor announced that the first three Saturdays in December from 9:00 a.m. to 12 Noon, the Mayor or Vice Mayor and one other Council member will be in Council Chambers to meet with any citizens who would like to come. Vice Mayor Fidler commented that she is looking forward to the Saturday morning meetings.

The Mayor called the regular meeting to order at 7:15 p.m.

The Mayor introduced Susan Johnson, the Town Clerk, and asked her to call the roll. The Clerk called the roll with Council Member Altice, Council Member Hare, Council Member Nance, Vice Mayor Fidler and Mayor Grose present.

The Mayor introduced the Moment of Silence and Mr. Altice led the Pledge of Allegiance to the U.S. Flag.

Under consent agenda, upon motion by Vice Mayor Fidler, seconded by Mr. Hare, with a 5-0 vote, Council approved the minutes as presented.

Approved minutes of October 25, November 1, November 2, and November 9, 2011

Mr. Hare read a letter from Chief Cook naming Master Police Officer Matt Harris as Police Officer for the month of October.

Police Chief Ben Cook gave comments on the National Prescription Drug Take-Back Initiative. The Program was started about two years ago nationwide and is designed to collect unused, unwanted or expired medications. The Police Department participated on October 29 at the Kroger in Vinton and our officers collected 112 pounds of prescription medication. Vice Mayor Fidler asked if there are places to take these medications at other times and Mr. Cook indicated they are discussing doing the collection every six months.

The Mayor thanked staff for coming to the meeting tonight and for their participation in the recent State of the Town address at the War Memorial. He mentioned a Proclamation that had been prepared in recognition of the Bicentennial of the American War of 1812 in Virginia and another reminder of the Saturday morning informal meetings in December.

Comments from Council – Vice Mayor Fidler commented on the Citizen's Police Academy and invited the citizens to participate. She also encouraged the citizens to go and see the Higher Ground Monument at the War Memorial if they had not done so. She thanked the citizens who were in attendance and reminded them that Council members are always available to talk with them concerning any issues. Mr. Altice also thanked the citizens for allowing Council to hold their meeting in the community.

Mr. Nance briefed Council on the September 2011 financial report. The General Fund is basically on target as far as

revenues are concerned at this point—96%. Expenditures were a little below projection based on personnel vacancies. On the Utility Fund side, revenues are above projection at this time and expenditures are also down. The State sales taxes are up from last year. Mr. Nance also commented that the first proposed budget from the Governor's Office has a \$300,000 reduction in our highway maintenance fund for next year.

Upon motion by Mr. Altice, seconded by Vice Mayor Fidler, with 5-0 vote, Council approved the September 30, 2011 financial report.

Approved the September 30, 2011 financial report.

Mr. Nance apologized for not being able to attend the reception before the meeting due to being under the weather. He also expressed his appreciation for the large turnout and for the support of this community.

Mr. Hare also expressed his thanks for the attendance at the meeting. He also mentioned the BuyVinton Week which will run the week of November 27-December 3 and encouraged citizens to shop and buy local as much as they can. He also commented about the intersection of Washington and By-Pass Road and if the Highway Safety Commission can look at it. The Town Manager said a meeting is scheduled for December 8th and that item is on the agenda.

The Mayor made comments on how important partnerships are and he appreciates the partnership this community has with the Town.

Thomas Harper of 119 Franklin Avenue expressed his appreciation on behalf of the group for Council taking the time to hold their meeting in the community.

The meeting was recessed back to the Municipal Building for a closed session.

The Mayor reconvened the meeting at 8:00 p.m. The Town Manager called the roll with Council Member Altice, Council Member Hare, Council Member Nance, Vice Mayor Fidler and Mayor Grose present. Stephanie Dearing, Human Resources Director joined the meeting.

The Mayor advised that Council needed to go into a Closed Meeting pursuant to Section 2.2-3711 (A) (1) of the 1950 Code of Virginia, as Amended, for Discussion or Consideration of Personnel Matters to Interview Candidates for Police Chief Position. On motion by Mr. Nance, seconded by Vice Mayor Fidler, with a vote of 5-0, Council went into Closed Meeting at 8:05 p.m.

At 9:32 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Mr. Nance, seconded by Mr. Hare, with a 5-0 vote. The meeting was adjourned at 9:37 p.m.

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk

MINUTES OF A SPECIAL MEETING OF VINTON TOWN COUNCIL HELD AT 5:00 P.M. ON WEDNESDAY, NOVEMBER 30, 2011, AT THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor
 Carolyn D. Fidler, Vice Mayor
 Robert R. Altice
 Matthew S. Hare
 William W. Nance

STAFF PRESENT: Christopher S. Lawrence, Town Manager
 Stephanie Dearing, Human Resources Director, Acting Town Clerk

The Mayor called the meeting to order at 5:00 p.m. The Town Manager called the roll with Council Member Altice, Council Member Hare, Council Member Nance, Vice Mayor Fidler and Mayor Grose present.

The Mayor advised that Council needed to go into a Closed Meeting pursuant to Section 2.2-3711 (A) (1) of the 1950 Code of Virginia, as Amended, for Discussion or Consideration of Personnel Matters to Interview Candidates for Police Chief Position. On motion by Vice Mayor Fidler, seconded by Mr. Hare, with a vote of 5-0, Council went into Closed Meeting at 5:05 p.m.

Mr. Altice left the meeting at 9:00 p.m.

At 9:20 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Mr. Hare, seconded by Mr. Nance, with a 4-0 vote. The meeting was adjourned at 9:25 p.m.

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Stephanie Dearing, Acting Town Clerk

AT A CLOSED MEETING OF THE VINTON TOWN COUNCIL HELD ON WEDNESDAY, NOVEMBER 30, 2011 AT 5:00 P.M. AT THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

**CERTIFICATION THAT A CLOSED MEETING WAS HELD
IN CONFORMITY WITH THE CODE OF VIRGINIA**

WHEREAS, the Town Council of the Town of Vinton, Virginia has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Vinton Town Council that such closed meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the Vinton Town Council hereby certifies that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from opening meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies; and
2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

Motion made by Council Member Hare, and seconded by Council Member Nance, with a 4-0-1 vote in favor. Council Member Altice left the meeting before its conclusion.

Acting Clerk of Council

Memorandum

Date: 28 November 2011

To: Town Manager

From: Public Works Director

Subj: Recognition of Public Works Staff – Town Recycling Program

Cc: File

The Virginia Department of Environmental Quality recently released the Calendar Year 2010 Annual Recycling Rate Report. Vinton's rate of 51.8% ranked 7th in the Commonwealth amongst 71 Solid Waste Planning Units, which represent 324 cities, towns, and counties.

The state rate for 2010 is 40.5% and the rate within the Roanoke Area is 37.7%, so the Town's rate of 51.8% continues to be well above both averages. This is the third time in the past four years that Vinton placed in the top ten statewide and the fifth consecutive year placing in the top 15 statewide. Commendable for a small town.

The combined efforts of Vinton citizens, businesses, and Public Works staff enables the Town to achieve and maintain excellent performance.

The sustained success of this program is due in large part to the dedicated efforts of Public Works staff, namely Sandra Jacobs, Brenda McGuire, Bo Cherry, and Eddie Cooper.

Sandra and Brenda communicate almost daily with citizens and businesses to answer recycling questions and to promote participation. They collect data from a multitude of sources to prepare the annual report. They developed a professional letter with a simplified data collection form tailored to specific businesses types to facilitate and simplify the data submission process. Response from businesses not only improved as a result of this initiative, but the number of businesses recycling increased.

Bo and Eddie collect recyclables biweekly. Their dedicated and reliable service to citizens is a major factor in program success. They respond to all citizen inquiries in a professional manner, thus creating a favorable public image of the curbside program. They promptly deliver new or replacement recycling bins, which results in a short turnaround time from citizen request to citizen participation.

Citizen and business participation is an essential element of recycling success. The combined efforts of these four employees is the catalyst that enables the Town to achieve recycling excellence.

MEMORANDUM

TO: Members of the Vinton Town Council

CC: Members of the Vinton Planning Commission
Chris Lawrence, Town Manager

FROM: Anita J. McMillan, Planning and Zoning Director

DATE: November 15, 2011

**SUBJECT: Planning Commission Public Hearing – November 3, 2011
Petition of Potomac Foods Real Estate, LLC, for Rezoning**

ISSUE/PURPOSE: The Planning Commission held a public hearing on Thursday, November 3, 2011, to discuss and receive comments concerning the petition of Potomac Foods Real Estate, LLC, for rezoning of three parcels of land off Bedford Road; two vacant parcels and 953 Bedford Road, tax map numbers 060.20-07-29.00, 060.20-07-30.00, and 060.20-07-31.00, from R-3 Residential District to GB General Business District. The purpose of the rezoning is for the parking expansion and associated improvements of Bojangles' Restaurant.

The Town Council will hold its public hearing concerning the above petition on December 6, 2011.

BACKGROUND: The existing Bojangles' Restaurant at 900 Hardy Road, is located on a parcel that is zoned GB District. On June 10, 1999, before the restaurant was built, the Board of Zoning Appeals voted to approve Potomac Foods Real Estate, LLC's variance request in the number of off-street parking spaces required, from 37 spaces to 35 spaces. The variance was approved with three conditions:

1. Installation of a six (6) feet high continuous wooden fencing and two (2) staggered rows of evergreen trees to be six (6) feet high at time planting along the northwest side of the property as indicated in the submitted site plan.
2. Ten (10) feet front yard setback from Bedford Road as required by the Vinton Zoning Ordinance, with a row of evergreen trees to be planted in this ten (10) feet setback.
3. There will be no entrances or exits onto Bedford Road.

The restaurant was completed in March 2000, and the adjoining parcel, which is zoned R-3 Residential District, located to the north of the restaurant was allowed to be developed to serve as the 25 feet wide required transitional yard and parking areas.

On November 3, 2011, the Planning Commission held a public hearing on the pending rezoning request. Mr. Stan Seymour, the petitioner, and the petitioner's representatives, Mr. Ben Crew and Mr. Sean Horne from Balzer and Associates, Inc., were at the meeting, in

addition to Ms. Renita McMillan, the property owner and occupant of 932 Bedford Road.

At the Planning Commission public hearing, as stated by Mr. Ben Crew, the rezoning of the parcels will allow:

1. Bojangles' to add 14 additional parking spaces, along with buffer and landscaping.
2. A buffer in the required 25 feet wide transitional yard that will contain board-on-board fencing and a double-staggered row of evergreen.
3. The enclosed dumpster area to be relocated and improved with an added storage area.
4. The relocated entrance on Vinyard Road to improve the traffic flow of the site.

Mr. Stan Seymour informed the members of the Planning Commission that the Vinton Bojangles' was his first store and he plans to upgrade the inside of the restaurant and redesign the dining room and customer service area to look and function more like his newer stores.

Please see attached draft minutes of the Planning Commission public hearing held on November 3, 2011, staff report, and supporting materials as provided by the Petitioner.

ACTION REQUESTED: Town Council to hold and receive public comments concerning the rezoning request during its public hearing to be held on December 6, 2011.

PC RECOMMENDATIONS: The Planning Commission voted unanimously to recommend to Town Council that the rezoning of the three parcels from R-3 Residential District to GB be approved. Some members of the Planning Commission have requested for Bojangles'/Mr. Stan Seymour to consider the concerns brought up by Ms. Renita McMillan.

CITIZENS COMMENTS: On October 14, 2011, Ms. Renita McMillan, 932 Bedford Road, came to the Planning and Zoning office to complain about the dumpster being emptied before 5:00 a.m. On the same day, Staff called Mr. Seymour regarding the complaint. Mr. Seymour assured Staff that the dumpster will be emptied after 7:00 a.m., and it is noted that the complaint has been addressed. Ms. Renita McMillan was made aware of the Planning Commission and Town Council public hearings for the Bojangles' rezoning request. A notification was also mailed to the adjoining property owners.

Staff did not receive any inquiries from the adjoining property owners about the rezoning request, with the exception of Ms. Renita McMillan. During the public hearing, Ms. Renita McMillan stated that she does not have an issue with the business expanding, but expressed the following concerns about the project:

1. The expansion will hurt her property value.
2. The dumpster being relocated closer to her home with the smell and noise when it is emptied especially during the early morning hours. She hoped that Bojangles'

- would consider moving the dumpster over near the Midas Service Center.
3. The skunks that frequent the existing dumpster area.
 4. The new exterior lighting in the parking area.
 5. A safety concern over the change of the driveway/entrance making it closer to a home that has children who play outside.
 6. The lack of sidewalks causing foot traffic to cut through yards to access Bojangles'.
 7. The bucket trucks that park daily behind Bojangles' in a gravel area along Bedford Road.
 8. The circulation within the existing Bojangles' parking lot.

STAFF COMMENTS: In conjunction with an application for rezoning of the property, the property owner may voluntarily proffers, in writing, reasonable conditions to lessen the impact of the commercial use of the property to the adjoining residential properties.

Based on the concerns of Ms. Renita McMillan and members of the Planning Commission at the public hearing, Mr. Seymour and Mr. Crew stated that they will consider relocating the dumpster enclosure area. Mr. Stan Seymour indicated that he plans to put a clause in the contract with future dumpster companies that the dumpster can only be emptied between the hours of 7:00 a.m. and 9:00 p.m. Mr. Seymour also stated that the new lights will be 600 watt halogen lights directed downward, and the fixtures will be 25 feet tall.

On November 7, 2011, Staff informed Public Works and Police Departments regarding Ms. Renita McMillan's concern about the parking of bucket trucks on the gravel area off Bedford Road. According to Public Works Department, the parking along Bedford Road is not seen as a problem, it is seen as on-street parking similar to other areas of Town - business and residential - where it is safe to do so and does not impede traffic. Mr. Seymour also commented that the bucket trucks are not doing anything improper by parking on this gravel area. As stated during the public hearing of the Planning Commission, Mr. Seymour mentioned that the expansion of this onsite parking could help alleviate the parking in the gravel area.

On November 7, 2011, Staff received a revised development plan regarding the relocation of the dumpster enclosure and storage building, away from the residential areas. On November 15, 2011, Staff informed Mr. Crew that the dumpster enclosure will not require building and zoning permit, therefore it can be located at least five feet from the property line facing Bedford Road but the proposed storage building will require a zoning permit to be obtained and a front yard setback of 45 feet from the centerline of Bedford Road has to be met. A revised development plan was submitted on November 15, 2011, showing the relocation of the dumpster enclosure area without the storage building.

DATE ACTION NEEDED: December 6, 2011

Attachments: Planning Commission Draft Minutes, Staff Report, and Supporting Materials

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MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING COMMISSION HELD ON THURSDAY, NOVEMBER 3, 2011, AT 7 P.M., AT THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET.

MEMBERS PRESENT: **Dave Jones, Chairman**
 Dawn Michelsen, Vice Chairperson
 Bill Booth
 Paul Mason
 Bob Patterson

STAFF PRESENT: **Anita McMillan, Planning and Zoning Director**
 Julie S. Tucei, Planning and Zoning Coordinator

OTHERS PRESENT: **Stan Seymour, Petitioner, Bojangles'/Potomac Foods Real Estate**
 Ben Crew, Petitioner's Representative, Balzer and Associates
 Sean Horne, Balzer and Associates
 Renita McMillan, Citizen, 932 Bedford Road, Vinton

AGENDA:

- I. Call to Order**
- II. Approval of Minutes:**
 - Public Hearing—February 8, 2011**
 - Work Session—March 29, 2011**
- III. Public Hearing:**
 - Petition of Potomac Foods Real Estate, LLC, for a rezoning of three parcels of land off Bedford Road; two vacant parcels and 953 Bedford Road, tax map numbers 60.20-07-29.00, 60.20-07-30.00, and 60.20-07031.00, from R-3 Residential District to GB General Business District. The purpose of the rezoning is for the parking expansion of Bojangles' Restaurant.**
- IV. Other Business**
- V. Adjournment**

The meeting of the Vinton Planning Commission was called to order at 7:02 p.m. by Chairman Jones. All members of the Commission were present.

The first item on the agenda was the approval of minutes from the February 8, 2011, public hearing and the work session from March 29, 2011. A motion to approve both sets of minutes was made by Mr. Patterson and seconded by Mr. Booth. A roll call vote was taken, and all members voted in favor of the motion to approve both sets of minutes.

Chairman Jones introduced the public hearing, and Ms. McMillan presented the staff report, a copy of which will become a part of the permanent record of this meeting. Ms. McMillan mentioned that the hearing was advertised in the Vinton Messenger, and also mail was sent to adjoining property owners. She stated that the Planning Department received no calls about the case. Chairman Jones asked if any commissioners had any questions. Mr. Booth asked about the driveway coming out onto Vinyard Road and if it will be expanded. Ms. McMillan stated that it would be moved to the northwest of the existing

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entrance driveway. Ms. McMillan asked the petitioner's engineer if they were going to provide fencing, as well as trees for screening. Mr. Crew stated that they would be using board-on-board fencing and evergreens. Mr. Booth said he visits the facility from time to time, and he felt that the relocation of the entrance will be an improvement. Ms. Michelsen asked if they would be providing any sidewalks along Vinyard Road. There were no plans for sidewalks to be provided in conjunction with this work. Next, Mr. Crew from Balzer and Associates presented the rezoning request. He stated that they would like to add 14 additional parking spaces, along with a buffer and landscaping. He said that the dumpster will be relocated and improved with an added storage area. He also mentioned the improved traffic flow with relocated entrance. Mr. Crew said this work will improve appearance of site. He mentioned that the buffers and landscaping they provide will continue to demonstrate that Bojangles' is a good neighbor in the Vinton community. Chairman Jones asked if any commissioners had any questions for Mr. Crew. Ms. Michelsen asked where the other exit will be, other than the one on Hardy Road. Ms. McMillan showed her on the aerial and the proposed plan. Chairman Jones asked if Mr. Horne had anything additional to say on behalf of Balzer and Associates. Mr. Horne declined. Mr. Seymour spoke next, first stating that he lives in the Cave Spring area. He stated that this was his first store, and that he is also planning to upgrade the inside of the restaurant, too. Mr. Seymour said he is trying to keep pace with his competitors. He plans to gut and redesign the dining room and customer service area around the same time as the parking lot expansion project. Chairman Jones asked if the house on Bedford Road is currently being used for storage. Mr. Seymour stated he used to have a tenant renting it, but it has been vacant for awhile and awaiting demolition. Mr. Booth asked if the interior and exterior work will be done at the same time. Mr. Seymour stated that he is trying to coordinate it together. Chairman Jones commented that Bedford Road would not be able to be used as an entrance or exit unless Mr. Seymour returns to the BZA to revise his original variance. Mr. Seymour stated that he understands that and has no plans to put an entrance off Bedford Road. Ms. Renita McMillan, of 932 Bedford Road, spoke next regarding the rezoning request. She stated that she moved to Vinton in 2009. She said she is two houses up from the stop sign on Bedford Road, and she pointed out her house on the aerial map for Chairman Jones. She mentioned that she is also a customer of the Vinton Bojangles'. Ms. R. McMillan expressed the following concerns about this project:

- the expansion will hurt her property value
- the dumpster being relocated closer to her home with the smell and also the noise when it is emptied especially during the early morning hours
- the skunks that frequent the existing dumpster area
- the new exterior lighting in the parking area
- a safety concern over the change of the driveway/entrance making it closer to a home that has children who play outside
- the lack of sidewalks causing foot traffic to cut through yards to access Bojangles'
- the bucket trucks that park daily behind Bojangles' in a gravel area along Bedford Road
- the circulation within the existing Bojangles' parking lot

She said that she hoped they would consider moving the dumpster over near the lube business where there are fewer nearby homes. She reiterated that she strongly opposes the proposed location of the dumpster, the danger to pedestrians, and the new lighting, but that she does not have an issue with the business expanding. Mr. Booth asked if the bucket trucks she spoke of were coming down Bedford

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Road just to park to go to Bojangles'. Ms. R. McMillan stated that they were. Ms. A. McMillan said she would ask the public works and the police departments check into the issue of parking along Bedford Road. Mr. Seymour said that by doing the project, he is trying to improve the parking on his lot. Ms. R. McMillan said that many times the traffic backs up past Bedford Road, so the relocation of the entrance will not make much difference. Mr. Crew mentioned that an improved dumpster enclosure is planned, so it will look better. He said they plan to add more landscaping and a 6 feet tall privacy fence to mitigate the effects on the nearby property owners. Mr. Seymour mentioned that he plans to put a clause in the contract with future dumpster companies that the dumpster can only be emptied between the hours of 7 a.m. and 9 p.m. In regards to the new lighting to be installed, Mr. Crew said it will minimal—just enough for safety. Mr. Seymour stated that the new lights will be 600 watt halogen lights directed downward, and the fixtures will be 25 feet tall. Ms. Michelsen asked about the backup of traffic along Vinyard Road and if the improved flow on the property will help the issue. Mr. Crew said that he feels that it will improve it. Chairman Jones stated that the lighting will be addressed during the site plan process and will be required to comply with the zoning ordinance. Ms. R. McMillan asked again if the dumpster could be relocated farther away from the houses because of noise and smells. Mr. Seymour said they would look into the possibility of moving it. Chairman Jones closed the public hearing and asked for a motion. He also asked that the commissioners state their reasoning behind their votes when the roll call vote is taken. Mr. Booth made a motion to approve the rezoning request due to the move of the entrance farther down being an improvement for the area and also the overall improvement being made to the property. The motion was seconded by Mr. Patterson. A roll call vote was taken:

- Chairman Jones: Yes, because it is a good plan which will fit in with what is around it and will make a business function better. He said it will become better business in the town.
- Commissioner Booth: Yes, with his reason stated during his motion to approve the request.
- Commissioner Mason: Yes, because it is a good business decision to improve the flow of traffic. He also stated that he hopes Bojangles' will look into the concerns of residents.
- Commissioner Michelsen: Yes, she said she agrees with previous statements and that it is a thriving business so expansion is inevitable. She said she would also like the residents' concerns to be considered.
- Commissioner Patterson: Yes, he said he agrees with Ms. Michelsen and also felt that the owner of the business seems to be very cooperative.

Chairman Jones stated that the request is approved. Ms. Michelsen asked what the process would be to address the residents' concerns. Ms. A. McMillan stated that the rezoning request will be sent to Town Council with the Planning Commission's recommendation to approve it. She also said that Ms. R. McMillan is invited to the council meeting to be heard there as well. Ms. A. McMillan said council will make the final decision on December 6th. Ms. R. McMillan stated that she did not receive a meeting notification letter in the mail like her neighbors had received. Ms. A. McMillan apologized and stated that she was included on the mailing list.

In other business, the commissioners discussed conferences that had been attended by members recently. Mr. Jones asked about the Roanoke River Currents meeting held at Ferrum. Ms. McMillan updated him on the different workshops that were held at the meeting. Ms. McMillan stated that she

DRAFT

**PLANNING COMMISSION
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PAGE 4**

always tries to email them to notify them of upcoming conferences. Mr. Booth attended the land use conference. He said it was a very good meeting facilitated by Michael Chandler; however, it was not well attended because of restricted budgets. He said it was a chance to meet and network with people from other localities. Ms. McMillan mentioned that Mr. Mason recently attended the certification program. Mr. Mason stated it was a very good program. Chairman Jones did one of the presentations there, and Mr. Mason said that he had done a good job. Ms. McMillan asked them to let her know if there are any upcoming conferences or classes that they wish to attend.

There was nothing further to be discussed; therefore, the meeting was adjourned at 7:54 p.m. on a motion by Mr. Patterson and a second by Ms. Michelsen.

Respectfully Submitted,

Anita McMillan
Planning Commission Secretary

STAFF REPORT

PETITIONER: Potomac Foods Real Estate, LLC **PREPARED BY:** Anita J. McMillan
CASE NUMBER: 2011101 **DATE:** October 18, 2011

A. NATURE OF REQUEST

Mr. Stan Seymour, Potomac Foods Real Estate, LLC, the Petitioner, is requesting a rezoning of three parcels of land off Bedford Road; two vacant parcels and 953 Bedford Road, tax map numbers 060.20-07-29.00, 060.20-07-30.00, and 060.20-07-31.00, a total of 0.271 acre, from R-3 Residential to GB General Business District. The purpose of the rezoning is to expand Bojangles' Restaurant parking areas and associated improvements.

B. APPLICABLE REGULATIONS

The three parcels of land are currently zoned R-3 Residential District include an undeveloped vacant parcel, a parcel developed with a single-family brick dwelling that has been vacant since 2007, and a parcel that serves as a buffer and parking areas for Bojangles' Restaurant. The intent of the R-3 District is to provide for a variety of housing types at medium to high density in a suitable residential environment protected from encroachment by incompatible nonresidential uses.

The GB General Business District allows a wide range of retail and service uses, which are intended to serve the community as a whole or cater to the traveling public. The GB District is intended to be applied along primary traffic routes and to areas having direct access to such routes, in order to provide safe and efficient access while avoiding the routing of traffic onto minor streets or through residential areas. The district regulations are designed to afford flexibility in permitted uses of individual sites in order to promote business opportunities, economic development, and the provision of services. Uses by right that are allowed in GB District include institutional, offices and/or commercial uses, such as but not limited to adult day care centers, auto wash facilities, banks, doctor offices, restaurants, retail stores and shops. In addition, a list of uses such as amusement centers, flea markets, and auto and truck general repair are permitted in the GB District, subject to approval of a special use permit.

C. ANALYSIS OF EXISTING CONDITIONS

Background: The existing Bojangles' Restaurant at 900 Hardy Road, is located on parcel that is zoned GB District. On June 10, 1999, before the restaurant was built, the Board of Zoning Appeals voted to approve Potomac Foods Real Estate, LLC's variance request in the number of off-street parking spaces required, from 37 spaces to 35 spaces. The variance was approved with three conditions:

1. Installation of a six (6) feet high continuous wooden fencing and two (2) staggered rows of evergreen trees to be six (6) feet high at time planting along the northwest side of the property as indicated in the submitted site plan.
2. Ten (10) feet front yard setback from Bedford Road as required by the Vinton Zoning Ordinance, with a row of evergreen trees to be planted in this ten (10) feet setback.
3. There will be no entrances or exits onto Bedford Road.

The restaurant was completed in March 2000, and the adjoining parcel, which is zoned R-3 Residential District, located to the north of the restaurant was allowed to be developed to serve as the 25 feet wide required transitional yard and parking areas.

Location: Three parcels of land off Bedford Road; tax map numbers 060.20-07-29.00, 060.20-07-30.00, and 060.20-07-31.00.

Topography/Vegetation: The three parcels are level; one undeveloped, one developed with vacant single-family dwelling, and one serves as Bojangles' Restaurant parking and transitional yard areas.

Adjacent Zoning and Land Uses: The properties to the west of Vinyard Road are zoned GB District and R-3 Residential District, and are developed with multi-family dwellings - Briarwood East and Grape Arbor Townhome apartments. The property to the east is zoned GB District and is developed with commercial use, Midas (Speedee) Auto Service Center. The property to the immediate north is zoned R-3 Residential District and is developed with a three-unit apartment building.

D. ANALYSIS OF PROPOSED DEVELOPMENT

Site Layout/Architecture: A development plan was submitted with the rezoning application, showing the improvements being proposed to Bojangles' Restaurant existing site and area where the parcels are to be rezoned. The rezoning of the three parcels will allow the Petitioner to expand the existing parking areas and make associated improvements to the site. The existing restaurant building will remain in place along with the majority of the existing improvements adjoining the parcels to be rezoned. The existing entrance along Vinyard Road is being relocated to the north to better serve the revised parking area configuration. The existing dumpster enclosure will be removed and a new dumpster enclosure will be provided on the parcels to be rezoned. According to the Petitioner, the proposed improvements further the intent of the GB District by providing safe and efficient access to an existing commercial business, while maintaining the harmonious development and compatibility with the surrounding area.

Also, according to the Petitioner, the proposed parking expansion will have minimal impacts on the surrounding properties. The parcels to be rezoned are surrounded by public right-of-way on two sides of the parcels, Vinyard Road and Bedford Road. As required by the zoning ordinance, a 25 feet wide buffer will be provided in the transitional yard to the northwest of the site.

Site Access: Hardy Road, a four lane right-of-way with sidewalks fronting the property on Hardy

Road. The other access is from Vinyard Road, a two lane right-of-way, which is proposed to be relocated to the north, to provide greater sight distance for patrons leaving Bojangles' Restaurant and create better separation between the new access point and the intersection of Vinyard and Hardy Roads.

Utilities – Public water and sewer services are available.

E. COMPREHENSIVE PLAN/FUTURE LAND USE

The 2004-2024 Town Comprehensive Plan has designated the three parcels and the parcel to the immediate northwest as high-density residential. The Bojangles Restaurant and the areas to the west and east are designated as general commercial land use area. The properties to the south, across Hardy Road are designated as retail/service commercial land use area.

F. STAFF COMMENTS

The proposed rezoning of the three parcels of land from R-3 Residential District to GB District may be considered as not consistent with the future land use of the 2004-2024 Town of Vinton Comprehensive Plan, but at the same time two of the parcels have remained an undeveloped lot and a vacant dwelling. The other lot has been developed as transitional yard and parking areas since the existing Bojangles' Restaurant was completed in March 2000. The proposed expansion of the parking areas, improvements to the site, relocation of the existing entrance along Vinyard Road, are intended to improve access to the restaurant with improved pedestrian and vehicular circulation.

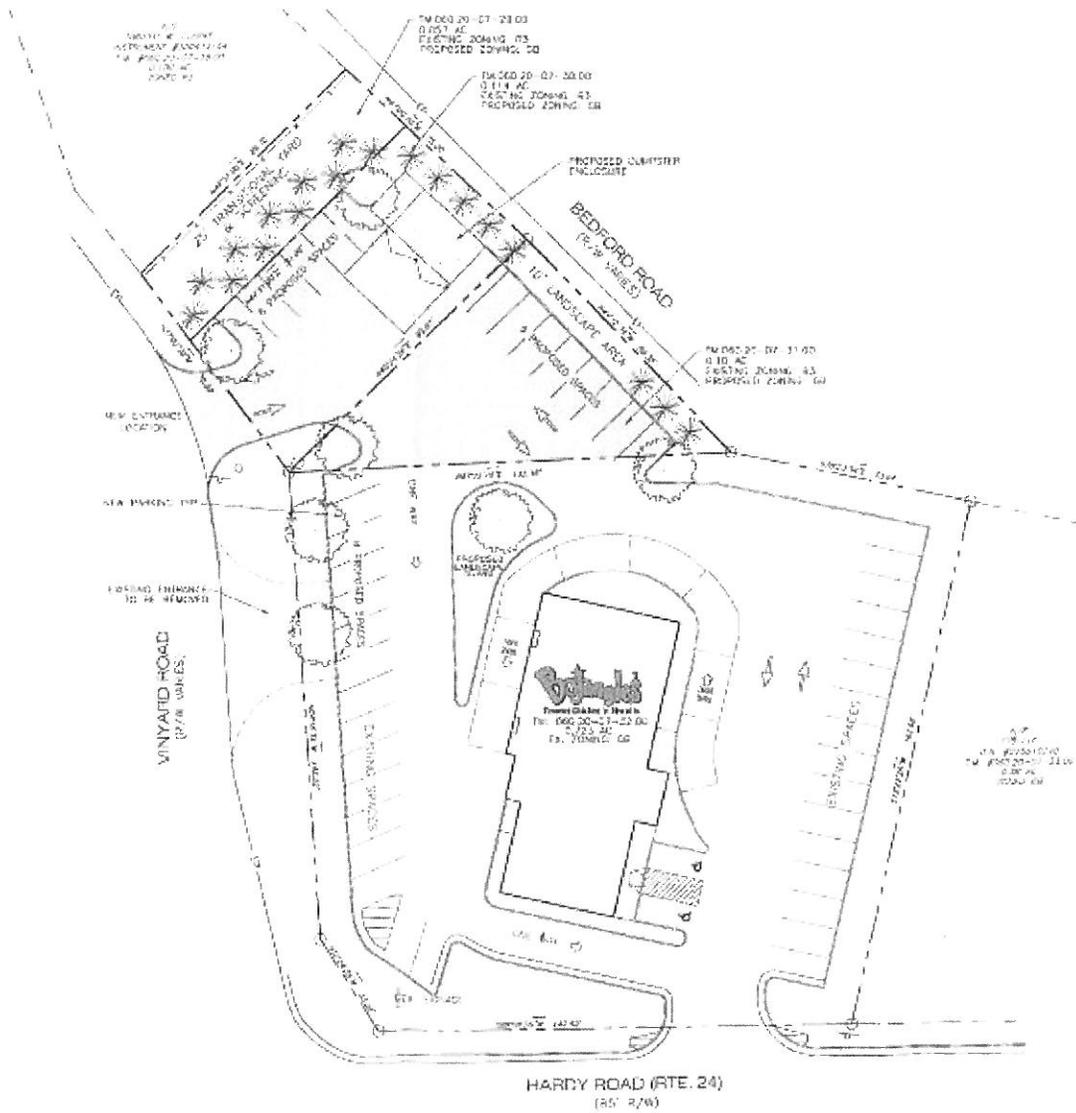
In conjunction with an application for rezoning of property, the Petitioner may voluntarily proffer reasonable conditions in addition to the regulations specified for the zoning district and a locality may accept proffered conditions once the public hearing has begun. The Planning Commission and the Town Council shall not be obligated to accept any or all proffered conditions.

The general purpose of zoning is to promote the health, safety, and general welfare of the public. There are other permissible considerations for zoning action, such as to provide for adequate light, air, convenience of access and safety from fire, flood, crime, and other dangers; to reduce or prevent congestion in the public streets; and to facilitate the creation of a convenient, attractive, and harmonious community. The Petitioner has the burden to show that the underlying zoning is unreasonable; the requested rezoning serves interests other than just financial gain for the property owner; and the requested rezoning is consistent with the comprehensive plan.

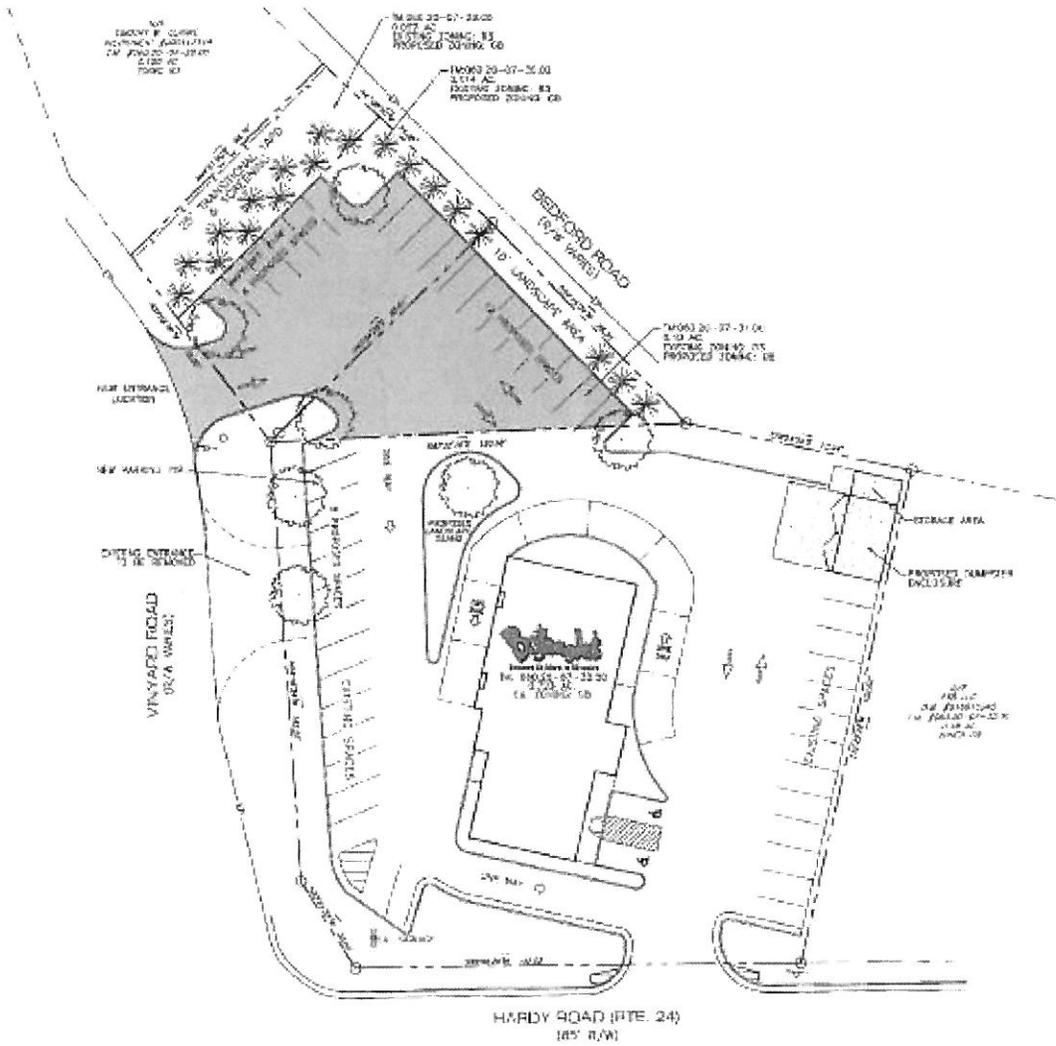
Any proposed use on the three parcels of land will require a minimum twenty-five (25) feet buffer be provided to the northwest of the site, because the property is zoned R-3 Residential District. The Petitioner has not submitted any proffered conditions for this request.



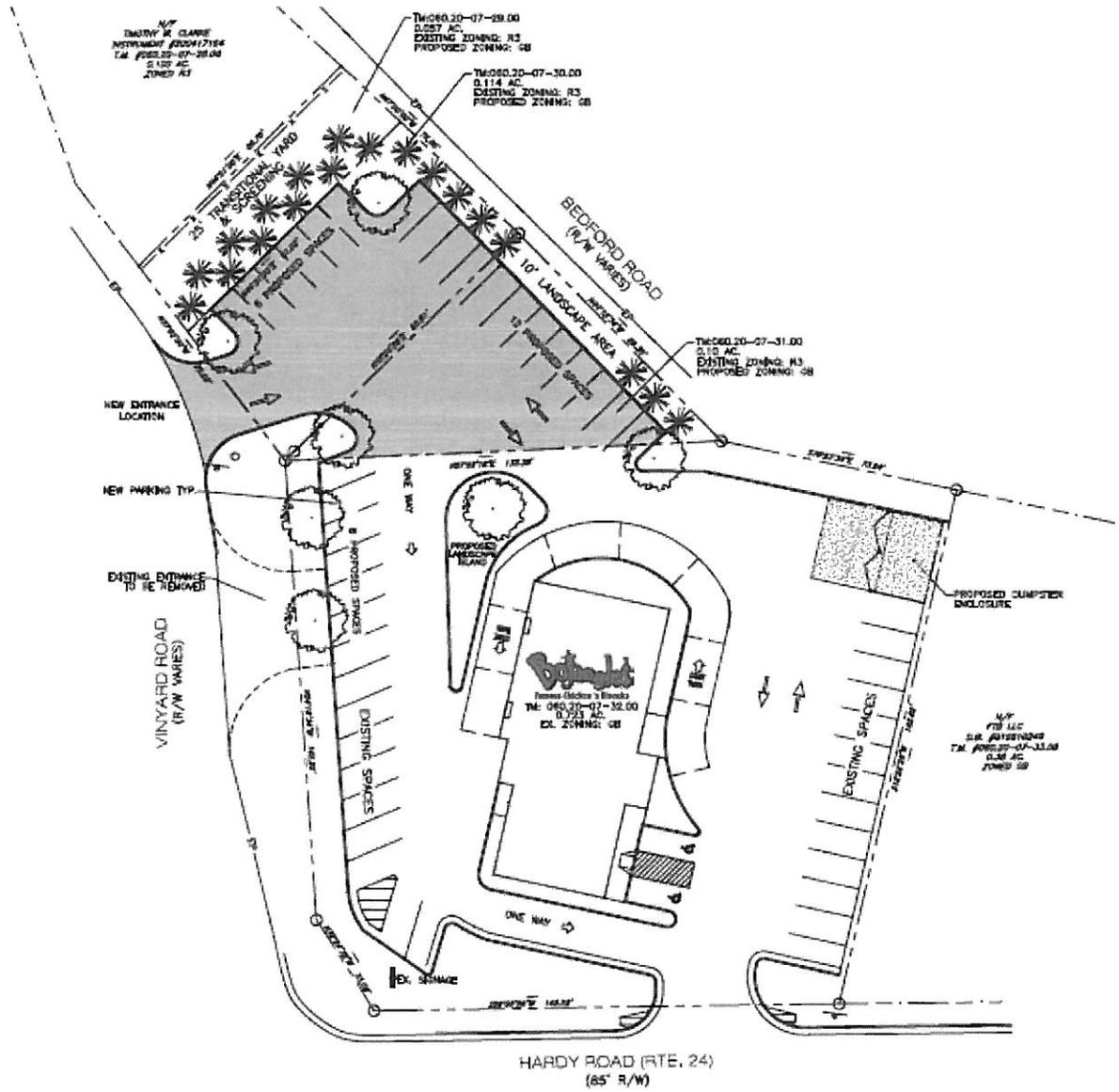
Rezoning of Three Parcels from R-3 Residential District to GB General Business District, Tax Map Number 060.20-07-29.00, 060.20-07-30.00, and 060.20-07-31.00



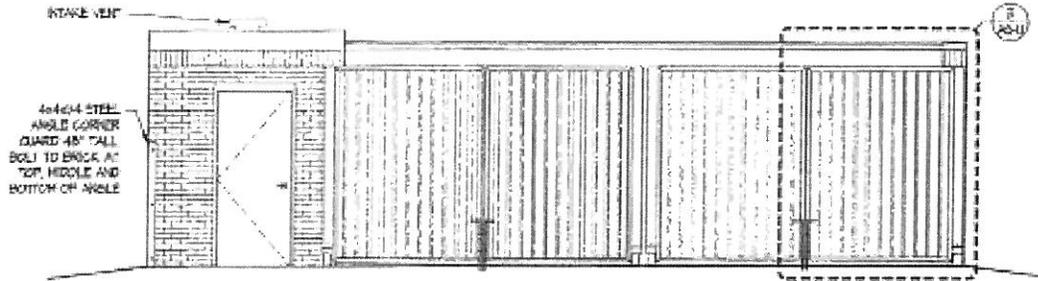
Development Plan Submitted in October 2011 for Planning Commission Public Hearing



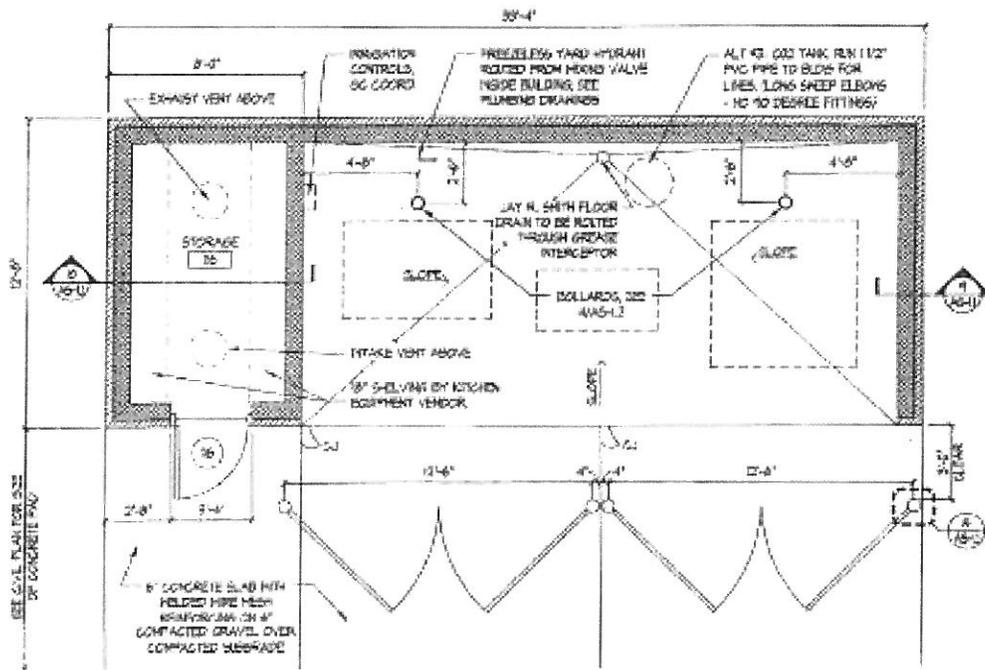
Revised Development Plan Submitted on November 15, 2011, Showing the Relocated Dumpster Enclosure with Adjoining Storage Building



Revised Development Plan Submitted on November 15, 2011, Showing the Relocated Dumpster without the Storage Building



4 WASTE ENCLOSURE ELEVATION
SCALE: 1/4" = 1'-0"



1 WASTE ENCLOSURE PLAN
SCALE: 1/4" = 1'-0"

ORDINANCE NO

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, DECEMBER 6, 2011, AT 6:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE to approve the petition of Potomac Foods Real Estate, LLC, for rezoning of three parcels of land off Bedford Road; two vacant parcels and 953 Bedford Road, tax map numbers 060.20-07-29.00, 060.20-07-30.00, and 060.20-07-31.00, from R-3 Residential District to GB General Business District. The purpose of the rezoning is for the parking expansion and associated improvements of Bojangles' Restaurant.

WHEREAS, the Town Planning Commission, which after giving proper notice to all concerned as required by Virginia Code § 15.2-2204 (1950), as amended, and after conducting a public hearing on this matter, has made its recommendation to Town Council; and

WHEREAS, a public hearing was held by Council on said application at its meeting on December 6, 2011, after due and timely notice thereof as required by Virginia Code § 15.2-2204 (1950), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the Town's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the Town of Vinton, Virginia that the petition of Potomac Foods Real Estate, LLC, for rezoning of three parcels of land off Bedford Road; two vacant parcels and 953 Bedford Road, tax map numbers 060.20-07-29.00, 060.20-07-30.00, and 060.20-07-31.00, from R-3 Residential District to GB General Business District be approved.

Adopted on motion by Council Member _____, and seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

Attest:

Susan N. Johnson, Town Clerk

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, DECEMBER 6, 2011, AT 6:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

WHEREAS, Section 15.2-2511 of the 1950 Code of Virginia, as amended, requires that the Town issue annually a report on its financial accounts and records by a third party certified public accountant, and

WHEREAS, the Finance Director/Treasurer and the Finance Department worked with the independent third party accounting firm of Brown Edwards & Company, L.L.P., and

WHEREAS, John Aldridge of Brown Edwards & Company, L.L.P., has forwarded his firm's Audit of Fiscal Year ending June 30, 2011 audit to the Town Council for review, and

WHEREAS, the firm's opinion letter stated that the financial statements present fairly, in all material respects, the financial position of the Town of Vinton as of June 30, 2011, and the results of the Town's operations and cash flows of proprietary fund types for the year just ended on June 30, 2011, is in conformity with generally accepted accounting principles.

NOW THEREFORE, BE IT RESOLVED, that the Vinton Town Council does hereby receive and accept the June 30, 2011 Comprehensive Annual Financial Report prepared by Brown Edwards & Company, L.L.P.

Motion made by Council Member _____, seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk

TO: TOWN MANAGER'S OFFICE
FROM: Public Works Director
DATE: 1 December 2011
SUBJECT: Supplemental Agreement to License Agreement with Norfolk Southern Railway Company

Issue/Purpose. Authorize Town Manager to sign Supplemental Agreement with Norfolk Southern Railway Company for wastewater line crossing.

Background. Repairs to the Glade-Tinker Creek Wastewater Interceptor line, in the vicinity of Walnut Ave. & Fifth Street, remains a critical project to end recurring Sanitary Sewer Overflows and to relocate an existing siphon that will interfere with the new Walnut Ave. Bridge, presently under design by VDOT. Bids opened in August for the interceptor project were substantially above funds available, so the project was re-designed at a revised scope in an effort to reduce cost. One element of this revision is to use the existing pipeline crossing to install the new line and associated manhole. Sections of the existing line will be removed and others will be capped and abandoned in place.

Use of the existing crossing trench requires a supplemental agreement to the 12 June 1951 License Agreement between the Town and Norfolk Southern (then Norfolk and Western Railway Company). Norfolk Southern reviewed the revised design and approved it. The supplemental agreement is necessary to permit construction.

Overall Project Status. The revised design is presently under review by U.S. Army Corps of Engineers and U.S. Fish & Wildlife, owing to crossing's close proximity to Glade Creek. A permit or approval to proceed will be required from these agencies prior to construction beginning. However, the supplemental agreement with Norfolk Southern is necessary and needs to be executed now.

ACTION REQUESTED: Approve resolution authorizing Town Manager to sign supplemental agreement.

CITIZENS COMMENTS: None at this time.

DATE ACTION NEEDED: December 6, 2011

Attachments: Resolution

THIS SUPPLEMENTAL AGREEMENT between **NORFOLK SOUTHERN RAILWAY COMPANY**, a **Virginia** corporation, hereinafter referred to as "Railway", and **THE TOWN OF VINTON**, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as "Licensee".

W I T N E S S E T H:

WHEREAS, Norfolk and Western Railway Company and the Town of Vinton, Virginia, entered into a License Agreement dated June 12, 1951, hereinafter referred to as "the original License Agreement", for the installation and occupation of an 16-inch cast iron sewer pipe under Bridge No. 103 and later amended to be relocated at Milepost N-255.55 on February 28, 2011 under and across the right of way, on the Roanoke-Walton Line, at or near **Vinton, Roanoke County, Virginia** (Custodian Number 180490); and

WHEREAS, Licensee has requested that the subject License Agreement be revised to place the new 16-inch PVC sewer pipe back under Bridge No. 103, afterword the original pipe will be removed or filled with grout and Railway has no objection to granting Licensee's request;

NOW THEREFORE, the parties hereto agree that the identification and description of the occupation as covered in the subject License Agreement shall be superseded to read as follows:

WHEREAS, Licensee proposes to install, maintain, operate and remove a 16-inch PVC sanitary sewer pipe under the right of way at Milepost N-255.56, Roanoke-Walton Line, at or near **Vinton, Roanoke County, Virginia**, the same to be located in accordance with and limited to the installation shown on print of drawings marked Exhibits A and B, dated August 18, 2011 and Pipe Data Sheet, attached hereto and made a part hereof (hereinafter called "Facilities").

The additional privilege herein granted shall be subject to all of the terms, conditions and provisions of the subject License Agreement insofar as they are applicable thereto, to the same extent and with like effect as if it had been granted by and included in said Agreement in the first instance.

This Supplemental Agreement shall be effective as of the ____ day of _____, 20__ and modifies the subject License Agreement as herein provided, but not otherwise.

IN WITNESS WHEREOF, the said parties hereto have executed this Supplemental Agreement in duplicate, each part being an original, as of the _____ day of _____, 20__.

Witness:

**NORFOLK SOUTHERN RAILWAY
COMPANY**

_As to Railway

By: _____
Real Estate Manager

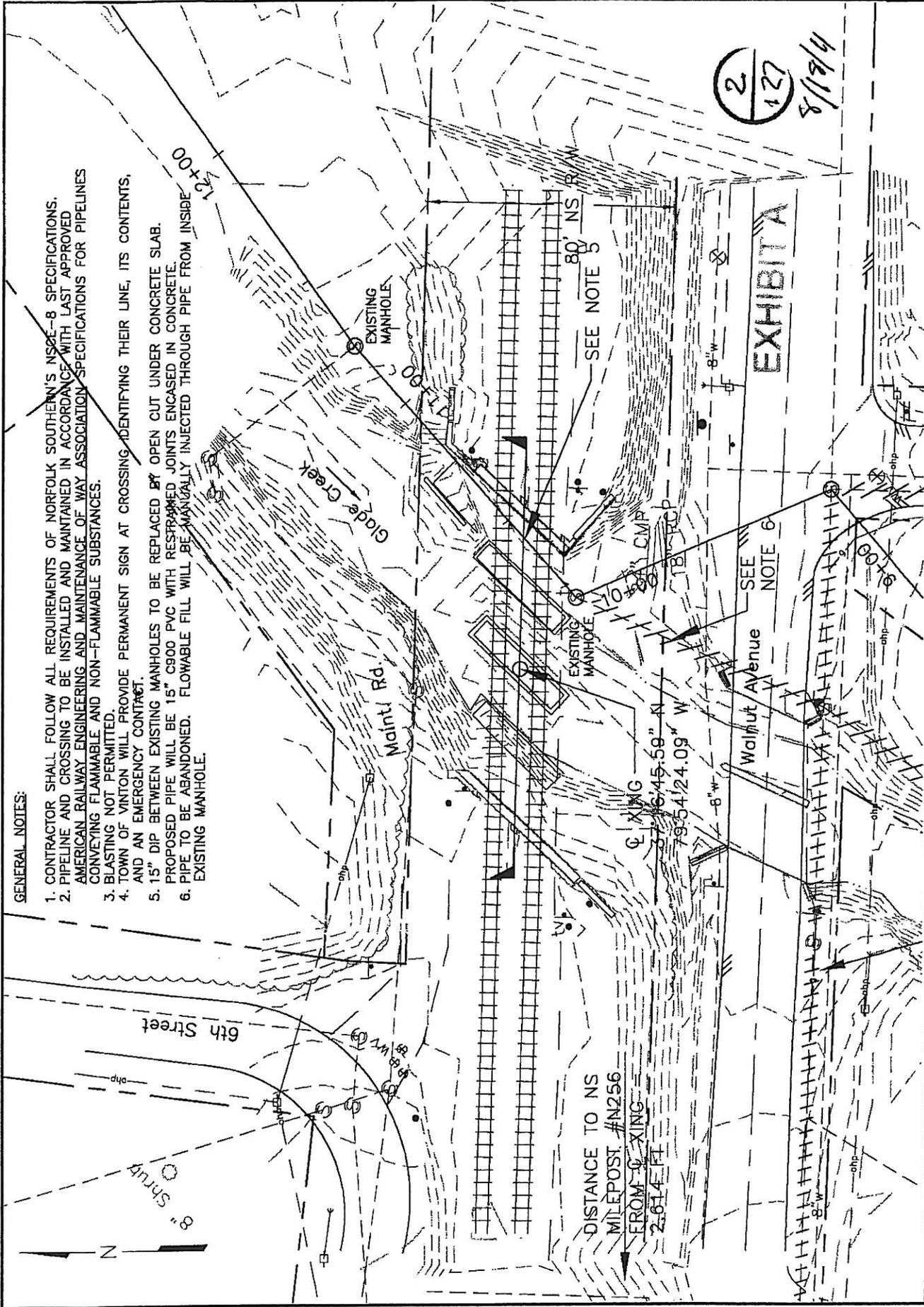
Witness:

TOWN OF VINTON

_As to Licensee

By: _____
Title:

Activity Number: 1150697
JSM: November 2, 2011
Custodian Number: 180490



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8/17/11

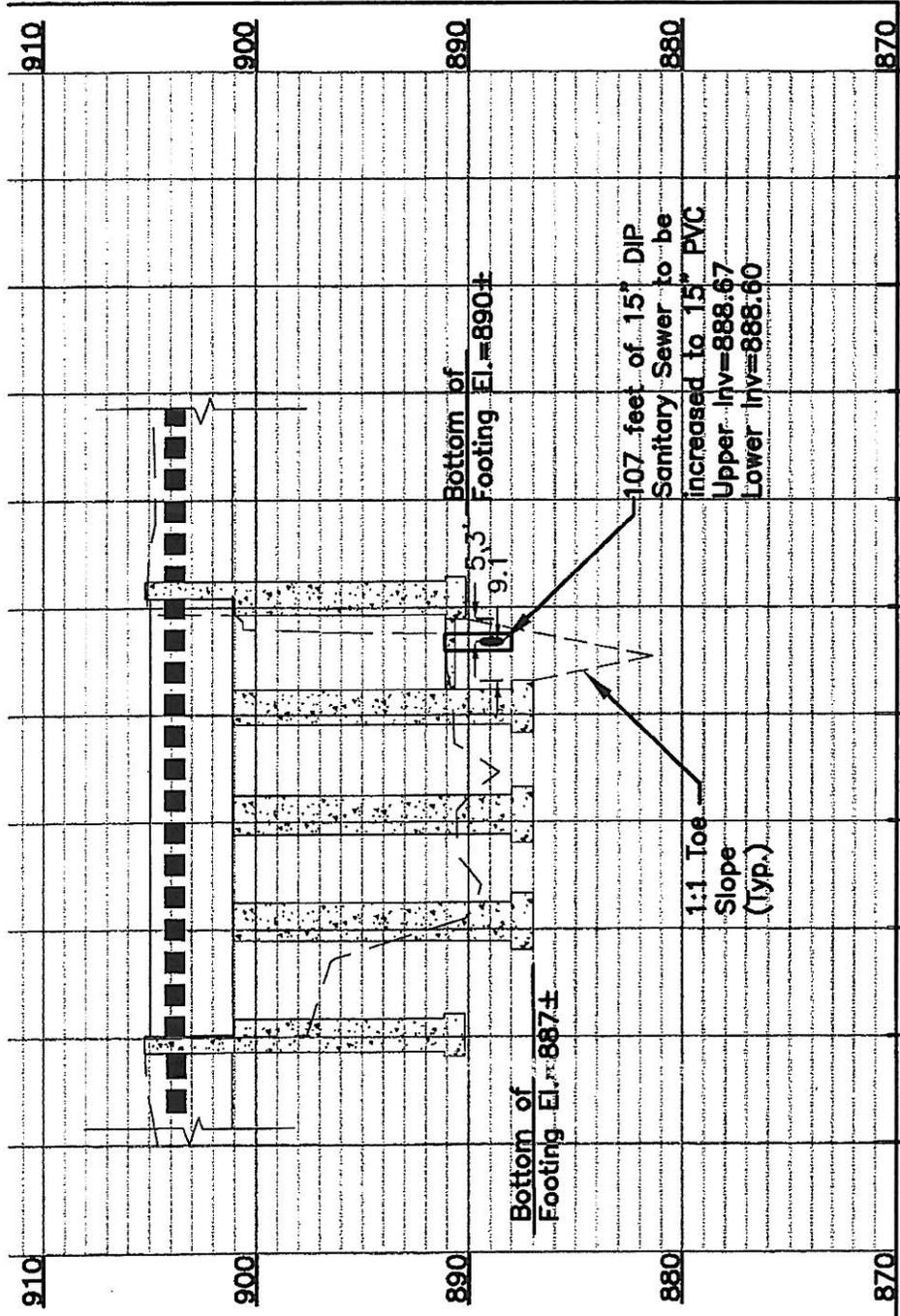
GENERAL NOTES:

1. CONTRACTOR SHALL FOLLOW ALL REQUIREMENTS OF NORFOLK SOUTHERN'S NSCE-8 SPECIFICATIONS.
2. PIPELINE AND CROSSING TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH LAST APPROVED AMERICAN RAILWAY ENGINEERING AND MAINTENANCE OF WAY ASSOCIATION SPECIFICATIONS FOR PIPELINES CONVEYING FLAMMABLE AND NON-FLAMMABLE SUBSTANCES.
3. BLASTING NOT PERMITTED.
4. TOWN OF VINTON WILL PROVIDE PERMANENT SIGN AT CROSSING IDENTIFYING THEIR LINE, ITS CONTENTS, AND AN EMERGENCY CONTACT.
5. 15" DIP BETWEEN EXISTING MANHOLES TO BE REPLACED BY OPEN CUT UNDER CONCRETE SLAB. PROPOSED PIPE WILL BE 15" CS900 PVC WITH RESPRAYED JOINTS ENCASED IN CONCRETE.
6. PIPE TO BE ABANDONED. FLOWABLE FILL WILL BE MANUALLY INJECTED THROUGH PIPE FROM INSIDE EXISTING MANHOLE.

| | | | | |
|--|---|-------------------|-------------------------------|--|
| <p>ANDERSON & ASSOCIATES, INC. Professional Design Services 100 Avenue B, #600 Buckhannon, WV 26039 www.aandassoc.com</p> | <p>DATE: 11/28/10 DESIGNER: PTV CHECKED: GJC DRAWN: GJC</p> | <p>REVISIONS:</p> | <p>PLAN SCALE: 1"=40'</p> | <p>DOCUMENT NO. 28256 SHEET 2 OF 3</p> |
| | <p>GLADE CREEK SEWER INTERCEPTOR REPLACEMENT TOWN OF VINTON, ROANOKE COUNTY, VIRGINIA</p> | | | <p>Merr, Rosanne / 8/12/2011 2:41 PM / \\projects\projects\28256\28256_engineering\design\plans\28256_design_rev.dwg</p> |

GENERAL NOTES:

1. CONTRACTOR SHALL FOLLOW ALL REQUIREMENTS OF NORFOLK SOUTHERN'S NSCE-8 SPECIFICATIONS.
2. PIPELINE AND CROSSING TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH LAST APPROVED AMERICAN RAILWAY ENGINEERING AND MAINTENANCE OF WAY ASSOCIATION SPECIFICATIONS FOR PIPELINES CONVEYING FLAMMABLE AND NON-FLAMMABLE SUBSTANCES.
3. BLASTING NOT PERMITTED.



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8/19/11

EXHIBIT B

| | | | |
|---|---|---|---|
|  <p>ANDERSON & ASSOCIATES, INC. Professional Design Services www.andasscc.com</p> | <p>DATE : 12 FEB 10 DESIGNED: RTH DRAWN : RTH CHECKED : GRC CAL. BY :</p> | <p>SECTION SCALE: 1" = 40' H, 1" = 4' V</p> | <p>DOCUMENT NO. 28256 2 OF 2 SHEET 2 OF 2</p> |
| <p>GLADE CREEK SEWER INTERCEPTOR REPLACEMENT TOWN OF VINTON, ROANOKE COUNTY, VIRGINIA</p> | | | |
| <p>Path: Roanoke / 8/12/2011 2:41 PM / \\proj\proj\Projects\28256\28256_engineering\design\plans\28256_design_rev.dwg</p> | | | |

PIPE DATA SHEET

| | CARRIER PIPE | CASING PIPE |
|--|---|-------------|
| CONTENTS TO BE HANDLED | Sewage | N/A |
| NORMAL OPERATING PRESSURE | Gravity (2 psi max) | N/A |
| NOMINAL SIZE OF PIPE | 16" | N/A |
| OUTSIDE DIAMETER | 17.4" | N/A |
| INSIDE DIAMETER | 15.5" | N/A |
| NOMINAL WALL THICKNESS | 0.967" | N/A |
| WEIGHT PER FOOT | 34 lb | N/A |
| MATERIAL | PVC | N/A |
| PROCESS OF MANUFACTURE | PVC resin, compounded | N/A |
| SPECIFICATION | AWWA C905 | N/A |
| GRADE OR CLASS | DR 18 | N/A |
| TEST PRESSURE | 4 psi (per ASTM F1417) | N/A |
| TYPE OF JOINT | Certa-Lok restrained joints | N/A |
| TYPE OF COATING | N/A | N/A |
| DETAILS OF CATHODIC PROTECTION | N/A | N/A |
| DETAILS OF SEALS OR PROTECTION AT END OF CASING | N/A | N/A |
| METHOD OF INSTALLATION | Open Cut | N/A |
| CHARACTER OF SUBSURFACE MATERIAL | Shale, siltstone, sandstone | N/A |
| APPROXIMATE GROUND WATER LEVEL | ground surface | N/A |
| SOURCE OF INFORMATION ON SUBSURFACE CONDITIONS | U.S.D.A. <u>Soil Survey of Roanoke County and the Cities of Roanoke and Salem, Virginia</u> | N/A |

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, DECEMBER 6, 2011, AT 6:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

WHEREAS, Norfolk and Western Railway Company (Railway) and The Town of Vinton (Town) entered into a License Agreement dated June 12, 1951, for the installation and occupation of a 16-inch cast iron sewer pipe under Bridge No. 103 and later amended to be relocated at Milepost N-255.55 on February 28, 2011, under and across the right of way, on the Roanoke-Walton Line, at or near Vinton, Roanoke County, Virginia (Custodian Number 180490); and

WHEREAS, the Town has requested that the subject License Agreement be revised to place the new 16-inch PVC sewer pipe back under Bridge 103, afterward the original pipe will be removed or filled with grout and Railway has no objection to granting the Town's request; and

WHEREAS, the Town Council believes it is in the interest of the Town to enter into a Supplemental Agreement with Norfolk Southern Railway Company.

NOW THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE TOWN OF VINTON, VIRGINIA, as follows:

1. The Town Manager is hereby authorized, for and on behalf of the Town, to execute and then to deliver the Agreement and any other necessary documents in furtherance of the same; and
2. The Agreement and any other necessary documents shall be in form approved by the Town Attorney.

This resolution shall be effective from and after the date of its adoption.

This resolution adopted on motion made by Council Member _____ and seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk