

Bradley E. Grose, Mayor
William "Wes" Nance, Vice Mayor
I. Douglas Adams, Jr., Council Member
Robert R. Altice, Council Member
Matthew S. Hare, Council Member



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

**Vinton Town Council
Regular Meeting
Council Chambers
311 South Pollard Street
Tuesday, February 5, 2013**

AGENDA

Consideration of:

A. 6:00 p.m. - WORK SESSION

1. Briefing on petition of Williams Mullen, Authorized Agent for Clearview Manor Acquisition, LLC, for Rezoning from GB General Business District to R-3 Residential District and a Special Use Permit (SUP) for Clearview Manor Apartments, 1150 Vinyard Road.

B. 6:30 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM

C. 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 review of employment agreement for the Chief of Police.

D. 7:00 p.m. - RECONVENE AND ADOPT CERTIFICATION OF CLOSED MEETING

E. MOMENT OF SILENCE

F. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG

G. CONSENT AGENDA

1. Consider approval of minutes for the Council in the Neighborhood meeting of January 15, 2013.

H. AWARDS, RECOGNITIONS, PRESENTATIONS

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

J. PUBLIC HEARING

1. Consideration of public comments regarding a \$700,000 Community Development and Block grant to revitalize the downtown business district.
 - a. Report from Staff
 - b. Open Public Hearing
 - Receive public comments
 - Close Public Hearing
 - c. Council discussion and questions

K. TOWN ATTORNEY

L. TOWN MANAGER

ITEMS REQUIRING ACTION

1. Consider adoption of an Ordinance amending Chapter 2, Administration, Article V, Finance, Section 2-156 with regard to the fee charged for checks that are returned for insufficient funds or because there is no account.
2. Consider adoption of a Resolution allowing the Town Treasurer/Finance Director to remove outstanding Personal Property delinquent taxes over five years old from the active records to a permanent file.
3. Consider adoption of a Resolution allowing the Town Treasurer/Finance Director to remove outstanding Water and Sewer delinquent bills over five years old from the active records to a permanent file.

BRIEFINGS

1. Update on water/sewer bond issuance options for water/sewer infrastructure projects.

M. MAYOR

N. COUNCIL

1. Financial Report for December 2012

O. 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 COMMITTEE/COUNCIL MEETINGS:

- February 4, 2013 – 5:30 p.m. – Finance Committee - Finance Conference Room
- February 19, 2013 – 7:00 p.m. – Regular Meeting – Council Chambers



Town Council Agenda Summary

Meeting Date

February 5, 2013

Department

Planning and Zoning

Issue

Briefing on petition of Williams Mullen, Authorized Agent for Clearview Manor Acquisition, LLC, for Rezoning from GB General Business District to R-3 Residential District and a Special Use Permit (SUP) for Clearview Manor Apartments, 1150 Vinyard Road.

Summary

Staff was contacted in May 2012 for zoning verification of 1150 Vinyard Road, Clearview Manor Apartments. Rezoning and SUP applications were received on December 4, 2012 from Mr. T. Preston Lloyd, Jr. on behalf of Williams Mullen, an authorized agent for Clearview Manor Acquisition, LLC, the owner of the Property.

On July 5, 1977, the property was rezoned from B-2 to R-2, which allowed multi-family dwellings to be constructed. Clearview Manor Apartments were built in 1978. Based on the official zoning map adopted on February 15, 1983, the zoning of the Property as shown on the map was B-G Business General. On December 19, 1995, the Town amended the zoning map and ordinance, and B-G District classification was amended to GB General Business District. Under the current GB zoning district, multi-family dwelling units are not permitted. Multi-family dwellings are only allowed in the R-3 District, and are subject to the approval of a special use permit.

The Property is classified as a legal nonconforming use due to its GB zoning. The zoning ordinance states that, "no building or portion of a building devoted to a nonconforming use shall be enlarged, extended, structurally altered, reconstructed or moved, unless such building or portion of a building is thereafter devoted to a use which conforms with the use regulations." If the apartments were to be damaged or destroyed beyond fifty (50) percent of their assessed value, they could not be rebuilt without a special exception from the Board of Zoning Appeals.

According to the Petitioner, the nonconformity status of the property is not acceptable to the Lender. The Lender has required that the owner of the Property use its best efforts to bring the Property into legal conformance, so that in the event of casualty, the facility could be rebuilt as a matter of right with the same number of units in order to adequately service the debt.

The rezoning and SUP requests will require public hearings of the Planning Commission and Town Council. The Planning Commission will hold its work session and public hearing meetings on February 7, 2013 to receive public comments on the requests and make a recommendation to the Town Council. The Town Council will consider the Planning Commission's recommendations, receive public comments, and make a final decision to either approve or deny the rezoning and SUP requests on February 19, 2013.

Attachments

1. Staff report
2. Current zoning and aerial maps of the Property and the adjoining properties
3. Williams Mullen rezoning and SUP applications with supporting materials
4. Property owners notified for Clearview Manor Apartments rezoning and SUP requests
5. Electronic email received from Walter "Ray" Sandifer, 912 Colbourne Avenue, adjacent property owner regarding the rezoning and SUP requests.

Recommendations

No action required

STAFF REPORT

PETITIONER: William Mullens/Clearview Manor
CASE NUMBER: 1-01-13

PREPARED BY: Anita J. McMillan
DATE: January 14, 2013

A. NATURE OF REQUEST

Williams Mullen, authorized agent for Clearview Manor Acquisition, LLC, is requesting for a rezoning and a special use permit (SUP) for Clearview Manor Apartments, 1150 Vinyard Road, tax map number 61.17-2-7. The rezoning from GB General Business District to R-3 Residential District and the SUP request is for a property that is already developed with 101 apartment units, known as Clearview Manor Apartments.

B. APPLICABLE REGULATIONS

The Petitioner is requesting that the Property, which was developed for multi-family dwelling units in 1978, known as Clearview Manor Apartments be rezoned from GB General Business District to R-3 Residential District. Additionally, the Petitioner is requesting a special use permit. Under the current GB zoning district, multi-family dwelling units are not permitted. Multi-family dwellings are only allowed in the R-3 District, and are subject to the approval of a special use permit. Therefore, the Property is classified as a legal nonconforming use due to its GB zoning.

The zoning ordinance states that, “no building or portion of a building devoted to a nonconforming use shall be enlarged, extended, structurally altered, reconstructed or moved, unless such building or portion of a building is thereafter devoted to a use which conforms with the use regulations.” If the apartments were to be damaged or destroyed beyond fifty (50) percent or more of their assessed value, they could not be rebuilt without a special exception from the Board of Zoning Appeals. Additionally, additions or enlargements to the existing buildings will not be permitted.

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, 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.

The intent of R-3 Residential District is to provide a variety of housing types at medium to high density in a suitable residential environment protected from encroachment by incompatible nonresidential uses. The district is intended to be applied to areas having convenient access and adequate facilities for residents with minimal impact on minor streets and lower density neighborhoods. Under the current zoning ordinance, multi-family dwellings are only allowed in the R-3 District, and are subject to the approval of a special use permit.

A petition to change the zoning classification of a property may be filed by the owner of the property or with the written consent of the owner. A written consent has been provided by the property owner, Clearview Manor Preservation, L.P., authorizing T. Preston Lloyd, Jr. with Williams Mullen to file for the rezoning and SUP requests on their behalf. Special use provisions are intended as a means for the town council, after review and recommendation by the planning commission, to authorize certain uses which, although generally appropriate in the district in which they are permitted, have potentially greater impacts on neighboring properties than uses which are permitted by right. The special use permit procedure provides the opportunity for the planning commission and the town council to review each proposed special use and impose such conditions as reasonably necessary to ensure the use will be compatible with the surrounding area and consistent with the purpose of the zoning ordinance. The planning commission and the town council, in making their recommendations, shall consider at least the following factors:

1. Sewer, water, and other public utilities;
2. Ingress and egress, including access for fire and other emergency vehicles;
3. Off-street parking and vehicular circulation, including safety of motorists and pedestrians;
4. Yards, open spaces, and other elements of the site plan;
5. Retention of natural vegetation and topographic features; and
6. Landscaping, buffers, screening, fences, and other features to protect adjacent properties from potential adverse effects of the special use.

The following zoning requirements shall apply in the R-3 residential district for multi-family dwellings:

1. A front yard of not less than 25 feet.
2. A rear yard of not less than 25 feet.
3. Yards between buildings on the same lot. Where two or more buildings devoted to dwelling use are located on the same lot, yards shall be provided between such buildings as follows:
 - (a) A yard of not less than 60 feet shall be provided where building walls facing one another both contain windows.
 - (b) A yard of not less than 40 feet shall be provided where only one of two building walls facing one another contains windows.
 - (c) A yard of not less than 30 feet shall be provided where building walls facing one another contain no windows, or where corners of buildings are located at 90-

degree angles to one another and no building wall faces directly opposite another building wall.

4. Multi-family dwellings shall be located on lots of not less than 12,000 square feet in area and 100 feet in width and shall be served by public sewer and public water systems. Maximum density shall not exceed 24 dwelling units per acre.
5. No building or structure shall exceed a height of 45 feet.
6. Two off-street parking spaces must be provided per each one to two bedroom dwelling units.

C. ANALYSIS OF EXISTING CONDITION

Background

Staff was contacted by the property owner's representative in May 2012 for zoning verification of Clearview Manor Apartments, located at 1150 Vinyard Road. Rezoning and SUP applications were received on December 4, 2012 from Mr. T. Preston Lloyd, Jr. on behalf of Williams Mullen, an authorized agent for Clearview Manor Acquisition, LLC, the owner of the Property.

As indicated in the rezoning and special use permit applications, the property is comprised of 101 multi-family apartment units, located on 4.69 acres. The units are located in one four-story level building with three wings. Based on the submitted survey of the Property dated June 25, 2012, there are 62 parking spaces including 12 accessible spaces.

Based on Town's records, on July 5, 1977, the property was rezoned from B-2 to R-2, which allowed multi-family dwellings to be constructed. Clearview Manor Apartments were built in 1978. Based on the Town's records, the zoning map and district classifications of the whole Town were amended in 1983. The official zoning map adopted on February 15, 1983, indicated that the zoning of the Property and adjacent properties as B-G Business General. On December 19, 1995, the Town amended the zoning map and district classification for the whole Town. The B-G zoning district classification was amended to GB General Business District. Under the current GB zoning district, multi-family dwelling units are not permitted.

According to the Petitioner, the nonconformity status of the property is not acceptable to the Lender. The Lender has required that the owner of the Property use its best efforts to bring the Property into legal conformance, so that in the event of casualty, the facility could be rebuilt as a matter of right with the same number of units in order to adequately service the debt.

The survey indicates that the existing apartment building is at least 62 feet from Vinyard Road, 78 feet from the east property line, and 65 feet from the rear property line, to the south. According to the building plans dated June 30, 1977, the complex consisted of 100 units for elderly and 1 unit for the apartments' manager. The record also indicates that there are 96 one bedroom apartment units and 5 two bedrooms apartment units, and the height of the building is 40 feet high. Under the current R-3 zoning requirements, with 101 apartment units on the

Property, 202 off-street parking spaces will be required. The current density requirement, will allow the Property to have a minimum of 108 apartment units.

Location – 4.69 acres developed parcel located at 1150 Vinyard Road. There two accesses to the property, the main access leads to the off-street parking areas and the apartments units to the west and secondary access to the east of the building.

Topography/Vegetation – The developed parcel is level and developed with 101 apartment units, paved driveway, paved sidewalks, and 62 parking spaces. The remaining areas are covered with grass.

Adjacent Zoning and Land Uses – To the west, north, and east of the Property, the areas are zoned GB General Business and are developed with commercial uses; Colonial Downs Off-track Betting Center, Lancerlot, Vinton Bowling Center, and Berkshire Nursing Home. The area to the south is zoned R-1 Residential and developed with single-family development, Briarcliff Subdivision.

D. ANALYSIS OF PROPOSED DEVELOPMENT

Site Layout/Architecture – Please see the 8.5” by 11” survey plat of the Property that was attached with the applications. According to the Petitioner, no new improvements to the Property are contemplated. The request to rezone is for a currently developed Property that does not meet the current zoning classification.

Site Access – The developed Property is fronting Vinyard Road, a 50 feet wide public right-of-way, and is accessed by paved two egresses and ingresses off Vinyard Road.

Utilities – The developed Property is served by public water and sewer services. The sprinkler system for the Property is currently provided by a water storage tank shared with Berkshire Nursing Home and located at Berkshire Nursing Home property. The owner of the Property is proposing to construct a new 15,000 gallon water storage tank and pump for the Property for their sprinkler system.

E. COMPREHENSIVE PLAN/FUTURE LAND USE

The 2004-2024 Town Comprehensive Plan has designated the developed Property and the property to the east, Berkshire Nursing Home as high-density residential land use area.

F. STAFF CONCLUSION

Approval of the proposed rezoning from GB to R-3 Residential application and the SUP application would make the developed Property conform to the Town’s current zoning and would be consistent with its existing use and Town’s future land use designation. The rezoning may be

deemed consistent to the uses of the properties to the east and south, which are developed with nursing home and single-family subdivision.

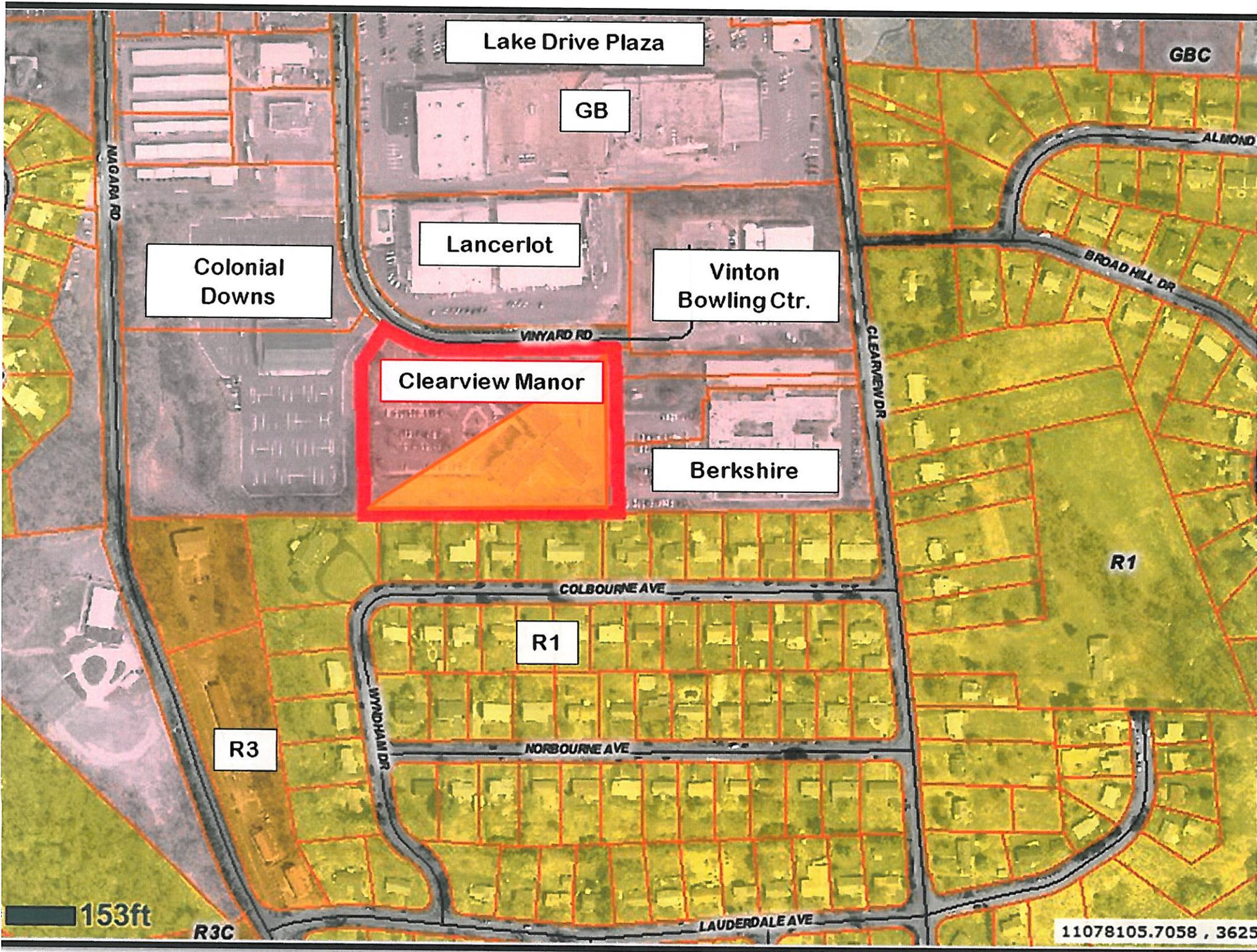
Based on the conversation with the Property Manager of Clearview Manor Apartments, the current off-street parking spaces as provided are sufficient since the majority of the tenants are elderly and do not have vehicles. Additionally, based on two site visits by Staff, the off-street parking spaces were always available.

The property owner may submit only certain uses to be allowed on the property as proffered conditions for the rezoning request. In addition, the special use permit procedure provides the opportunity for the planning commission and the town council to review the proposed special use request and impose such conditions as reasonably necessary to ensure the use will be compatible with the surrounding area and consistent with the purpose of the zoning ordinance.

G. CITIZEN(S) COMMENTS

An electronic message was received on January 10, 2013, from W. Ray Sandifer, 912 Colbourne Avenue, Vinton, concerning the rezoning and SUP requests. Mr. Sandifer is requesting the following conditions be considered:

1. The apartment building should not be relocated or expanded beyond its present location and configuration even as a result of loss.
2. No new construction or other development that would interfere with the view of mountains (limited though it may be) from his residence.
3. Lighting should never be placed and directed in such a manner that it would create problems for his residence, even though it may be required for security on the Clearview Manor Apartments property.
4. The trees along the property line that are located on Clearview Manor Apartments property be maintained in a manner that leads to safety to all including protecting property from further damage.



Lake Drive Plaza

GB

Lancerlot

Vinton Bowling Ctr.

Colonial Downs

Clearview Manor

Berkshire

R1

R3

R1

GBC

ALMOND

BROAD HILL DR

CLEARVIEW DR

COLBOURNE AVE

NORBOURNE AVE

LAUDERDALE AVE

NIAGARA RD

WYNDHAM DR

R3C

153ft

11078105.7058 , 3625





WILLIAMS MULLEN



Direct Dial: 804.420.6615
plloyd@williamsmullen.com

December 3, 2012

VIA FEDERAL EXPRESS PRIORITY OVERNIGHT

Town of Vinton
Planning and Zoning Department
311 S. Pollard Street
Vinton, Virginia 24179
Attn: Anita J. McMillan

Re: Request for Rezoning and Application for Special Use Permit
Clearview Manor Apartments, 1150 Vinyard Road, Vinton, Virginia 24197
(the "Property")

Ladies and Gentlemen:

We are counsel to Clearview Manor Acquisition, LLC, a Delaware limited liability company (the "Applicant"), which is the owner of the captioned Property located in the Town of Vinton (the "Town"). The Property is comprised of 101 multifamily apartment units, located on 4.69 acres that is presently zoned GB-General Business ("GB") District. The Applicant recently acquired the Property from an affiliate of F&W Management Corporation, which constructed the project in 1978 prior to the Town's current Zoning Ordinance (the "Ordinance"). The acquisition was financed in part by Oak Grove Commercial Mortgage ("Lender"), which, in the course of conducting their due diligence, investigated the present zoning of the Property.

By Zoning Certification dated May 10, 2012, addressed to National Zoning Associates, LLC, a third party hired by the Lender to investigate the zoning, the Director of Planning and Zoning for the Town confirmed as follows:

(i) Because multifamily residential housing is not a permitted use in the GB District, the Property is a legal non-conforming use under the Ordinance; and

(ii) Pursuant to the Ordinance, "no building or portion of a building devoted to a nonconforming use shall be enlarged, extended, structurally altered, reconstructed or moved, unless such building or portion of a building is thereafter devoted to a use which conforms with the use regulations [of the Ordinance]." Therefore, in the event of destruction or damage beyond fifty percent (50%) of the assessed value, the structure could not be rebuilt without a special exception from the Board of Zoning Appeals ("BZA").

This result was unacceptable to the Lender, whose underwriting was predicated upon the reasonable expectation that the asset would continue to generate rents for the entire duration of the

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200 South 10th Street, Suite 1600 (23219) P.O. Box 1320 Richmond, VA 23218-1320 Tel: 804.420.6000 Fax: 804.420.6507
www.williamsmullen.com



WILLIAMS MULLEN

Town of Vinton
December 3, 2012
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term of the financing. As is customary, the Lender required that the Applicant carry insurance so that in the event of casualty, the project could be rebuilt and would continue to service the debt. However, under the ordinance, such reconstruction would not be permitted without a Special Exception from the BZA, which could not be guaranteed. In order to complete the transaction and obtain the financing, the Lender included a requirement in the transaction documents that obligate the Applicant to use best efforts to bring the Property into legal conformance, such that in the event of casualty, the facility could be rebuilt as a matter of right with the same number of units in order to adequately service the debt.

The Applicant proposes that the Town (a) rezone the Property from BG to R-3 District, and, concurrent with the rezoning, (b) issue a Special Use Permit (SUP), which together are required in order to permit multifamily residential use on the Property. The Applicant understands that this is not a typical rezoning request. However, the Applicant is required by the terms of its financing to use best efforts to bring the Property into legal conformance. Based on our analysis of the Ordinance and conversations with Town Staff, we understand that the rezoning and SUP are necessary to do so.

For the foregoing reasons, we enclose the following:

1. Application for Rezoning;
2. Application for Special Use Permit;
3. Fee Processing Form, together with a check made payable to the Town in the amount of \$1,125.00 in payment of the fees shown thereon;
4. Survey of the Property dated June 25, 2012; and
5. Special Limited Power of Attorney.

Please confirm your receipt of these materials and advise when the date of the Planning Commission has been set. To the extent you have any questions or require any additional materials in connection with these Applications, please contact the undersigned. Thank you for your kind attention to this matter.

Very truly yours,

T. Preston Lloyd, Jr.

TOWN OF VINTON

APPLICATION FOR REZONING

Applicant's name: Williams Mullen c/o T. Preston Lloyd, Jr. Phone: 804-420-6615

Address: 200 S. 10th Street, Suite 1600, Richmond, VA Zip Code: 23219

Date: December 3, 2012 Public Hearing: PC Date: FEB. 7, 2013 TC Date: FEB. 19, 2013

Owner's name: Clearview Manor Acquisition, LLC* * a Delaware limited liability co.
c/o Related Apartment Preservation LLC Phone: _____
Address: 60 Columbus Circle, 19th Floor, New York, NY Zip Code: 10023
Attention: Mark E. Carbone

Location of Property: 1150 Vinyard Road, Vinton, VA 24197

Tax Map Number: 061.17-02-07.00-0000

Request Property be rezoned from: GB-General Business to: R-3

Size of parcel(s): 4.69 Acres Existing land use: 101 multifamily apartment units

Proposed land use: ** Future land use Map: General Commercial

** 101 multifamily apartment units

The Planning Commission will study rezoning request to determine the need and justification for the change in terms of public health, safety, and general welfare. Please answer the following questions as thoroughly as possible. Use additional space if necessary.

1. Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings. No new improvements to the property are contemplated. The request to rezone is for a currently developed property that does not meet the current zoning requirements. The property is improved with 101 multifamily apartment units operated as Clearview Manor Apartments. The property was built in 1978 prior to the Town's current Zoning Ordinance, therefore, the property is classified as a legally non-conforming use because of its General Business zoning.

By filing this application to rezone the Property to R-3 and by filing applicant's concurrent application for a special use permit which permits multifamily dwellings, applicant desires to confirm the Property's use as properly zoned and its use as legally conforming.

2. Why does applicant believe the location of the use in question on the particular property is essential or desirable for the public convenience or welfare and will not be detrimental to the immediate neighborhood? The Property, as it currently exists today, was constructed in 1978 prior to the Town's current Zoning Ordinance, therefore, the Property is classified as a legal nonconforming use due to its General Business zoning.

3. Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area, as well as the impacts on public services and facilities, including water/sewer, roads, schools, parks/recreation, and fire/rescue. There should be no further impact to the adjoining properties and surrounding area, public services/facilities (water/sewer, roads, schools, parks/recreation, fire/rescue) as the Property is not changing and has not changed since built in 1978,

4. Attach **Concept Plan** of the proposed project. Plan must be 8 ½ " x 11". Plan shall show boundaries and dimensions of property; location, widths, and names of all existing or platted streets within or adjacent to the development; all buildings, existing and proposed, dimension, floor area and heights; dimensions and locations of all driveways, parking spaces and loading spaces; existing utilities (water, sewer) and connections at the site; landscaping and the like. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and if available, should be filed with the application.

5. It is proposed that the property will be put to the following use:
The existing use of the Property as a 101 unit multifamily apartment building is not changing. Applicant is requesting this rezoning (and a concurrent application for a special use permit) to allow for multifamily apartment dwellings.

TOWN OF VINTON

APPLICATION FOR SPECIAL USE PERMIT

Applicant's name: Williams Mullen c/o T. Preston Lloyd, Jr. Phone: 804-420-6615

Address: 200 S. 10th Street, Suite 1600, Richmond, VA Zip Code: 23219

Date: October, 2012 PC Date: 2/7/13 TC Date: 2/19/13

Owner's name: Clearview Manor Acquisition, LLC* * a Delaware limited liability company
Phone: _____
c/o Related Apartment Preservation LLC

Address: 60 Columbus Circle, 19th Floor, New York, NY Zip Code: 10023

Attention: Mark E. Carbone

Location of property: 1150 Vinyard Road, Vinton, VA 24197

Tax Map Number: 061.17-02-07.00-0000 Zoning: Current Zoning is GB - General Business
(a Concurrent Application for Rezoning from GB to R-3 is submitted)

Size of parcel(s): Existing land use: 101 multifamily apartment units

4.69 Acres

Future land use: General Commercial

The Planning Commission will study special use permit request to determine the need and justification for the change in terms of public health, safety, and general welfare. Please answer the following questions as thoroughly as possible. Use additional space if necessary.

1. Describe briefly the type of use and improvements proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings. No new buildings or improvements are proposed to be constructed on the Property. This Application for a Special Use Permit (and a concurrent Application for Rezoning from GB to R-3) are for a currently developed property that does not meet the current zoning requirements. The Property is improved with 101 multifamily apartment units operated as Clearview Manor Apartments. The Property was built in 1978 prior to the Town's Zoning Ordinance, therefore, the Property is classified as a legally nonconforming use because of its General Business zoning. This Application for a Special Use Permit is to permit multifamily dwellings.
2. Why does applicant believe the location of the use in question on the particular property is essential or desirable for the public convenience or welfare and will not be detrimental to the immediate neighborhood?

The Property, as it exists today, was constructed in 1978 prior to the Town's Zoning Ordinance, therefore, the Property is classified as a legal nonconforming use due to its General Business zoning.

3. Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area, as well as the impacts on public services and facilities, including water/sewer, roads, schools, parks/recreation, and fire/rescue. There should be no further impact to the adjoining properties and surrounding area, public services/facilities, including water/sewer, roads, schools, parks/recreation, and fire/rescue, as the Property is not changing and has not changed since built in 1978.
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4. Attach Concept Plan of the proposed project. Plan must be 8 1/2" x 11". Plan shall show boundaries and dimensions of property; location, widths, and names of all existing or platted streets within or adjacent to the development; all buildings, existing and proposed, dimension, floor area and heights; dimensions and location of all driveways, parking spaces and loading spaces; existing utilities (water, sewer) and connections at the site; landscaping and the like. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and if available, should be filed with application.
5. Please submit any proffered conditions at the site and show how they are addressed. There are no proffered conditions associated with the site as the Property was built in 1978 prior to the Town's Zoning Ordinance and is classified as a legal nonconforming use due to its General Business zoning. Applicant is submitting a concurrent Application for Rezoning the Property from GB to R-3, and is submitting this Application for a Special Use Permit to permit multifamily dwellings, as Applicant desires to confirm the Property's use as properly zoned and its use as legally conforming.

I hereby certify that I am the owner of the property or the owner's agent or contract purchaser and am acting with the knowledge and consent of the owner.

Owner's/Authorized Agent: T. Preston Lloyd, Jr.

T. Preston Lloyd, Jr., Special Limited Power of Attorney



SPECIAL LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that CLEARVIEW MANOR ACQUISITION, LLC, a Delaware limited partnership (the "Applicant") has made, constituted and appointed, and by these presents does make, constitute and appoint H. DAVID EMBREE, ANDREW M. CONDLIN, and T. PRESTON LLOYD, JR., any of whom may act, my true and lawful attorney-in-fact ("Attorney"), to act as its true and lawful attorney-in-fact in its name, place and stead with such full power and authority it would have, if acting on its own behalf to file all such applications and supporting documentation to the Planning and Zoning Department of the Town of Vinton, Virginia, as may be necessary or convenient in connection with the rezoning and issuance of a special use permit by such jurisdiction concerning real property located at 1150 Vinyard Road, Vinton, Virginia (the "Application"). The Applicant's said Attorney is also authorized and directed to sign, seal, acknowledge and deliver all such documentation and consents as required for the Application and to do, execute and perform all and every other act or acts, thing or things in law needful and necessary to be done as required for the Application, as fully as the Applicant might or could do if acting on its own behalf.

The undersigned hereby confirm all lawful acts done by my Attorney pursuant to this Special Limited Power of Attorney. I further declare that as against myself or persons claiming under me, everything which my Attorney shall do pursuant to this Special Limited Power of Attorney shall be valid and binding in favor of any person or entity claiming the benefit hereof who has not received actual written notice that this Special Limited Power of Attorney has been revoked.

This authorization shall expire one year from the day it is signed, or until it is otherwise rescinded or modified.

[SIGNATURE PAGE FOLLOWS]

WITNESS the following signature and seal this 15th day of November, 2012.

CLEARVIEW MANOR PRESERVATION, L.P.,
a Delaware limited liability company

By:: RELATED APARTMENT PRESERVATION, LLC,
a Delaware limited liability company,
its sole general partner

By: *Matthew Finkle* (SEAL)
Matthew Finkle, Vice President

STATE OF NEW YORK,
COUNTY OF NEW YORK, to-wit:

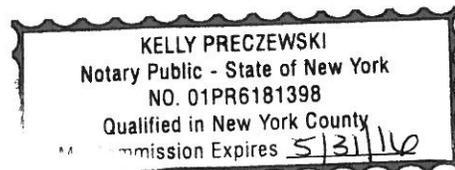
The foregoing instrument was acknowledged before me in my jurisdiction aforesaid by Matthew Finkle, Vice President of Related Apartment Preservation, LLC, the sole general partner of Clearview Manor Preservation, L.P., on its behalf, this 16th day of November, 2012, who is personally known to me or has submitted government-issued identification.

[Signature]
Notary Public

Registration No.: _____.

My commission expires: _____.

19775282_1





TOWN OF VINTON

311 S. POLLARD STREET
VINTON, VIRGINIA 24179

PHONE (540) 983-0601
FAX (540) 983-0621

Anita J. McMillan
Planning and Zoning Director

January 8, 2013

Dear Property Owner:

Pursuant to the provisions of Section 15.2-2204 of the 1950 Code of Virginia, as amended, the **Planning Commission** and the **Town Council** of the Town of Vinton, Virginia, hereby give notice of public hearings to be held on **Thursday, February 7, 2013, at 7:00 p.m.** and **Tuesday, February 19, 2013, at 7:00 p.m.**, respectively, in the Council Chambers of the Vinton Municipal Building, 311 South Pollard Street, Vinton, Virginia. The Planning Commission will meet for dinner at 6:00 p.m. to be followed by a work session in the Administration Conference Room, prior to the public hearing, on February 7th.

The purpose of the public hearings is to receive comments concerning:

1. Petition of Williams Mullen, authorized agent for Clearview Manor Acquisition, LLC, for a rezoning of Clearview Manor Apartments, 1150 Vinyard Road, tax map number 61.17-2-7, from GB General Business District to R-3 Residential District. The rezoning request is for a property that already developed with apartment units.
2. Petition of Williams Mullen, authorized agent for Clearview Manor Acquisition, LLC, for a Special Use Permit (SUP) for Clearview Manor Apartments, 1150 Vinyard Road, tax map number 61.17-2-7. The SUP request is for a property that already developed with apartment units.

Further information concerning each public hearing may be obtained in the Planning and Zoning Department located at 311 South Pollard Street, Vinton, Virginia 24179, (540) 983-0601. Interested persons may be heard at the above public hearings.

Given under my hand this 8th day of January 2013.

Sincerely,

Anita J. McMillan
Planning and Zoning Director

NOTICE OF INTENT TO COMPLY 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 the meetings. Please call (540) 983-0601 at least 48 hours prior to the meeting so that proper arrangements may be made.

PROPERTY OWNERS NOTIFIED FOR CLEARVIEW MANOR REZONING AND SUP REQUESTS

ParcelID	Owner_Name	C/O	Owner_Mailing_Address	City	State	Zip Code
060.20-03-81.02-0000	BRABHAM HENRY J IV AND SARAH		1110 VINYARD RD	VINTON	VA	24179
060.20-03-81.03-0000	BRABHAM HENRY J IV;BRABAHM SARAH A		1110 VINYARD RD	VINTON	VA	24179
060.20-03-81.04-0000	ZACKLYN LTD		1113 VINYARD RD	VINTON	VA	24179
060.20-03-81.05-0000	MCCARTY AND MCCARTY INC		1000 VINYARD RD	VINTON	VA	24179
061.17-02-03.00-0000	LANCERLOT SPORTS COMP C/O H J BRABHAM IV & SARAH	C/O HENRY J BRABHAM IV	1110 VINYARD RD	VINTON	VA	24179
061.17-02-03.00-0000	LANCERLOT SPORTS COMPLEX LC	C/O HENRY J BRABHAM IV	1110 VINYARD RD	VINTON	VA	24179
061.17-02-03.00-0000	LANCERLOT SPORTS COMPLEX LC	C/O HENRY J BRABHAM IV	1110 VINYARD RD	VINTON	VA	24179
061.17-02-04.00-0000	STRIKES & SPARES INC C/O KEVIN S GODSEY	C/O KEVIN S GODSEY PRES	1200 VINYARD RD	VINTON	VA	24179
061.17-02-05.00-0000	MED FACILITIES OF AMERICA XLVII ATTN : D SHOUEL	ATTN : DIANE SHOUEL	P O BOX 29600	ROANOKE	VA	24018
061.17-02-06.00-0000	MEDICAL FACILITIES OF AMERICA X 10 LP	ATTN:DIANE SHOUEL	P O BOX 29600	ROANOKE	VA	24018
061.17-02-06.01-0000	MEDICAL FACILITIES OF AMERICA XLVII	ATTN : DIANE SHOUEL	P O BOX 29600	ROANOKE	VA	24018
071.05-01-08.00-0000	CHEWNING BARBARA B		888 COLBOURNE AVE	VINTON	VA	24179
071.05-01-09.00-0000	SANDIFER WALTER RAYSOR AND LINDA		912 COLBOURNE DR	VINTON	VA	24179
071.05-01-10.00-0000	GRAYBILL LEONARD P AND GENEVA		918 COLBOURNE AVE	VINTON	VA	24179
071.05-01-11.00-0000	KIRMSE LAURA L LIFE ESTATE		924 COLBOURNE AVE	VINTON	VA	24179
071.05-01-12.00-0000	BAYS BOBBY E AND MARY ANN		934 COLBOURNE AVE	VINTON	VA	24179
071.05-01-13.00-0000	HARTSOCK JOHN FRANK AND REBECCA		950 COLBOURNE AVE	VINTON	VA	24179
071.05-01-14.00-0000	MURRILL TODD L AND LESLIE		956 COLBOURNE AVE	VINTON	VA	24179
071.05-01-15.00-0000	DANG QUA PHU;TRAN TRINH THI		1527 LONGVIEW AVE	SALEM	VA	24153
071.05-01-16.00-0000	MERRILL KENNETH E AND BARBARA		1048 BROADHILL DR	VINTON	VA	24179
071.05-01-17.00-0000	PERDUE IMOGENE D		972 COLBOURNE AVE	VINTON	VA	24179
071.05-01-18.00-0000	DOOLEY JAMES R AND NURIA		605 E VIRGINIA AVE	VINTON	VA	24179
071.05-01-19.00-0000	JONES EUGENE J JR AND DORIS		984 COLBOURNE AVE	VINTON	VA	24179
OWNER AND OWNER'S REPRESENTATIVE						
061.17-02-07.00-0000	CLEARVIEW MANOR ACQ LLC C/O THE RELATED COS	C/O THE RELATED COMPANIES	60 COLUMBUS CIR 19TH FLOOR	NEW YORK	NY	10023
061.17-02-07.00-0000	WILLIAMS MULLEN	C/O T. PRESTON LLOYD, JR.	200 S. 10TH STREET, SUITE 600	RICHMOND	VA	23219

From: "Ray Sandifer, Pastor Eagle Rock United Methodist" <sandiray@aol.com>
To: <plloyd@williamsmullen.com>
CC: <amcmillan@vintonva.gov>, <bgrose@vintonva.gov>, <clawrence@vintonva.gov...>
Date: 1/10/2013 10:27 AM
Subject: Clearview Apartments rezoning request

Dear Mr. Mullen,

As a property owner directly adjacent to the Clearview Manor Apartments, I have already experienced problems related to the management of this property on more than one occasion. First, I was faced with security lighting that was installed in such a manner that it shined directly into my home. These lights made it nearly impossible to sleep until I was able to get the mayor involved and get the lights refocused. When I attempted to complain to the management of the apartment complex I was treated very badly and was able to get no satisfaction at all. Later, during the summer of 2012, our area was impacted by a wind storm that knocked down limbs from the trees along the property line between my property and the Clearview Manor property.

Trees that are on Clearview Manor property fell on my fence, doing considerable damage. No one from Clearview Manor has ever contacted me about this incident, and based on my previous experience with them, I am not about to contact them.

Based on my previous experiences with Clearview Manor Apartments, I would insist on certain conditions before I could support rezoning this property.

1. The apartment building would never be relocated or expanded beyond it's present location and configuration even as a result of loss.
2. There never be construction or other development that would interfere with the view of mountains (limited though it may be) from my residence.
3. Lighting be never be placed and directed in such a manner that it would create problems for my residence, even though it may be required for security on the Clearview Manor property.
4. The trees along the property line that are located on Clearview Manor property be maintained in a manner that leads to safety to all including protecting property from further damage.

As I consider the impact of change in the zoning of the Clearview Manor property, there could possibly be other issues that arise, and I would like to reserve this communication for those. However, at this time, I feel confident that any proposal that included these provisions would meet with my satisfaction.

Please feel free to contact me on this matter.

Sincerely,
W. Ray Sandifer
sandiray@aol.com
540-525-0258
912 Colbourne Ave.
Vinton, VA 24179



Town Council Agenda Summary

Meeting Date

February 5, 2013

Department

Council

Issue

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 review of employment agreement for the Chief of Police.

Summary

Council will review the employment agreement for the Chief of Police.

Attachments

Certification of Closed Meeting

Recommendations

Reconvene and adopt Certification of Closed Meeting

AT A CLOSED MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, FEBRUARY 5, 2013, AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF 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 _____ and seconded by Council Member _____, with all in favor.

Clerk of Council



Town Council Agenda Summary

Meeting Date

February 5, 2013

Department

Town Clerk

Issue

Consider approval of minutes for the Council in the Neighborhood Meeting of January 15, 2013

Summary

None

Attachments

January 15, 2013 minutes

Recommendations

Motion to approve minutes

MINUTES OF A COUNCIL IN THE NEIGHBORHOOD MEETING OF VINTON TOWN COUNCIL HELD AT 6:30 P.M. ON TUESDAY, JANUARY 15, 2013, AT THE CAMPBELL MEMORIAL PRESBYTERIAN CHURCH LOCATED AT 1130 HARDY ROAD, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor
William W. Nance, Vice Mayor
I. Douglas Adams, Jr.
Robert R. Altice
Matthew S. Hare

STAFF PRESENT: Christopher S. Lawrence, Town Manager
Susan N. Johnson, Executive Assistant/Town Clerk
Ryan Spitzer, Assistant to the Town Manager
Ben Cook, Police Chief
Mark Vaught, Police Lieutenant
Robert Eakin, Police Officer
Christopher Linkous, Fire/EMS Captain
Chad Helms, Fire Lieutenant
Barry Thompson, Finance Director/Treasurer
Gary Woodson, Public Works Director
Joey Hiner, Assistant Public Works Director
Anita McMillan, Planning & Zoning Director
Mary Beth Layman, Special Programs Director
Kevin Kipp, War Memorial Facility Manager

The Mayor opened the meeting at 6:40 p.m. Reverend James Smith welcomed everyone in attendance and led in prayer.

Lynn Andrews of 208 Minnie Bell Lane asked what is happening with Preston Road. Ben Cook, Police Chief, commented that a proposal will be discussed at the upcoming Highway Safety Commission meeting on January 24th. The proposal is to put a stop sign at the intersection of Fairmont and Preston and to lower the speed limit to 15 mph. Ms. Andrews commented that the stop sign is not the problem and Mr. Cook responded that the speed limit should help a lot and that Public Works had also moved some mailboxes back from the road. The Town Manager commented that one proposal was to actually close Preston, but staff did not recommend that action. Mr. Altice indicated that any recommendation from the Commission will have to be brought to Council.

The Mayor called the regular meeting to order at 6:45 p.m. The Town Manager called the roll with Council Member Adams, Council Member Altice, Council Member Hare, Vice Mayor Nance and Mayor Grose present.

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

Mr. Adams made a motion to approve the consent agenda as presented; the motion was seconded by Vice Mayor Nance and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) - None.

Approved minutes of Council meeting of January 2, 2013

Vice Mayor Nance read a letter from Chief Cook naming Master Police Officer Scott Hurt as Police Officer for the month of December 2012.

The Town Manager commented on the debt that the town is obligated to for the Glade-Tinker Creek Project and our part of the sewer plant improvements through the Western Virginia Water Authority in an approximate amount of \$1.5 million. Staff is in the process of obtaining some proposals from the Virginia Municipal League and the Virginia Resource Authority and those proposals will be brought back to Council at a future meeting for consideration and approval.

The Mayor expressed thanks to the Church for hosting the meeting and thanked staff for their attendance. He also commented on the recent award ceremony where Southern States was presented the 2012 Feed Mill of the Year Award by the American Feed Industry Association.

Mr. Hare made brief comments on the financial reports for October and November 2013. The Finance Committee met on Monday and reviewed the reports and received an update from Kevin Kipp on the War Memorial. The events at the War Memorial have been steadily increasing and there is almost \$30,000 booked for the rest of the fiscal year.

Mr. Hare next commented on the November financial report which shows revenues in the General Fund are slightly above the projection at this point. Expenses are below the projection which is due in part to a number of open positions and the timing of some expenses. The Utility Fund is also in line with the projection. Vice Mayor Nance commented that the trends are consistent in comparing where we are now with last year. Mr. Hare moved that Council approve the October and November 2012 financial reports, the motion was seconded by Vice Mayor Nance. Mr. Thompson commented that Council will be asked to approve the write-off of personal property taxes and the delinquent water/sewer bills at their next meeting. He also stated that the implementation on November 1st of the new deposit policy for residential renters has gone well and 20 deposits have been collected. The motion was carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

Approved the October and November 2012 financial reports

Comments from Council Members: Vice Mayor Nance expressed thanks to the Church for hosting the meeting and for

staff that was in attendance. Mr. Altice commented that the rain is an inconvenience, but it does contribute to our water system. Mr. Adams expressed thanks to the Fire and EMS Department for the service they provided to his family recently and commented on the quick response by staff to citizens' requests. Also, he recently attended the Newly Elected Officials conference, which was very informative and after hearing comments from other officials, it made him very proud of the town and how we do business.

Vice Mayor Nance moved that the regular meeting be adjourned, the motion was seconded by Mr. Altice and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None. The regular meeting was adjourned at 7:11 p.m.

The Town Manager commented that the Planning & Zoning Department renovation has been completed which will improve serving the customers as well as provide a better level of security for staff. The Montgomery village pressure reducing valve replacement has been completed along with the replacement of the HVAC and garage lights at the Public Works facility.

The work session began at 7:30 p.m. with an update on the \$700,000 CDBG Downtown and Economic Revitalization Grant. Ryan Spitzer, Assistant to the Town Manager, began with comments that the second required Public Hearing will be at the February 5, 2013 Council meeting and later in February or early March, Council will need to approve the actual grant contract. He next began a review of a Power Point presentation that he gave to the Project Management Team on January 10th.

The four main items covered were an overview of the project area, the management plan, the budget and the five key areas relating to streetscaping, gateway improvements, the Farmer's Market, facades and business development.

Under the area of streetscaping, discussion was had regarding the value of street lights and the focus area for the lights. Mr. Spitzer commented that the Project Management Team will make a final recommendation to Council in this regard. The Project Management Team will be meeting the second Tuesday of each month at 9:00 am at the War Memorial. The Team's function will be to decide how the funds are paid, that the Town reaches all of their benchmarks, what the design characteristics will be, the type of landscaping to be used, etc. The draft Plan and Administrative Program Manual furnished with the agenda will be the guidebook for this Team. Also, a group of affected business owners will meet every other month to share their input on the project.

The overall budget for the project is \$2,161,311. This is made up of \$700,000 from the grant; \$1,255,000 for the library, which consist of funds from the Town and Roanoke County; and \$176,772 in façade funds from the Town, Roanoke County and participating businesses. The grant allows a total of \$40,000 in administration costs. In response to a question from Mr. Hare, this amount can be used for engineering services and reimbursement of staff time, but we do not have to use the total allowed.

Mr. Spitzer continued with the presentation stating the streetscaping budget is \$269,010. The Town has already contributed \$20,000 in the demolition of the former Steve's garage. Discussion was had regarding the value of street lights in a downtown area and what benefit are they to revitalization other than aesthetics. Comments were made that just putting street lights will not be the answer. We will have to look at the whole Main street approach. We will have to involve business owners and will have to plan how we will keep this momentum going after the project is completed. Other parts of the streetscaping will include wayfinding signs, plantings and rehabilitation of the former Steve's garage site.

The gateway improvements budget is \$69,136 for the Washington/Pollard and Virginia/Pollard intersections. The Farmer's Market budget is \$119,016 and will consist of landscaping, lighting and parking areas.

The façade budget is \$208,809 of which \$87,838 is from the grant and \$101,372 is other funds from the town and the County. The plan is to improve 11 storefronts and three have already been completed. If we do not have businesses interested in the program, we can allocate that money to another project in the downtown area or leave until the end of the project to see if a business owner would like to piggyback on those funds. The basic guidelines that are already in place will be followed with some modifications. The design has to be approved by the Project Team and by Council and the business cannot use their own contractor. It has to be a contractor approved by the Town for this project. If they do choose to use their own contractor, the Town must approve and they must meet the specifications of the grant.

In business development, there is a budget of \$124,600 which will cover branding, a revolving loan program and a downtown guide. A draft of the Revolving Loan Program was part of the agenda package. There will be a separate Revolving Loan subcommittee with five members and the loan will be administered by the town. For every \$25,000 loaned, a business must create one lower to moderate income job for the duration of the grant program. A business has to put down 10%

toward any loan amount and the interest rate will be set by the subcommittee according to the prime rate.

Mr. Spitzer then commented that as of February 8th, our 90-day deadline, we will have all the requirements complete except for the receipt of the environmental study. However DHCD has indicated that the delay in the study will not be a problem.

The work session was adjourned at 8:30 p.m.

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

February 5, 2013

Department

Administration

Issue

Conduct a Public Hearing to consider public comments regarding a \$700,000 Community Development and Block grant to revitalize the downtown business district

Summary

DHCD requires two Public Hearings to take place for citizens to provide their comments on the project, how it will potentially affect them and its desired outcomes. This is due to the fact that public dollars are being used to fund the project. Council will also be briefed on what actions have been taken to date with the Virginia Department of Housing and Community Development as well as what actions still need to be undertaken.

Council will also be able to ask any questions that they have that may have come up about the project since the last Council Meeting.

The next Project Management Team Meeting will be February 12th, 2013 at 9am to discuss the Façade Program, Management Team Plan and Revolving Loan Program.

Attachments

None

Recommendations

Conduct Public Hearing—no action required



Town Council Agenda Summary

Meeting Date

February 5, 2013

Department

Finance/Treasurer

Issue

Consider adoption of an Ordinance amending Chapter 2, Administration, Article V, Finance, Section 2-156 with regard to the fee charged for checks that are returned for insufficient funds or because there is no account.

Summary

The NSF check fee has been \$35.00 since January 2005. At the November 5, 2012 Finance Committee Meeting, it was discussed by the Treasurer as to the need to raise this fee to the amount allowed in State Code which is \$50.00. Currently the Treasurer's office processes approximately 5-6 of these type transactions per month. The bank charges the Town \$35.00 for a transaction when it is returned. Raising this fee to \$50.00 will help recover some administrative cost in handling these type of transactions.

Attachments

Ordinance

Recommendations

Motion to adopt Ordinance

ORDINANCE NO. ____

AT A REGULAR COUNCIL MEETING HELD ON TUESDAY, FEBRUARY 5, 2013 at 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA 24179

AN ORDINANCE amending Chapter 2, Administration, Article V, Finance, Section 2-156 with regard to the fee charged for checks that are returned for insufficient funds or because there is no account.

WHEREAS, Section 2.2-614.1 of the Code of Virginia allows the Town to charge a fee of \$50.00, or the amount of the costs, whichever is greater, in the event that a check made payable to the Town is returned for insufficient funds; and

WHEREAS, Council desires to increase the fee to the full amount allowed by statute to offset the costs incurred by the Town for returned or worthless checks;

NOW, THEREFORE, BE IT ORDAINED that Section 2-156 of Article V, Chapter 2 of the Code of the Town of Vinton is hereby amended to read as follows:

Sec. 2-156. Fee for returned checks.

A fee of ~~\$35.00~~ \$50.00 will be assessed for the uttering, publishing or passing of any check or draft for payment of taxes or any other sums due to the town treasurer or any other agent of the town, which is subsequently returned for insufficient funds or because there is no account or the account has been closed.

This ordinance adopted on motion made by Councilman _____ and seconded by Councilman _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

February 5, 2013

Department

Finance/Treasurer

Issue

Consider adoption of a Resolution allowing the Town Treasurer/Finance Director to remove outstanding Personal Property delinquent taxes over five years old from the active records to a permanent file.

Summary

According to State Code Section 58.1-3940, property taxes over five years old are not collectible. Also, according to State Code, these taxes may not be written off until after December 31st of the year for which such taxes were assessed. All efforts were made to collect the taxes including reporting them to the State Debt Set-Off Program.

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, FEBRUARY 5, 2013 AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

WHEREAS, the Town of Vinton is maintaining records of outstanding Personal Property delinquent taxes for 2007 in the amount of \$2,630.73; and

WHEREAS, the personal property taxes are over five years old and not collectible as prescribed by Section 58.1-3940, of the 1950 Code of Virginia as amended; and

WHEREAS, the Finance Department has made all efforts to collect on these balances and has turned them over to collections and the State of Virginia Debt Set-Off Program.

NOW, THEREFORE, BE IT RESOLVED that the Vinton Town Council does hereby direct the Town Treasurer/Finance Director to have the outstanding accounts removed from the active records and placed in a permanent file where, if the opportunity arises, the accounts may be collected.

This Resolution adopted on 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



Town Council Agenda Summary

Meeting Date

February 5, 2013

Department

Finance/Treasurer

Issue

Consider adoption of a Resolution allowing the Town Treasurer/Finance Director to remove outstanding Water and Sewer delinquent bills over five years old from the active records to a permanent file.

Summary

As of June 30, 2012, the water and sewer accounts over five years old and inactive have been deemed uncollectible in the amount of \$21,660.97. These accounts and amounts are from the following years as follows:

2002 in the amount of \$ 200.95
2003 in the amount of \$3,488.58
2004 in the amount of \$2,662.18
2005 in the amount of \$5,241.64
2006 in the amount of \$4,542.68
2007 in the amount of \$5,524.94

All efforts have been made to collect the delinquent water and sewer bills. The Delinquent listings are available in the Treasurer's office and will be maintained in the event that an opportunity should arise to collect one of these outstanding bills.

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, FEBRUARY 5, 2013 AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

WHEREAS, the Town of Vinton is maintaining records of outstanding water and sewer accounts; and

WHEREAS, as of June 30, 2012 the water and sewer accounts over five years old and inactive have been deemed uncollectible in the amount of \$ 21,660.97; and

WHEREAS, these accounts and amounts are from the following years as follows: 2002 in the amount of \$200.95, 2003 in the amount of \$3,488.58, 2004 in the amount of \$2,662.18, 2005 in the amount of \$5,241.64, 2006 in the amount of \$4,542.68, and 2007 in the amount of \$5,524.94; and

WHEREAS, the Finance Department has made all possible efforts to collect on these outstanding balances.

NOW, THEREFORE, BE IT RESOLVED that the Vinton Town Council does hereby direct the Town Treasurer/Finance Director to have the outstanding amounts removed from the active records and placed in a permanent file where, if the opportunity arises, the accounts may be collected.

This Resolution adopted on 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



Town Council Agenda Summary

Meeting Date

February 5, 2013

Department

Finance/Treasurer

Issue

The Western Virginia Water Authority has begun its Peak Flow Enhancement Project at the Regional Wastewater Treatment Plant for a project cost of \$17,087,000. The Town's share of this project is 5.5% or \$939,785. Additional Cost may occur and the Western Virginia Water Authority has allotted 3% additional money and Botetourt County has allotted 5% additional money for legal services and contingency items. If the Town allows for a 5% contingency (\$46,989) this would bring our total project cost to \$986,774. The project is expected to begin in February and we will need to make payments beginning in July 2013.

The Town also has the \$500,000 bridge loan on the Glade-Tinker Creek Wastewater Interceptor Replacement-Phase 2 Project. This financing allowed us to proceed with this project until the Town was ready to go out for long-term financing. The pay-off on this loan was established for 18-months and we have made two interest payments at a cost of \$1,266.30 for the two months. The payoff of this loan would be included in this long-term financing.

The third component is being analyzed by Gary Woodson, Public Works Director and Chris Lawrence, Town Manager. If we were to allocate another \$500,000 for identified projects in the Town, that would give the biggest bang for the money spent. It needs to be determined whether the money needs to be used on Water, Sewer, or Inflow and Infiltration Projects. Over the years there have been projects that have been identified in the Town's CIP Listing so the question is prioritizing and utilizing the funding on the Water/Sewer system in the best manner.

Summary

There are two sources of funding-- the Virginia Resources Authority (VRA) and the Virginia Local Finance (VML/VACo). The application process is similar through both organizations. The deadline for application submission with VRA is February 8, 2013 for a Spring Financing. Closing with VRA would be in the later part of May 2013 time frame. VML/VACo does not have a deadline and can close within 60-90 days after application approval. I have discussed our

needs with both and either organization is willing to work the Town. Our next step in the process would be to submit an application.

A \$2 million bond issue with VRA and VML/VACo including all estimated issuance cost has an all-in-true interest cost estimated at 2.50 to 2.51% for 20 years. This equates to an average annual debt service of \$127,331 on a level debt service schedule or \$144,292 maximum to \$102,812 lowest on a level principal schedule. Based on audited wastewater service charges of \$1,460,204 in FY 2012 to generate an additional \$144,292 would require an increase of 9.88% in the wastewater rates.

In working through VRA, there is a possible refunding opportunity related to the Town's Series 2004B VRA loan (Fire & EMS Building) which could be included with the new money loan request. Based on market rates as of January 18, 2013, \$550,000 in principal from the Town's Series 2004B loan (2016-2024) maturities are showing estimated net present value savings of \$32,766 (5.958% NPV savings a percentage of refunded par). We would want to put in our resolution to obtain at least 5% in order to make the deal beneficial to the Town. These savings do not include local bond counsel cost but if we were looking to do the transaction anyway, including this refunding should not add substantially to our closing cost.

Attachments

None

Recommendations

Authorize Town Manager and Town Treasurer to proceed with Loan Application with Virginia Resource Authority.



Town Council Agenda Summary

Meeting Date

February 5, 2013

Department

Finance/Treasurer

Issue

Financial Report for December 2012

Summary

The Financial Report for the period ending December 31, 2012 has been placed in the Town's Dropbox.

The Finance Committee is meeting on Monday, February 4, 2013 at 5:30 pm to discuss the report and will make a presentation of the report to Council during the Council Comment Section of the Regular Meeting on February 5, 2013.

Attachments

Report in Financial folder in Dropbox
November 5, 2012 - Finance Committee Minutes
December 3, 2012 – Finance Committee Minutes

Recommendations

Motion to approve the Financial Report

Minutes of the Finance Committee Meeting

Monday, November 5, 2012

At 5:35PM., Barry Thompson called the meeting to order in the Finance Office Conference Room. The members present for the meeting were Vice Mayor Wes Nance and Council Member Matt Hare, Town Manager, Chris Lawrence, Accounting Manager, Lijah Robinson and Treasurer/Finance Director, Barry Thompson.

The agenda was accepted as presented.

Minutes of the Tuesday, October 2, 2012 Finance Committee Meeting were approved as presented.

Item One - Financial Report September 30, 2012 – Barry Thompson opened the discussion by explaining that the reporting period ending September 30, 2012 looked very favorable. The revenues for the General Fund adjusted Revenues were \$1,302,170 or 90% and the Expenditures were \$1,614,192 or 79%. Discussion evolved regarding the accrued revenues which were primarily made up of Sales Tax, Meals Tax, and Consumer Utility Tax.

The Utility Fund Revenues reflect a level of \$652,927 or 111% with Expenditures of \$614,271 or 76%. The unaudited Utility Fund Revenues over/(under) Expenditures was \$38,656.

The Financial Report for September 30, 2012 was accepted by the Committee and will be placed on the agenda of the regular Town Council Meeting for November 6, 2012 where Council members Nance and Hare will report to Town Council.

Item 2: War Memorial Monthly Review: Lijah Robinson presented the committee with a report on the Financials through September on the War Memorial. There was a much discussion and it was decided to invite Kevin Kipp, Facility Manager at the War Memorial to participate in future Finance Committee Meetings to present the War Memorial Financials from an Events Perspective.

Item 3: discussion of Reporting from ACS: Mr. Hare indicated that he would like to be able to get the reports in an EXCEL format. He also indicated he would like to see an ACS monthly report. The Finance team will begin working on this request.

Item 4: NSF Fee: Mr. Thompson reported to the committee that the Town currently charges \$35.00 for a NSF Fee and that in doing research Lijah had determined that this fee could be raised to \$50.00. The bank now charges the town \$35.00 for returned items and so this is just a pass through for customers that have returned items. The recommendation would be to raise the fee to \$50.00. The treasurer's office receives about 5 to 6 returned items per month. The committee agreed to bring this to Council in their report during the Council Meeting and get a Consensus. Then an Ordinance would be presented to Council for adoption.

The meeting was adjourned at 7:05PM.

Minutes of the Finance Committee Meeting

Monday, December 3, 2012

At 5:30PM., Barry Thompson called the meeting to order in the Finance Office Conference Room. The members present for the meeting were Vice Mayor Wes Nance and Council Member Matt Hare, Accounting Manager, Lijah Robinson and Treasurer/Finance Director, Barry Thompson. Absent was Town Manager, Chris Lawrence. Staff members present were Assistant to the Town Manager, Ryan Spitzer and War Memorial Facility Manager, Kevin Kipp.

The agenda was accepted as presented.

The Minutes of the November 5, 2012 meeting were not ready for approval.

Item III– Reporting from ACS. It was briefly discussed that ACS was working on a monthly report. Mr. Thompson had shown a sample of the report to Mr. Hare before the meeting but it was in a rough state and there was still work to be done.

IV(a) CAFR for Fiscal Year Ending June 30, 2012. John Aldridge and Travis Gilmore with Brown Edwards, Inc LLC presented to the Finance Committee an in-depth review of the financial position of the Town at June 30, 2012. Mr. Aldridge covered the Report on Comments and Suggestions and Required Communications. He indicated that there were two areas under segregation of duties that needed to be addressed. One area had already been taken care of regarding Utility Account Adjustments. The other involved input of new employees/benefits by the Human Resources area rather than the Finance Department Staff. Mr. Hare and Mr. Nance agreed that this was an issue and wanted this addressed. Mr. Thompson and Mr. Spitzer indicated that the recommendation would be discussed with the Town Manager and measures would be taken to segregate the duties. The other major area is the need for an accounting procedures manual and this has been noted for several audits. The Finance team has been charged with developing an accounting manual for its accounting system. Ten items from previous audits were cleared.

Mr. Aldridge reviewed the Financial Analysis and the CAFR document. For the year ended June 30, 2012, the government's total unrestricted net assets approximated \$2.0 million or 24.5% of annual total revenues. The months in General Fund – Unassigned Fund Balance is 4.48 months up from 2011 of 1.99 months. For the Water and Sewer Fund BTA Self-Sufficiency Percentage of BTA Expenses Covered by BTA Revenues is 100%. The self- sufficiency ratio indicates the level at which business-type activities covered their current costs with current year revenues, without having to rely on subsidies or use of prior year reserves. Sales Tax growth is a measure of the state of the local economy by comparing revenue collected in the prior year to the current year. Sales Tax for 2011 was \$1,172,000, 2012 was \$1,248,000 which equates to an increase of \$75,976 or 6.48%.

Discussion regarding the financial report took place with questions from both Mr. Hare and Vice Mayor Nance. Mr. Aldridge addressed those questions. After the discussion, Mr. Hare and Vice Mayor Nance moved that the report be taken to Council for acceptance at the December 4, 2012 Council Meeting. They both thanked staff for their efforts. Mr. Thompson pointed out that Mr. Robinson had been the key liaison with Brown Edwards this year. He had prepared all the work papers for the Town and had prepared the Town's transmittals to the State. This has resulted in a reduction of our audit cost.

IV (b) War Memorial Monthly Review – Kevin Kipp – The War Memorial Facility Manager, Kevin Kipp presented to the Finance Committee a detailed review of the War Memorial as to where it has been and to where it is going. Mr. Kipp explained to the finance committee that he is getting a handle on the software and being able to get better information out as to what kind of events we are having and the revenue generated by the events. There is still work to be done but he will be making a presentation to Council in the near future to explain more of his marketing strategy and what he feels needs to take place in order to make the War Memorial more successful.

IV (c) October 2012 Financial Report – Tabled until next meeting

The meeting was adjourned at 8:10PM.