

MINUTES OF A JOINT MEETING OF VINTON TOWN COUNCIL, VINTON PLANNING COMMISSION AND VINTON BOARD OF ZONING APPEALS HELD AT 6:00 P.M. ON TUESDAY, OCTOBER 29, 2013, AT THE VINTON WAR MEMORIAL, 814 WASHINGTON AVENUE, VINTON, VIRGINIA.

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

PLANNING COMMISSION MEMBERS PRESENT: David R. Jones, Chairman  
Dawn M. Michelsen  
Robert A. Patterson

MEMBERS ABSENT: Paul R. Mason, Vice Chairman  
William E. Booth

BOARD OF ZONING APPEALS MEMBERS PRESENT: Robert R. Benninger, Chairman  
Allen S. Kasey, Vice Chairman  
Sabrina Weeks  
Frederick J. Michelsen  
Donald R. Altice

MEMBERS ABSENT: Debra P. Hagins

STAFF PRESENT: Christopher S. Lawrence, Town Manager  
Susan N. Johnson, Town Clerk  
Ryan Spitzer, Assistant to the Town Manager  
Anita McMillan, Planning & Zoning Director  
Joey Hiner, Assistant Public Works Director  
Mary Beth Layman, Special Programs Director

The Mayor called the meeting to order at 7:10 p.m. The Town Clerk called the roll with Council Member Adams, Council Member Altice, Council Member Hare, Vice Mayor Nance and Mayor Grose present. Anita McMillan called the roll with Planning Commission Members Jones, Michelsen and Patterson present and Board of Zoning Appeals Members Michelsen, Kasey, Weeks, Benninger and Altice present.

The Mayor made opening comments and expressed thanks to all in attendance. He then turned the meeting over to the Town Manager. The Town Manager commented that there were two discussion points to bring before the group and at the end of the meeting there would be time for discussion of other issues that the group might have. He then introduced staff that was present at the meeting.

The Town Manager next commented that staff has been working for four years on the Downtown Revitalization Grant. Mr. Spitzer has been tasked with managing and coordinating the entire project and tonight he will be presenting design work to get your feedback. There will be a public meeting to sharing all of the designs before construction drawings are prepared.

Mr. Spitzer commented that it has been a little over four months since we were actually given the go-ahead from the State to proceed with the project. He began his Power Point presentation showing a map of the original proposed grant area and commented that it will now extend to the Municipal Building and include the new library.

The Project Scope will consist of

- design work at the intersection of Washington and Pollard to improve the intersection and to put in handicapped-accessible sidewalks
- landscaping and some sign and road work at Virginia and Pollard
- a greening of the area at the Farmer's Market and a more cohesive look
- streetscaping with benches, updating some sign posts through the Downtown and lighting
- rehabilitation of the old garage site behind the Municipal Building
- façade improvements downtown with 12 properties being identified
- business development such as branding and marketing

The current projects underway are street lighting, Farmer's Market Design Plan, Post Office Site Plan Concept, façade improvements and the Virginia/Pollard intersection improvements.

The street lights have to be designed to catch the entire roadway with some overlap. To give a perspective, the current cobra head lights are about 32 feet tall and the banners on those poles are 20 feet tall. Through AEP's design, acorn lights have to be between 14 and 18 feet tall which are the more traditional lights you see in downtown Roanoke and other areas. A teardrop light has to be about 22 feet tall. He then showed two simulation photos which showed what the two types of lights would look like in the downtown area. The Downtown Management Team has decided on the teardrop light which will have places for the banners, flower baskets and electrical outlets.

Mr. Benninger asked what was the costs differential. Mr. Spitzer responded that we have \$3,000 set aside for each light. The teardrop lights are approximately \$2,200 each and the acorn lights run a little less per light. Mr. Jones asked about the lighting ability and the response was as far as casting, the current design is for 39 of the teardrop lights throughout the downtown. If we go with the acorn light, there will be 45 to 50 lights because they had to be closer together.

Mr. Benninger asked if we would have to tear up the sidewalks again to put a conduit in and the response was that we have found the plans from 1989 showing that AEP and the town put conduit in this area. Ms. Michelsen asked what would be the advantage over this style as opposed to the acorn style and the response was this style would set the town apart from other areas because most towns have the acorn lights.

Mr. Kasey asked if these lights will be energy efficient and the response was in order to lease the lights from AEP, they have to be 100 watt metal high pressure sodium lights. If we wanted to use LED lights, we would have to buy them ourselves. The Town Manager gave an explanation that AEP has a program that if a locality has the ability to maintain its street lights, then you can buy them outright and have them installed. Since we do not have that capacity in Public Works, we can lease the lights from AEP and the maintenance is handled by AEP.

Mr. Spitzer continued by commenting that we have 42 lights budgeted at \$3,000 each. Through the current design, it appears that we will only need 32 lights for the downtown area, so the remaining balance could be used for other accessories to the lights or moved into other areas of the grant. There is \$45,000 to remove the existing cobra light poles and AEP has

indicated they will remove a lot of them for little or no costs, so this would also be a savings. We have \$44,000 for conduit which we probably will not have to use since we found the 1989 plans; \$6,100 for site furnishings downtown and \$19,000 for upgrading of existing signs and for way finding.

The Town Manager commented that we are getting inquiries from other property owners outside the grant area who are interested in street lights. Since we cannot spend any grant money outside the grant area, a consideration in the future might be a partnership or cost sharing with those property owners or use of more town funds.

Mr. Spitzer continued his presentation with the Farmer's Market Concept Plan. The idea is to green up the space and make it cohesive through connecting the stage with the Farmer's Market visually. He showed a drawing which added decking to extend the stage area out into the side of the street. This would be some type of stamped concrete to create the visual that this is an event area. The parking spaces there now will be replaced with green pavers, some walls will be added that can also be used as seating. There will also be some type of anchoring tree in the area and an extension of the street lights.

Mr. Jones stated we need to expand the rules regarding who can use the Farmer's Market because there is one vendor in town who cannot use the Market. Mr. Hare asked what rule keeps him out and Mr. Jones responded that you have to grow your product in town. The Town Manager further commented that the rules state you have to be at least a Virginia grower or somewhat local. Ms. Layman responded the preference is 50 to 60 miles and most of the produce should be grown by the vendor selling it. It is not any different than the rest of the markets in the area. The vendor that Mr. Jones is speaking of buys his produce either in Hillsville or another place and then re-sells. We allow some to be purchased from someone else and be resold, but his 100 percent. Mr. Jones further commented he has never seen the Farmer's Market 100 percent full. We are selling ourselves as a business friendly community, but we have a solid rule that is working against us.

Mr. Spitzer continued with another drawing that shows removing the current entrance to the Farmer's Market, extending the parking spaces down and putting the entrance on the side to control traffic flow and make it look more inviting. Mr. Jones asked about a lease with some of the Farmer's Market property. Ms. McMillan responded that it does not exist anymore. When Mr. Boggess was the Town Manager all the property was purchased by the Town.

Mr. Spitzer continued by stating that the bollards shown can be used for seating. One suggestion has been to make the bollards different heights so people can sit and place food on them. A suggestion has also been made to extend the roof line of the pavilion further out towards the street so the bands can get closer to the Market area.

The Town Manager commented that we have a venue that we are trying to enhance and invest in and so are other surrounding areas such as Daleville and the City of Roanoke with Elmwood Park. We are not trying to compete with Elmwood Park, but we are competing with other events in the area. A member of our Downtown Management Team asked if there is something we can do to add value to the pavilion, so the architect did a rendering to show the extended roof. The pavilion is a very good structure for its purpose and is user friendly for the events we have had, but if we are centering all this work around the Farmer's Market, maybe we should give more attention to the pavilion as well. The expansion of the pavilion is not part of the grant. It would have to be a community project and determination would need to be made if the expansion would add value, be worth the money and are there sponsorship opportunities.

Mr. Hare asked if there is any screening behind the pavilion and the response from Mr. Spitzer was there is no screening in our current grant, but trees could be planted there.

Mr. Adams asked if the western exit to the Farmer's Market would be closed and the response was no. Mr. Spitzer stated that we are also considering the way the traffic flows into the Post Office. Right now vehicles that turn left into the Post Office block the road and cause a lot of congestion. We have looked at moving the stop bar to reverse the flow of traffic in the parking lot. Mr. Jones asked what if the parking lot was made for parking only on one side and we opened the other side of the building. Mr. Spitzer responded that was a good suggestion. The caveat we have is that everything has to be approved by the Post Office first. We want to engage your interest in even proceeding with this idea. Further comments and discussion were had regarding the issues of the parking at the Post Office and other parking issues downtown. The Town Manager commented that we have spoken to the owner of the building, but the approval must come from the Greensboro, North Carolina office. Mr. Spitzer stated that the current design plan has been sent to the Greensboro office and we are waiting for a response from them.

The grant funds available to upgrade to the Farmer's Market without the pavilion and some parking spaces is about \$100,000 for site improvements, \$14,000 for the design plan and \$2,500 for survey work of that area. In order to get the expanded pavilion, the architect has estimated that the cost would be \$29,000 to move the roof line out, \$19,000 for additional lighting and a \$14,000 contingency. Mr. Hare asked if we only spent \$70,000, could we use the other \$30,000 to make the pavilion bigger and Mr. Spitzer responded it is possible. In our grant application we only stated that we were going to do some improvements to the Farmer's Market. We never specified what those improvements would be. Our premise for applying for this grant and what DCHD wants from us is to revitalize downtown. As long as we can show improvement towards that, we can do the specific projects how we want.

The Town Manager said there may be money in the grant budget for the street lights that we may be able to use somewhere else. Also, there may be a company that would want to put money toward the pavilion or fund raising opportunities to leverage the grant money with our money to be able to do the pavilion. Mr. Jones said he would be willing to ask his company if they would fund a small piece of it.

Mr. Spitzer continued by commenting that we have \$5,000 in the grant for trees for the area and green/pervious parking in the amount of \$30,000.

Mr. Jones further commented we need to look at fixing the storm water problem at D & R Music while we are fixing the lights.

Mr. Spitzer stated that he would be glad to talk further with anyone in the group either in his office or at their office. Also, as we look at the area behind Town Hall, we can use some of the \$30,000 to improve the parking there and to fix that site as we move forward even if some other use were to go there. The Town Manager commented there has been conversation about a skate park there, but regardless, something will have to be done with that property.

Mr. Jones asked whatever happened to the equipment from the former skate park and the response was it was donated to Renewation about four years ago. That organization indicated they were going to create their own indoor skate park, but it never happened. They still have the equipment. When asked if we could approach them to have it back for the space behind Town Hall. The Town Manager responded that based on a recommendation from a professional that does skate parks and from our insurance carrier, in order to manage and reduce our risks, anything we buy for a skate park should be done by a professional.

Those ramps at that time were very appropriate when built, but they are not up to today's standards.

Mr. Spitzer said the next project is our façade improvements. We were designed for 12 facades throughout the downtown and we currently have nine in progress. They have met with our architect and are doing the renderings for what they want their facades to look like and what will match our façade for downtown. We have funds to match three more and after we get the nine that we are committed to, we will open the program back up. There were three completed previous to the grant that were used as a match—Neely's Accounting, Creative Occasions and IDK. They are a 50/50 match, the grant puts up 50 percent and the owner puts up 50 percent. There is \$191,000 in the grant for these 12 facades and we are using \$136,000 of those funds for the current nine. There will be \$89,000 left over to do other facades in the downtown or we can transfer that money to other areas. There was \$22,200 that we had to pay up front for the architect to look at the designs. Slides showing the façade improvements planned for the Post Office, Cornerstone Antiques, Azteca de Oro Tienda y Taqueria and Allstate were shown to the group.

Ms. Michelsen commented on some awnings in town that are starting to look shabby and how are the property owners going to deal with them. Maybe we should not encourage them to put up awnings, but some other façade. Mr. Spitzer responded that a couple of property owners have discussed putting up metal awnings instead of the cloth ones or some type of more durable material. We will take these comments back to the architect. Our downtown façade program states that they have to keep within the character that defined Vinton in the 50s-60s.

The Virginia/Pollard intersection project will include upgrades to the landscaping and signage. One idea that has surfaced is making 1<sup>st</sup> Street two ways up to the laundry mat and then putting some type of barrier so vehicles can enter, but not come out to the road. There are various options to use for the barrier.

Mr. Spitzer closed by commenting on our branding and marketing strategy. He said that many of the group had already met with the firm. They will be calling citizens in the town to solicit input on what they view Vinton as now and in the future, so if you get a call, please respond. We are also considering sending a survey out to the high school to get that younger demographics input.

The Town Manager made opening comments that we have a lot of codes that help to protect our neighborhoods and in a lot of cases we do a very good job of enforcing them. However, there are some properties that we cannot seem to address because current code does not give us enough authority to deal with the real problem. One of the ideas that our Planning staff has researched and wants to brief you on tonight concerns spot blight abatement. We want to make you aware of what the State will allow us to do and get some direction from Council as to whether you want to pursue this or not.

Anita McMillan began by commenting that we have an agreement with Roanoke County to handle all our building code requirements review and determine when a house can be condemned. The City of Roanoke has a maintenance code, but Roanoke County and the Town do not have such a code, so since 2009 we have had properties that continue to be a problem.

In 2005 when we did the comprehensive plan, we identified a list of house in neighborhoods in Vinton that can be defined under dilapidated and with structural deficiency and many of these houses that are vacant we have received complaints about. Since 2009 the State Code has provided ways that localities can address these issues with such properties called spot blight

abatement. One example is the property at 123 Gus Nicks Boulevard. We have been working with the County Building Official since 2009 and based on his inspection, it cannot be condemned. He indicated we can ask that it be secured, but he does not have the authority to say that this property is at the point that we have to demolish it. He does not feel comfortable because just looking at the outside, it only needs to be secured. However, those that live adjacent to this property and for those of us who have been receiving the complaints, know that a tree is growing from that house. Tonight we want to give you some information regarding a policy to address spot blight abatement. Ms. McMillan then showed pictures of houses at 308B 9th Street, 522 5th Street and 856 Chestnut Street.

Ms. McMillan next commented that property can be considered blight if it meets any of the following:

- vacant for at least one year;
- subject of documented complaints;
- no longer maintained for useful occupancy;
- dilapidated or lacks normal maintenance and upkeep;
- subject of nuisance abatement actions undertaken by the Town;
- Any buildings or improvements which are detrimental to the safety, health, morals or welfare of the community.

Mr. Hare asked if any one of those criteria is met, can it be considered blight and the response was yes. Mr. Hare then asked if he went on a long-term assignment for work, say for two years, but he is still having his lawn mowed and his house maintained, would it be considered blighted because it is vacant? Ms. McMillan responded that there would be a thorough investigation of the property and other factors would need to be present before property can be determined to not be safe and it should be demolished.

There are other potential conditions that may cause a property to be considered blighted such as a condemned structure, rat and rodent infestation, previous citations or inadequate facilities such as sewage, septic, plumbing, well or heating facilities. Other conditions could be potential trespass, nuisance to children, a fire hazard or substantial dilapidation of buildings or structures.

The proposed procedure would be to have a Town Team made up of representatives from the Planning, Police, Fire Marshal and Public Works Departments. This team will do the initial investigation and discuss complaints received about specific properties in order to build a good case. We do not want to consider property blighted just because it is not being mowed, but if it has been a constant problem in other areas for an extended period of time. Once we make that determination, we will contact the Building Official for his determination if the building is also structurally deficient.

The next step would be to notify the property owner and give them 30 days to respond with a plan. Upon approval of the plan by the team and/or Building Official, the owner would have 90 days to complete the work. If the owner fails to notify the town within the 30 day period, then the Town Manager can present it to Council for determination if they want to proceed with a public hearing. Prior to a public hearing, the owner will again be notified and the appropriate advertising will be placed in The Messenger. If Council approves the repair or demolition, bids will be solicited from contractors to abate the blight and carry out the approved plan to repair or dispose of the property.

Ms. McMillan commented further on the property at 123 Gus Nicks and the fact that we did receive a bid from a contractor to demolish the house for \$12,000. However, we found out

that our existing code does not have a policy to define the process. This will also require an amendment to our current building code. We will work with Roanoke County's Building Official since the County amended their code in April. Other demolition prices were \$7,000 for the property on Hardy Road and \$8,000 for the one on Chestnut (before purchased by a developer).

The Town Manager commented that the government does have certain powers to control or regulate properties through our zoning code. In this case, one of the most powerful things the government can do is take your house. Anything related to this has to be treated with the highest level of responsibility from the government side. That is why we are recommending a team approach for a thorough investigation so that everything is documented. Staff is not taking this lightly; this is the ultimate tool to tear down someone's house. This at least allows us an avenue to try and address those properties that we do have.

A question was asked if any taxes are being paid on these properties. Ms. McMillan responded that back in 2005 when our comprehensive plan was updated, we listed houses in five neighborhoods which was Cleveland, Gladetown, Vinyard, Midway and part of downtown. The criteria we used back then were major deficiencies, dilapidated, received complaints and if utility costs and taxes were being paid. In every neighborhood we have at least three or four houses that have always been a problem and there are a lot more problems when the house is vacant.

The Mayor commented that the process to condemn a house in a neighborhood is very, very difficult and it should be. However, he does believe there comes a time when it is the responsibility of the government to help its citizens. If we have a team and it is structured in this way, he would be in favor of us adopting this policy.

Vice Mayor Nance commented that this has to be the statute of last resort. He wants a statute in place that even in the future when staff and elected officials are different that it can only be enforced when there is a property that is actually impacting neighbors in a negative and unhealthy fashion. There will be some subjective issues, but there needs to be some objective criteria for it to meet the definition of blighted. The State code is pretty flexible, but he thinks we need something inflexible that will take a lot for us to get to it. There needs to be at least multiple tiers of attempted notification and the first few should actually point out abatement possibilities for those landowners. If they have gotten to the point that they are an absentee landowner or a landowner that does not have the physical ability to right the problem, that we suggest maybe some faith based or civic organizations that can help them get their property back into compliance or we consider using the statute. He would like to see it proceed, but wants to hold that statute to a very high standard.

Mr. Hare commented that before his family moved into his grandparents' house in Dillon Woods, it met four of the criteria, it was vacant, had mice, problems with the HVAC and rotten materials on the outside, but he would not put it in the same category as Gus Nicks. The bar for him is really high on this issue. Mr. Hare asked does this cover just residential or also commercial and Ms. McMillan responded it would cover everything.

Mr. Adams commented that looking at the time frames and the different notices and waiting time, this is not going to be something that will happen in two months. This is going to take six months to a year. But he agreed that meeting only one of the criteria should not allow us to do anything. There has to be a comprehensive investigation and multiple tries to fix the situation before we act under this statute.

Mr. Hare asked if they would go before the Planning Commission at all and Ms. McMillan responded that there are localities that take it before their Planning Commission. If that is the process that Council would want us to follow, we can go through the Planning Commission first. The Town Manager commented that it would add value to the credibility of the investigation by having a public review. Mr. Nance also commented that you could go through Planning and Zoning and the Town Manager as a gate keeper. There will have to be procedural hoops that we jump through that are documented and a system of checks and balances whether that is through another citizen commission or board or through different levels of government before it gets to the elected officials. The Mayor agreed with the idea of using the Planning Commission and their traditional role of making a recommendation. He really considers the BZA, Planning Commission and Council as a team and we value input from other members of the team and actually we count on it.

Mr. Altice said this is not something new. This issue was the topic of a round table discussion at the Virginia Municipal League conference several years ago with about six localities of elected officials and it is not an easy thing. Regarding the Planning Commission, he indicated he makes a motion a lot of times based on their recommendation because they did a good job and he thinks that is the best you can do.

Mr. Jones commented that there are times that people feel more comfortable at different levels. Generally people feel comfortable coming to a public hearing for the Planning Commission and speaking their peace about an issue and do not feel they know how to talk in front of Council. Often things can be handled at the lower level and resolved, the more levels an issue goes through, the less likely everybody is wrong. It is not going to keep getting passed along if everybody is looking at it the wrong way. Mr. Altice commented that a lot of times the Planning Commission takes the edge off something and it gets done.

Mr. Jones commented that there may be reasons why these houses are in the shape they are in that can be determined through this process. The ultimate purpose is to get it fixed or get it cleaned up. If you get it fixed, you get the taxes paid and you have something good. It may be that some of these houses need to be sold and somebody else would take it and do it.

Ms. Weeks commented that Valley Bank participates in the Rebuilding Together program which is an outreach program for employees and it would be great if we were able to include that information in the letter to the property owner to give them an opportunity to ask for help. Maybe if they do not have the financial ability to tear the house down, we could give them more insight from a financial view. If these properties are causing us to have a bad appearance to others, after we have done all our homework we need to go ahead and move forward instead of waiting four or five years.

Mr. Kasey commented that if they find a homeowner that is up in age and cannot afford to repair the place or tear it down there ought to be some kind of way to get an offer to purchase it from these people for an investment. A lot of these old places would cost more to repair than to tear it down and build brand new ones. Mr. Jones then commented that if you had a lot leveled and you could build a house on it, it would be worth more than \$1,000. Ms. Weeks asked if the property owners are local and the response was the one for the Gus Nicks property is local.

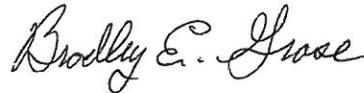
The Town Manager commented that unless that are other comments and questions it appears that there is enough interest from Council for staff to move forward with drafting the policy and code amendment and bring back to Council for further consideration. We will also share with the Planning Commission.

The Town Manager asked if there was anything further from the group. Mr. Kasey brought up the issue regarding the widening of Giles Avenue and the Town Manager responded that staff would look into the matter. Mr. Jones thanked Council and staff for the format of the meeting.

In closing, Ms. McMillan commented that we need to review our entire zoning ordinance because in the past few years we have just been making changes as the State Code requires. Also, the comprehensive plan will need to be reviewed in 2014 as well.

On motion by Vice Mayor Nance, seconded by Mr. Hare, with a vote of 5-0, Council adjourned the meeting at 9:27 p.m.

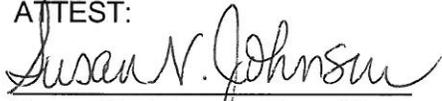
APPROVED:



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Bradley E. Grose, Mayor

ATTEST:



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Susan N. Johnson, Town Clerk