MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 6:00 P.M. ON TUESDAY, FEBRUARY 3, 2015, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

MEMBERS PRESENT:	Bradley E. Grose, Mayor Matthew S. Hare, Vice Mayor I. Douglas Adams, Jr. William W. Nance Sabrina M. Weeks
PLANNING COMMISSION MEMBERS PRESENT:	David R. Jones Robert A. Patterson Paul R. Mason Dawn M. Michelson
PLANNING COMMISSION MEMBER ABSENT:	William E. Booth
STAFF PRESENT:	Christopher S. Lawrence, Town Manager Theresa Fontana, Town Attorney Susan N. Johnson, Town Clerk Ryan Spitzer, Assistant Town Manager Barry Thompson, Finance Director/Treasurer Gary Woodson, Public Works Director Anita McMillan, Planning & Zoning Director Joey Hiner, Assistant Public Works Director Donna Collins, Human Resources Specialist

The Mayor called the joint work session to order at 6:00 p.m. for a briefing on the proposed amendment to the zoning ordinance to incorporate a mixed use development zoning district provision as well as amending and adding definitions as needed. The Town Manager first commented that the initial discussion about mixed use was premised on the two vacant schools in the Town. They are currently zoned residential and there is a need to create a new zoning district to allow development for these two properties. Roanoke County has proposals they are working through at this time relating to the schools. If this new zoning district is approved, any developers for these two properties will be required to apply for a very specific zoning designation. However, this proposed district is not only for the schools, it could be for any property in Town that would fit the requirements for mixed use.

Anita McMillan began by commenting that when a developer wants to develop a property and use tax credits, one of the requirements is the property must be mixed use, not just commercial or residential. Her staff began doing a lot of research and looking at other localities in Virginia who have mixed-use districts. The current zoning in the Town is traditional and does not allow different

mixed use in one building or multiple buildings on one parcel.

The Planning Commission has had two work sessions, one in November and one in January. The Commission Members have indicated that we need to be proactive, not just for the two schools, but with other properties in the Town. A list was furnished with the agenda of properties that are either vacant or have buildings that are under-utilized. For example, River Park Shopping Center is very under-utilized as well as the Vinyard property at the corner of Washington and Pollard.

Ms. McMillan next commented that some of the criteria they would like to include are for a property to be at least an acre, be on a main corridor and have reasonable access to public transportation. Staff has given a copy of the proposed mixed-use development to a land use consultant and that individual felt this could help existing property owners or prospective developers to look at property in Vinton.

The proposed amendment sets out certain requirements that would serve as areas of discussion and negotiation between staff and developers before they proceed to the rezoning process. Once they apply for the rezoning, it will require a Public Hearing before the Planning Commission and Council.

The proposed amendment also list what will be allowed by right under mixed-use development along with a list of uses that would require a special use permit. In regard to parking requirements, Ms. McMillan commented that some concern was expressed at a community meeting about the Roland E. Cook property about where people would park. In the current zoning, there is the requirement to provide off-street parking. A provision has been included in the mixed use district that will allow on-street parking for residential use. However, if there is a commercial use, there will have to be some off-street parking on the site itself, but there is also the provision for shared parking.

Another area relates to the requirement for utilities to be located underground for any new development in mixed use. Also, if there is going to be a large multi-family development in conjunction with the commercial use, there is a requirement to have a homeowners association. The section on general development standards relates to providing a buffer if the property is adjacent to residential properties.

Ms. McMillan next commented that the first step would be for a developer to provide a site plan for a particular property so the members of the Planning Commission and Council can know how the property is going to be used.

Dave Jones, Planning Commission Chairman, commented that the two schools that are not creating any tax dollars. If they can be repurposed, he feels we owe it to the citizens to do what we can for those properties. There are also 32 other properties that have been listed that could fall under mixed use. The Town needs to be proactive to get these buildings from a non-taxable to a taxable status.

Ms. McMillan commented that the Roanoke County Planning Department has requested a copy of our proposal because they are having the same discussion. Currently, their overlay districts are very restrictive, require ten acres and have to be on a corridor.

In response to a question from Council Member Nance regarding the flexibility of the district, Ms. McMillan responded that it would depend on how the district is set up. For example, Roland E. Cook is one building, but in that one building there could be multiple uses. One developer is looking at residential development, but using the auditorium for a community or art center. The old William Byrd High School has multiple buildings as well as a vacant parcel where a new building could be constructed. One of the requirements of mixed use would be a subdivision plat. If there are five or ten areas and a developer wants it subdivided into separate parcels with different uses, the whole subdivision itself can be zoned mixed-use development.

Ms. McMillan next commented that a provision in this mixed-use district would allow for minor adjustments to be accepted, but any major adjustments would require them to come back for rezoning. Before it goes through the zoning process, we will have a concept of whether the property will be multiple building with different uses or a single building with different uses in one building. There is also a requirement for a passive or an active open space depending on the type of population to be served by the particular use. Dawn Michelsen asked who would initiate the process for a parcel of property. Ms. McMillan responded the developer would.

The Mayor commented that he feels this proposed zoning says to potential developers that we are a community that is willing to be flexible. He expressed appreciation to the Planning staff and the Planning Commission for the work that has been done already and it indicates a progressive

community. Mr. Jones further commented that the two schools on their own are going to be a hard sale and we need to do everything we can for those properties, but other properties will benefit from this.

Vice Mayor Hare asked if there would be any risks to doing this zoning district. The Town Manager commented that we need to provide enough context of what we will allow in a mixed-use district. However, if we are presented with some proposals that we do not agree with, we can risk damaging relationships. The other risk is that we go through the process to create the district and then no one shows an interest in it.

Mr. Hare next asked if Council can still support their vision of strong vibrant neighborhoods by protecting them from having a gas station in their back yard by approving this new mixed-use district. Mr. Nance responded the flexibility of this zoning district will put the pressure on the individuals to negotiate for the best outcome for that land use, its development and the surrounding communities. Then, it will be up to staff, the Planning Commission and Council to make the best decision.

The Mayor commented that we have asked staff to be proactive when it comes to economic development. This is an important first step to allow our staff and developers to research properties that could be developed as businesses. Mr. Jones further commented that our community is changing and what was a good plan then may not be such a good plan now.

Council Member Adams arrived at the meeting at 6:49 p.m.

The Town Manager next commented that the Town has a Comprehensive Plan and in theory, any rezoning should be in conformance with the Comprehensive Plan. Also, in the end, the ultimate authority in any approval of mixed-use will be made by a majority of Council. This does not automatically rezone any property in Town, but allows the opportunity for someone to come before us and ask for a rezoning.

Ms. McMillan asked if Council would be ready to proceed with the proposed zoning. The Planning Commission would like to have their Public Hearing on March 5, 2015 and for Council to have their Public Hearing on March 17, 2015. After further comments, Council gave their consensus to set the Public Hearing for March 17, 2015. The Work Session ended at 7:00 p.m.

The Mayor called the regular meeting to order at 7:00 p.m. The Town Clerk called the roll with Council Member Adams, Council Member Nance, Council Member Weeks, Vice Mayor Hare and Mayor Grose present. After a Moment of Silence Council Member Adams led the Pledge of Allegiance to the U.S. Flag.

Roll Call

The Mayor reminded everyone that agendas are available on the table outside of Council Chambers. Also, guidelines for citizen participation in the meeting, which have been in effect for several years, are attached to the agenda. He then asked that everyone familiarize themselves with those guidelines.

Under upcoming community events/announcements, Council Member Weeks reminded everyone of the Valentine Dance on February 14th at the Woodland Place. She also mentioned the upcoming Dogwood Festival in April and the need for volunteers.

Vice Mayor Hare made a motion to approve the Consent Agenda as presented; the motion was seconded by Council Member Nance and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

Approved minutes of the regular Council meeting of January 20, 2015

The next item on the agenda was to 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. Barry Thompson commented that according to the State Code, personal property taxes over five years old are not collectible. The 2009 taxes that have not been collected amount to $6,036.42. The levy for 2009 was $470,498.04 and the percentage of collection was 98.72%. On the Vehicle License Fees, there was a billing of $162,840 with a write-off of $10,496.59. The percentage of collection was 93.55%.

In a response to a question by Vice Mayor Hare concerning debt set-off for VLF, Mr. Thompson commented that we do debt set-off for VLF. The percentage is higher for VLF due to the fact that when Roanoke County makes corrections sometimes it that does not carry back to the Town and written off at the time the vehicle is taken off or abated. Mr. Thompson indicated that he has been working with Roanoke County IT to try and correct this problem.

Vice Mayor Hare made a motion to adopt the Resolution as presented; the motion was seconded by Council Member Adams and carried by the following roll call

Adopted Resolution No. 2096 allowing the Town Treasurer/ Finance Director to remove outstanding Personal Property

vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

The next item on the agenda was to 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. Barry Thompson commented that the amount for 2009 is $9,910.13. They have tried to collect these bills through debt set-off and through other means within the Treasurer's Office and they do not use a third-party collection agency. The billing for that period was $1,498,637.45 with a collection percentage of 99.34%.

Vice Mayor Hare commented about the deposit policy that is now in place and Mr. Thompson also commented that this policy was not in place in 2009. It was adopted around 2012 and is working very well.

Council Member Weeks made a motion to adopt the Resolution as presented; the motion was seconded by Council Member Nance and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

The next item was to consider adoption of a Resolution allowing the Town Treasurer/Finance Director to have outstanding tax accounts removed from the active records relating to a parcel on Chestnut Street in the Town of Vinton which was sold by Roanoke County at a tax sale. Barry Thompson commented that we do not write off real estate taxes until after 20 years. However, Roanoke County had a tax sale for a parcel on Chestnut Street in the Town and the sale did not deliver enough return to pay $110.88 for real taxes, penalty and interest to the Town. The new property owner was given clear title and the prior property owner was deceased with no heirs.

Vice Mayor Hare expressed concern about Council potentially considering actions on blighted properties that would require us to eventually put a lien on those properties for a sizable amount. This is at least the second time that a tax sale in the Town has not made enough to cover our liens. We could spend $20,000 or more to condemn and demolish a building, put a lien on the property and possibly get nothing back if the property is sold.

Mr. Thompson responded that we do not have an agreement with Roanoke County on tax sales which would provide us with a pro-rated portion of those taxes.

delinquent taxes over five years old from the active records to a permanent file

Adopted Resolution No. 2097 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

They are gracious enough to include us in the tax sale, but they take first dollar and if there is anything left, we get that. Mr. Hare asked if that is by State Code that they are first lienholder. The Town Attorney responded that by State Code they are supposed to prorate it and we have addressed this with them and have tried to enter into an agreement. Roanoke County is actually the party that has hired the tax sale attorney and that attorney will get paid first from any sale. Most of the time we do get paid.

Council Member Nance commented that Vice Mayor Hare has made a very good point and we should be aware of what creditors are already in line on a piece of property before we make a decision to spend money for demolition.

The Town Attorney further commented that if we have spent money on a piece of property, we have the right under State law to be able to bid on that property. It would be very case specific.
The Mayor asked if Roanoke County would want us to participate in the cost of the sale if we insisted on a prorated share of the proceeds. The Town Manager responded that he and Mr. Thompson will follow up with Roanoke County on the matter

Mr. Hare then commented that he would be very uncomfortable moving forward with any blighted properties if the Town has this kind of risk that we may not get anything back. The Town Attorney further commented that if we know that a piece of property is going up for tax sale, we could let the tax sale happen before acting on the blighted property. This was the advice she gave another locality in a similar situation.

Ms. McMillan then asked Council if they wanted to proceed with the Public Hearing on the two blighted properties at this time or wait. The Town Manager suggested that we get an answer to this question about any tax sale proceeds first and Council agreed.

Vice Mayor Hare made a motion to adopt the Resolution as presented; the motion was seconded by Council Member Weeks and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

Adopted Resolution No. 2098 allowing the Town Treasurer/ Finance Director to have outstanding tax accounts removed from the active records relating to a parcel on Chestnut Street in the Town of Vinton which was sold by Roanoke County at a tax sale

The next item on the agenda was to consider adoption of a Resolution establishing Special Project Fund Accounts and authorizing the funds to be appropriated in the amount of $21,500.00 for the Tinker Creek Canoe Launch Improvement Project. Anita

McMillan commented that in September an application was submitted to VA DGIF for a grant for the canoe launch site and $10,000.00 was awarded in December. The Town also received an additional $11,500.00 from Appalachian Power, for a total of $21,500.00. The project is now moving forward with our Public Works Department doing some of the labor as an in-kind match to the VA DGIF grant. She also commented that the plan is to start in mid-February and hope to have the project completed by the end of May. In addition to the work being done by Jack Cranwell as an Eagle Scout Project, they have to provide signage and screen the dumpster site. They are also looking at plantings and stabilizing the two banks adjacent to the ramp. Roanoke County is going to assist for free to do the site plan. The Resolution is to establish a Special Project Fund account and to authorize the appropriation of funds that have been received.

Ms. McMillan also commented that at the Greenway Commission meeting last week, there was a representative with Trout Unlimited who indicated they would like to have a clean-up event and the Commission recommended Tinker Creek. Novozymes would also like to do a project, so they hope to partner with these two groups to have a major cleanup in April. They would then like to schedule a ribbon cutting after this cleanup.

The Mayor expressed thanks to Vice Mayor Hare, Janet Scheid and Bud LaRoche who serve on the Greenway Commission. He also thanked Bud LaRoche who helped to secure the grant from AEP. Mr. LaRoche commented that they are glad that the Town received the funds and are glad to help out. He feels that it will be a great facility and provides access to the Niagara Dam Pool that has been difficult to get to before.

Vice Mayor Nance commented that this and Glade Creek will be a neat addition to the Town and will be a draw. Council Member Nance commented that if this is going to be a draw and we are about to spend $21,000 of other people's money, this is once again an indication that the area needs to be beautified as well. There is an existing use that is a very good service to the community, but will no longer be very consistent with the future of that location.

Council Member Nance made a motion to adopt the Resolution as presented; the motion was seconded by Vice Mayor Hare and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

Adopted Resolution No. 2099 establishing Special Project Fund Accounts and authorizing the funds to be appropriated in the amount of $21,500.00 for the Tinker Creek Canoe Launch Improvement Project

The next item was to consider adoption of a Resolution appropriating funds in the amount of $1,944.00 received from Virginia DEQ for the Town's share of the $2,700.00 VSMP construction permit fee for the Vinton Branch Downtown Library. Anita McMillan commented that as of July 1, 2014, the Town is responsible for accepting construction permits for DEQ. This permit was submitted prior to July 1st, but we did receive the 72% of the $2,700.00. The Resolution is to appropriate this amount back to the Stormwater Management account. This account is for stormwater compliance to meet all of the requirements for the permit. Council Member Adams made a motion to adopt the Resolution as presented; the motion was seconded by Council Member Weeks and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0).

Adopted Resolution No. 2100 appropriating funds in the amount of $1,944.00 received from Virginia DEQ for the Town's share of the $2,700.00 VSMP construction permit fee for the Vinton Branch Downtown Library

The Mayor commented on the success of community meeting for the skate park. He also expressed his condolences to Barry Thompson on the loss of his father.

Comments from Council: Vice Mayor Hare also commented on the skate park community meeting that even though there may not be an agreement on the location, there is still a general consensus that this could be a good project for the Town.

Council Member Nance apologized for not being able to attend the community meeting. He also commented that since there is now a timeline for the beautification and completion of the canoe launch, he feels that Council should consider the options for the dumpsters and take a vote sooner as opposed to later. If a majority of Council votes to have the site closed or relocated, it can be decided before the canoe launch is open to the public. The Mayor asked if the matter could be place on the agenda for the March 3rd meeting. The Town Manager indicated it could and then commented that from a design standpoint we are going to put up a fence that is different in elevation. If it is relocated, reoriented or closed, it is going to be a solid fence from front to back. If it stays the same, it is going to have holes cut in the fence.

Council Member Weeks expressed thanks to staff for the successful community meeting on the skate park. She also asked if Council can try to get the word out on events that are happening in the area. There are a lot of nice events that include all age groups and from being on committees that help plan these events, it can be discouraging when the attendance is low. In order to

help the partners that we have such as the Chamber, maybe we can make a special effort to promote our events a little more.

Council Member Adams apologized for not attending the community meeting for the skate park. Regarding the dumpsters, he feels there is a need for them and the sooner a decision can be made the better.

The Town Manager commented that the notes from the skate park will be put on the Town's website. Staff will bring a presentation back to Council and will develop high-level costs for the top two sites.

Vice Mayor Hare commented that there is no turning lane on Dale Avenue to the new Walmart Neighborhood Grocery. Today the traffic was backed up to 13th Street. Mr. Adams commented that currently one lane is closed.

Vice Mayor Hare made a motion to adjourn the meeting; the motion was seconded by Council Member Adams and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Nance, Weeks, Hare, Grose; Nays (0) – None. The meeting was adjourned at 8:01 p.m.

APPROVED:

Bradley E. Grose

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson

Susan N. Johnson, Town Clerk