

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING  
COMMISSION HELD ON THURSDAY, SEPTEMBER 3, 2015, AT 6:30 P.M., AT THE VINTON  
MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET.**

**MEMBERS PRESENT:**     **Dave Jones, Chairman**  
                              **Bill Booth**  
                              **Dawn Michelsen**  
                              **Bob Patterson**

**STAFF PRESENT:**       **Anita McMillan, Planning and Zoning Director**  
                              **Karla Turman, Associate Planner/Code Enforcement Officer**  
                              **Julie Tucei, Planning and Zoning Coordinator**

**AGENDA**

**WORK SESSION**

- I.     Call to Order**
- II.    Work Session:**
  - 1.    Urban Development Areas (UDA) Planning Grant Program for Planning Consultant Assistance.**
  - 2.    Spot Blight Abatement Plan for 123 Gus Nicks Boulevard, 830 S. Pollard Street, and 308B 9<sup>th</sup> Street.**
  - 3.    Healing Solutions, LLC, for a Special Use Permit (SUP) Request to Operate a Counseling Services Office at 36 West Cleveland Avenue, Tax Map Number 60.15-7-50, Zoned GB General Business District.**
  - 4.    Planning Commissioner Appointment to Serve on the Town of Vinton Planning Grant Steering Committee to Oversee the Planning Process.**
- III.   Meeting Schedule:**
  - 1.    Spot Blight Abatement Plan Public Hearing**
  - 2.    Roland E. Cook Community Meeting and Public Hearing**
  - 3.    UDA Planning Grant Process**
- IV.   Comments of Planning Commissioners and Planning Staff**
- V.     Adjournment**

**EVENING SESSION**

- VI.    Call to Order**
- VII.   Approval of Minutes**
  - 1.    August 6, 2015**
- VIII.   Public Hearing:**
  - 1.    Receive comments concerning a request from Healing Solutions, LLC, for a Special Use Permit (SUP) to operate a Counseling Services Office at 36 West Cleveland Avenue, Tax Map Number 60.15-7-50, Zoned GB General Business District.**
- IV.    Citizen Comments**
- V.     Other Business**
- VI.    Adjournment**

The work session of the Vinton Planning Commission was called to order at 6:35 p.m. by Chairman Jones. Roll was called, and all four members were present.

The first item on the agenda was the discussion of the Urban Development Areas (UDA) Planning Grant Program for Planning Consultant Assistance. The Town was awarded a \$65,000 grant for technical

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assistance to update its comprehensive plan to add an UDA. Ms. Turman stated that staff had a conference call earlier in the day with the consultants, and they have already emailed Ms. McMillan a list of items they need to get started assisting the Town. At their next meeting, Town Council will announce who will be on the Town's UDA steering committee. Ms. Michelsen asked if she would be the Planning Commission representative. Ms. Turman said that Ms. McMillan informed Council that Ms. Michelsen was appointed by the Commission, with Chairman Jones as the alternate. Ms. Turman said the Town will facilitate the necessary public meetings, and the consultants will attend. She mentioned that the consultants have done around ten UDA projects for Virginia localities, including Town of Blacksburg, Fauquier County. She said they are working with Christiansburg currently. Ms. Michelsen asked if the consultants work with both large and small localities. Ms. Turman said they do work with both large and small areas. Ms. Turman said Ms. McMillan will contact them as needed during the process. Ms. Michelsen asked if the consultants have a target date for the first meeting yet. Ms. Turman said a date has not been determined at this time.

The next item was the discussion of the blighted properties. Ms. Turman stated that Council was given information about the blighted properties at their meeting. She said the presentation lasted over an hour. She said that Town Council members expressed concerns about getting Town money back after the blighted properties are cleaned up. She said that they were told they could not force a sale on the property if all taxes are paid and up-to-date. She said Councilman Hare thought the town should try to buy the Gus Nicks property from owner. Chairman Jones wondered how the Town could do that for just one property in Town, and not others in Town. The Town Attorney later clarified that the law says they can collect the costs as taxes are collected, and they can force a sale. Ms. Turman said she is still waiting on an answer from the Town Attorney as to whether the other blighted property on S. Pollard Street, which has no clear title, could be re-titled. She stated that Town Council has directed the Planning Commission to hold a public hearing on the blighted properties. She said that October 8, 2015, will be the date for the public hearing for the three blighted properties, including 308B 9th Street, 830 S. Pollard Street, and 123 Gus Nicks Boulevard. Ms. Turman showed them an aerial map of each of the properties. Mr. Booth asked about the Blair Street house. Ms. Turman said that property was given by the Callahan sisters to Mr. Tim Greenway as part of a business deal. He then sold it to a business associate in January 2015. She stated that a notification has been sent to the new property owner. She mentioned that some work has already been done to the house without a permit, and that the building commissioner's office will have to deal with issue of the work done without a permit. She said that the Callahan sisters had inherited five properties, and for sum of money, they sold Mr. Greenway three of the properties. They also discussed briefly 826 Cleveland Avenue—a property that was recently declared as blighted, and 35 Cedar Avenue. Chairman Jones asked about the former Cherry Bomb Tattoo building. Ms. Turman said there are plans to turn it into a used car lot with the existing building as the office. Ms. Turman stated that October 8, 2015, will be public hearing for the first three blighted properties.

Next, the Planning Commission discussed the request from Healing Solutions, LLC, for a Special Use Permit (SUP) to operate a counseling services office. Ms. Turman said that, at their work session, members of Town Council had expressed concerns about the exact offerings of the counseling services office. She said they were leery of the office becoming a methadone clinic and were also concerned that drunks who come there for alcohol abuse counseling would be lying around on the sidewalks waiting for the office to open. Ms. Turman said, in light of the concerns, Ms. LoFaro, the petitioner, offered some proffers. She handed out a copy of the proffers to the commission members. The proffers included: No

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methadone clinics, no overnight stays, and no partial day stays. Ms. Turman stated that incidental retail sales would be allowed. She said staff made some suggestions of other proffers, and Ms. LoFaro submitted some others. Ms. Turman said she had prepared the list of proffers for Ms. LoFaro to consider. Ms. LoFaro did remove a couple of them from the list, such as outpatient substance abuse. Chairman Jones asked if the list will be enforceable. Ms. Turman said it would be enforceable. Ms. Turman mentioned that Ms. LoFaro is not licensed to have a methadone clinic, but is licensed for counseling services.

Because it was time for the evening session to begin, the Commission adjourned the work session at 6:59 p.m. The work session will be continued after the evening session.

The evening session of the Vinton Planning Commission was called to order at 7:04 p.m. by Chairman Jones. Roll was called, and all four members were present.

The first item on the evening session agenda was the approval of minutes from the August 6, 2015, meeting. A motion to approve the minutes as submitted was made by Mr. Patterson and seconded by Ms. Michelsen. All four members voted in favor of the motion to approve the minutes.

Next was the public hearing to receive comments concerning a request from Healing Solutions, LLC, for a Special Use Permit (SUP) to operate a Counseling Services Office at 36 West Cleveland Avenue, Tax Map Number 60.15-7-50, Zoned GB General Business District.

Chairman Jones read the request aloud. He mentioned that there was only one person in attendance—the petitioner. He stated that she should speak at the podium and announce her name and address before doing her presentation to the Commissioners. He then asked for the petitioner to speak, but staff asked if he would like to have the staff report presented first. Chairman Jones said to go ahead with the staff report, and then he said the petitioner could speak. Ms. Turman read the staff report, a copy of which will be made a permanent part of the record. It was mentioned that, at the Council meeting on Tuesday, there were some concerns brought up by council members. The petitioner has attempted to address the concerns by offering a list of proffers, a copy of which will be made a part of the permanent record.

Next, the petitioner was given the opportunity to speak. Ms. Zizi LoFaro from Healing Solutions, LLC, thanked them for their time and for considering her request. She stated that she is a Licensed Professional Counselor and has practiced since obtaining her master's degree. She mentioned that she would like to work with couples and families in her practice. She said she is passionate about serving the people she works with, as well as the communities she lives in and works in. She said she will mainly work with mental health concerns. She said she does not plan to work with people who need a higher level of care. Chairman Jones asked if she would work with employees of local companies and their employee assistance programs. Ms. LoFaro said she would love to do that if she is able to. Ms. Michelsen mentioned that she has her masters degree in rehabilitation counseling and has worked with veterans in the past. She asked if Ms. LoFaro if she was going to own the building, as well as maintain it. Ms. LoFaro said they are the owners of the building, and her husband will maintain it. Ms. Michelsen asked what will happen if the practice doesn't take off like they hope. Ms. LoFaro said they will continue to fix and maintain the building and try to rent it. Ms. Michelsen asked if she would be doing group counseling. Ms. LoFaro said she does not plan to do much with group sessions because that could be a safety issue. However, she said she might consider holding group meetings for certain issues

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such as depression or autism. Ms. LoFaro said she would refer those with substance abuse issues to a substance abuse counselor. She also said she would not see folks who have been violent in the past. Ms. Michelsen said she is glad to see her trying to locate here business in Town, and she would much prefer to see someone who is in the area rather than driving across town. Mr. Booth said he was personally satisfied with the proffers that have been presented. He said that he feels it will be a benefit to the community to have the counseling services located here. He said he appreciates that she wants to come to Vinton. Ms. McMillan said she recently saw an article about the shortage of this type of service in the Valley. Ms. Michelsen asked what type of payments she will accept. Ms. LoFaro said she will accept private pay and private insurance, but will not accept Medicaid. Mr. Booth asked if the service would be belief-based. Ms. LoFaro said she does try to work that in, based on what the patients tell her their particular spirituality is. She said spirituality is a big part of the service. Chairman Jones said he had good thoughts when he first heard that her business may be coming to Vinton. He said the town would be getting some tax revenue which his good. Chairman Jones said he manages a business in town and might be able to use her business for their EAP. He said the proffers she submitted make it to where he can't see why they wouldn't allow it. Chairman Jones asked if anyone had any further questions. No one had any further questions; therefore, Chairman Jones closed the public hearing at 8:24 p.m. Ms. McMillan reminded them to state the reasons why they vote on the request in the way they do. Chairman Jones called for a motion. Ms. Michelsen made a recommendation for Council to approve the request with the proffers submitted. The motion was seconded by Mr. Patterson. A roll call vote was taken and all four members voted in favor of the motion. Chairman Jones voted yes. He said it was good to be bringing in a business that is needed and could see nothing negative about it. Mr. Booth voted yes. He said he want to convey to Town Council that he had no questions or reservations about the type of services that will be offered at the location. Ms. Michelsen voted yes. She said she thinks it is a good addition to the services in Vinton and that she agrees with the Chairman on the business bringing in tax revenue. Mr. Patterson voted yes and said he was happy to see this service coming to Vinton. Ms. Turman reminded everyone that the Town Council's public hearing on the request will be on September 15, 2015.

There were no citizens in attendance for the citizens' comments portion of the meeting, and there was no other business. Therefore, Chairman Jones adjourned the evening session of the meeting at 7:28 p.m.

The work session was called back to order immediately, also at 7:28 p.m.

Ms. Turman said she spoke on the phone with Mr. Adkins, the owner of the blighted property on Gus Nicks Boulevard, earlier in the day. He told her that he has hired a contractor to demolish the house and clear some of the property by the end of October. She said she told him that the Town would be proceeding with the public hearings on the property in case the town still needed to act on it at a later date. Ms. McMillan said staff plans to contact his contractor to see how serious Mr. Adkins is on the demolition this time. Ms. Turman said it will be incorporated into the staff report for that property. Chairman Jones said he thought that the Town should give him until at least the end of October. Ms. Turman said he put that time limitation on himself. Chairman Jones said the Town should give him some time, but not another year. Ms. McMillan said Council is going to try to work with homeowners in this process. She said they might even be willing to give him until the end of the year so they don't have to spend taxpayer money to demolish the house and clear the property. Ms. Michelsen asked if he is an elderly man. Ms. Turman said that he might be in his sixties, and Ms. McMillan said he still works. Ms. McMillan said the owner always pays his taxes on the property. Chairman Jones said he

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thinks Bruce Mayer has asked for first option to buy the property. He said he just suspects that and does not know it for fact. Ms. Turman mentioned that Mr. Adkins thought the meeting about his property was being held tonight.

Ms. Turman said, because it is in a business district, an asbestos report will have to be done. She said they will be contacting the contractor and will mention that, too. Chairman Jones asked if the dumpster was still there. Ms. Turman said it is still there. Mr. Booth said he wonders if Council takes what the Commission says and then goes their own way with decisions. Chairman Jones said he could only think of one time that the Planning Commission recommended one way and council went another. Chairman Jones mentioned that the Board of Zoning Appeals hardly ever gets a request for a meeting, so he feels they are doing their jobs as the Planning Commission. He stated that they are appointed by Council, and if Council does not like what they are doing, they would not reappoint them to the Commission.

Ms. Turman also updated them on some of the other blighted properties. She said the owner and son of the 9th Street property do not plan to pursue fixing the property. The property at 830 S. Pollard Street still has no clear title. Ms. Turman said the property owner next door might be interested in buying it if a clear title can be obtained. She mentioned that the Town spent \$1,100 on trying to research the title. Chairman Jones said that the Town Attorney needs to give the Town an answer on the title issue soon. Ms. Michelsen asked what the next steps will be. Ms. Turman said there will be a PC public hearing on October 8, 2015, and a Town Council public hearing on October 20, 2015, for the three properties on Gus Nicks Boulevard, S. Pollard Street and 9th Street. Chairman Jones asked how the hearing for the properties will work. Ms. Turman said there will be three separate public hearings, one for each property. The properties will be posted with notices of public hearings.

Ms. Turman and Ms. McMillan also updated the Commissioners on some things going on around Town. Ms. Turman said that the Barbeque Grill Restaurant's building owner, Bruce Mayer, received an EDA Façade Grant and a CDBG Revolving Loan for interior and exterior improvements. She stated that there was already some roof work done, but a hole was accidentally left in it, and the business was flooded during a rainstorm. Chairman Jones asked if a plan was submitted. He would like to know what they are doing to the building. Ms. McMillan stated that they want to do a façade similar in looks to the Lee Avenue side of the building with the EDA money, so it is not just a square on the Maple Avenue side. She said the CDBG money will be used for the roof work and some interior work. She mentioned that some of the interior work has already taken place. Chairman Jones said he has not had a chance to visit the restaurant since the new owner took over.

Staff also reported that Ryan Spitzer, former assistant Town Manager, has left the Town and is now the Town Manager of Strasburg, Virginia. Recruitment has started for his replacement, and they hope to have someone to replace him on board by end of year. The person will be responsible for both Assistant Town Manager and Economic Development duties.

Ms. McMillan said that the Farmers' Market improvements are moving along as part of CDBG project. She also said that the new Downtown lighting project is moving along with 21 of 23 light posts having been installed. She said the last two posts will be installed in front of library. Then they will begin removing the old poles and old sections of concrete. New concrete will be put back in place. There will also be some new banners with the IN Vinton branding installed on the new light posts. Hanging baskets for the posts have been purchased. The Town is trying to have the posts completed in time for

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the fall festival.

Chairman Jones mentioned that the former Cherry Bomb Tattoo shop is going to soon be a car lot. Ms. Turman said they have been working on the building, but have not gotten any permits for the work taking place in the building or for zoning. She said they were required to chip seal the lot. Chairman Jones said that it seemed like a lot of work took place inside the building. Ms. Turman said they would check with the Building Commissioner's office about the need for permits. She mentioned that the car lot next door has lost its DMV license. She said the license was suspended and that they can't renew once it is suspended by the Motor Vehicle Board. She said that the hours of operation have to be posted and someone has to be there during those hours. She said that the DMV investigator could never find anyone there during business hours when he went by the office. Ms. McMillan said another business is interested in renting the property for a used car lot. She said that the property owner knows that, after two years of vacancy, the property will lose its grandfathering for a car lot. Chairman Jones asked about the house that has been boarded up next door. He asked why it was boarded up. Ms. Turman said the windows were broken out. She also said the grass was overgrown. She said the property owners were told that the grass must be maintained and that windows have to be secured. She mentioned that Galen Conner is the property manager for that house. With that, Ms. Turman said that was all the updates that she had for them.

Chairman Jones asked for her to address the Federal Emergency Management Agency's (FEMA) outdoor storage regulations in the Special Flood Hazard Areas (SFHA). Ms. Turman mentioned that the town had recently updated the flood plain ordinance. She said the Town had a community assistance visit from FEMA this year. They toured the flood plains with staff and found that the town needs to work on some issues in the floodway and floodplain. Parked recreational vehicles were one issue they found. Another issue found was outdoor storage in the flood area. Ms. Turman said that the mobile home park on Cedar Avenue was one area with a lot of outdoor storage. She said that both Southern States and Viking Fence were viewed during the tour, and both businesses have items stored in the flood area. FEMA said the Town will need to work on these issues.

Ms. Turman mentioned that a complaint was received about the Cedar Avenue Mobile Home Park regarding outside storage and other things. She said that, instead of sending flood information brochures only to them, many other property owners in flood areas were sent the brochures. The education outreach brochures are a part of the CRS program to help the Town get lower flood insurance rates for property owners. Ms. Turman said she did receive a call from Viking Fence regarding the outdoor storage issue, and that they had been upset by receiving the brochures—especially the one that talked about storage in the flood area.

Ms. Turman mentioned that the FEMA representative who toured the Town did say that the Town could issue a permit that would allow storage in the flood area, but it would not be without liability to the Town. She said hazardous items should not be allowed to be stored in the flood area, and that any fenced areas have to be inspected periodically to ensure the fencing around the storage stays viable. Chairman Jones mentioned that they could purchase shipping containers to store items in. Ms. Turman said they would have to be permanent and most probably anchored to the ground in some way.

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Chairman Jones said he believes that the Commission should not meet just for the sake of having a meeting. He said that he thinks staff has done a good job with the meetings. Mr. Booth said he felt Chairman Jones does a great job as the Chairman, too.

Ms. McMillan hopes that an appointment to fill Paul Mason's seat will be made soon. She said Council has a gentleman in mind, and he will be asked soon if he would like to be appointed to the Planning Commission. She said that he did submit his application. Chairman Jones asked about going to seven members. Ms. McMillan said that is still a consideration. She mentioned that the UDA meetings will start in October, so having alternate members might be good. Ms. Michelsen's neighbor, who had expressed an interest in volunteering, should be encouraged to put in her application.

Ms. McMillan said staff will be using Doodle website surveys to set meeting dates in the future. She said that October 8, 2015, is confirmed for the next meeting.

Mr. Booth moved to adjourn the meeting, and Ms. Michelsen seconded the motion. With there being nothing further to discuss, Chairman Jones adjourned the meeting for the final time at 8:35 p.m.

Respectfully Submitted,

Anita McMillan  
Planning Commission Secretary