

Bradley E. Grose, Mayor
Matthew S. Hare, Vice Mayor
I. Douglas Adams, Jr., Council Member
Sabrina McCarty, Council Member
Janet Scheid, 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, April 19, 2016**

AGENDA

Consideration of:

A. 6:30 p.m. - WORK SESSION

1. Overview of Interim Town Manager's Recommended Budget

B. 7:00 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM

C. MOMENT OF SILENCE

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

E. UPCOMING COMMUNITY EVENTS/ANNOUNCEMENTS

F. CONSENT AGENDA

1. Consider approval of the minutes of the regular meeting of March 15, 2016.

G. AWARDS, RECOGNITIONS, PRESENTATIONS

1. Introduction of Adam Hoover, Police Officer – **Chief Tom Foster**
2. Report on the Vinton Volunteer First Aid Crew for April 2016 – **Wayne Guffey**
3. Proclamation – Arbor Day – **Anita McMillan**
4. Proclamation – National Drinking Water Week

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

I. TOWN ATTORNEY

J. TOWN MANAGER

BRIEFINGS

1. Briefing on the purchase of a Leonard Pilot Series 9' x 12' storage building to be placed behind the Vinton Museum at 210 East Jackson Avenue. – **Doug Forbes**
2. Briefing on proposed changes to Section 86-287 of the Vinton Town Code to reduce the itinerant vendor business license tax from a maximum of \$500.00 to a maximum of \$50.00 annually. - **Anita McMillan**

ITEMS REQUIRING ACTION

1. Consider adoption of a Resolution approving the 2016-2017 operating budget of the Roanoke Valley Resource Authority. – **Dan Miles**
2. Consider adoption of a Resolution approving the 2016-2017 operating budget for the Roanoke Valley Regional Cable Television Committee. – **Elaine Bays-Murphy**
3. Consider adoption of an Ordinance amending Chapter 79 Stormwater Management, of the Vinton Town Code. - **Anita McMillan**
4. Consider adoption of a Resolution authorizing the Interim Town Manager to execute the necessary documents, including a deed, for the Roanoke County dedication of an eighty (80) foot wide greenway easement to the Town for the purpose of completing the Glade Creek Greenway Phase 2 Project. – **Anita McMillan**
5. Consider adoption of a Resolution appropriating funds in the amount of \$2,616.64 for the receipt of an insurance claim made on a generator at the Vinton Fire Department. – **Barry Thompson**
6. Consider adoption of a Resolution appropriating funds in the amount of \$2,959.55 for the receipt of an insurance claim made on a 2009 Dodge Charger (Unit 1137) of the Police Department. - **Chief Tom Foster**
7. Consider adoption of a Resolution approving a loan to ANBAJA Enterprises, Inc. in the amount of \$25,000.00 from the CDBG Revolving Loan Fund. – **Pete Peters**
8. Consider adoption of a Resolution approving a loan to S.A.S.S. Properties, L.L.C. in the amount of \$29,000.00 from the CDBG Revolving Loan Fund. – **Pete Peters**
9. Consider adoption of a Resolution authorizing the renewal of the Town of Vinton Employees' group health insurance coverage with The Local Choice Program for the contract year July 1, 2016 through June 30, 2017. – **Donna Collins**

K. FINANCIAL REPORT FOR FEBRUARY 2016

L. MAYOR

M. COUNCIL

1. Appointments to Boards/Commissions/Committees

N. ADJOURNMENT

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

NEXT TOWN COUNCIL MEETINGS/COMMITTEES:

May 3, 2016 – 7:00 p.m. – Council meeting – Council Chambers

May 9, 2016 – 3:00 p.m. – Finance Committee Meeting – Finance Conference Room



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Administration

Issue

Overview of Interim Town Manager's Recommended Budget

Summary

The Interim Town Manager will present his overview of the recommended budget that was delivered to Council on Friday, April 15, 2016.

The FY2016-2017 proposed budget will be placed in the Town's Drop Box and on the Town's website on Monday, April 18, 2016.

Attachments

None

Recommendations

No action required



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Town Clerk

Issue

Consider approval of the minutes for the regular meeting of March 15, 2016

Summary

None

Attachments

March 15, 2016

Recommendations

Motion to approve minutes

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 6:00 P.M. ON TUESDAY, MARCH 15, 2016, 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.
Sabrina McCarty
Janet Scheid

STAFF PRESENT: Barry W. Thompson, Interim Town Manager
Susan N. Johnson, Executive Assistant/Town Clerk
Theresa Fontana, Town Attorney
Richard W. Peters, Assistant Town Manager/Director of Economic Development
Donna Collins, Human Resources Director
Anita McMillan, Planning & Zoning Director
Anne Whitehurst, Accounting Manager
Gary Woodson, Public Works Director
Joey Hiner, Assistant Public Works Director
Jeff Dudley, Interim Police Chief
Tom Foster, Police Chief

The Mayor called the Work Session to order to hear a briefing on the Roanoke Valley Transit Vision Plan. Cristina Finch, Manager of Transit Planning and Programing at the Roanoke Valley-Alleghany Regional Commission began by commenting that this Vision Plan has been in the works for several years. This past year they have been developing recommendations and are headed for the final stretch. They want to make sure that they get local government input to the Plan before they make the final decisions.

Ms. Finch next showed a Power Point Presentation and commented on the reason for Transit Vision Plan, the initial steps on the creation of the Plan and the members of the Steering Committee. The public outreach was done in three phases – Phase 1 on the technical report; Phase 2 on the connections and preferences and Phase 3 on the recommendations.

In addition to public input, the consultant also took into account transit propensity which looks where transit services currently are and what the needs are based on the different demographics and where there are gaps in the information. They also looked

at travel flow analysis which was made up of any type of trip on any type of mode that is taken within our region. The next two slides showed our regional geography and the existing connections of our transit system.

Ms. Finch next commented that in Vinton the short-term recommendation within the next six years is to keep the services that are currently offered, but to add a peak service for individuals to use in the mornings to access jobs. There is also a recommendation to extend hours into the evening as well as possibly an hour in the morning for early and later shift jobs. There is also the recommendation to add Sunday service, which is a gap in transit network in general at the present time, on four different routes basically going North, South, East and West.

Other short-term recommendations include providing service further West into Roanoke County into the Glenvar/Richfield area, between Salem and South Roanoke County to the Carilion area, to the North in Roanoke County connecting Plantation Road to the DMV as well as service further East towards Bonsack and East Park.

In response to a question by Vice Mayor Hare about what employers have said about the need for extended bus service, Ms. Finch commented that a bus route had started in January servicing the RCIT Business Park off of Blue Hills Drive for a trial period. The employers there had approached the City of Roanoke and indicated they were not able to look at a larger group of prospective applicants because of the lack of bus service. This extra service is currently being funded by the City of Roanoke. Council Member Scheid asked if there is a process in place to get feedback in a year or 18 months on how well that bus service is working, how many people are using it to get to their jobs and the ratio to the cost of the service. Ms. Finch responded that Valley Metro is doing ridership counts every week to see how many people are using the bus service. However, currently, there has not been a lot of push to market the service.

Council Member Adams asked if Valley Metro has the ability to meter ridership on other lines like the one in Vinton. Council has asked for that information and it has not been made available. Ms. Finch said there was some ridership information

shared during their January public meeting and she can look that information up and share with Council.

Ms. Finch next commented that the medium-term recommendations for six to 12 years from now includes a new service in Vinton with a smaller-scale bus that would go from A. Porters Haven to Clearview Manor to Kroger Shopping Center and even out to William Byrd High School. They heard in the public input sessions that it would be helpful to have transit going to the high schools because it enables the students to go work at jobs after school without having to depend on their parents for transportation. Other recommendations include connecting the South Roanoke County library to Tanglewood and then to the Clearbrook Walmart. Another service would increase frequency to the Cave Spring area by adding another peak service as well as additional frequencies along the Salem to downtown Roanoke corridor. Also, there is the recommendation to provide a commuter service like the Smart Way into Botetourt County.

With regard to long-term (12 to 25 years from now), there is a recommendation to provide a connection from Grandin Village to downtown Roanoke and downtown Vinton with 30-minute all day service. There are also recommendations for increased frequencies along Electric Road and up to the Valley View Mall area as well providing service between Tanglewood, downtown Roanoke and the Valley View/Crossroads area.

Ms. Finch next commented that the broad term recommendation is to maintain a centralized hub in downtown Roanoke to facilitate transfers. Beyond that in order to make it more convenient for people to use transit and not always have to go into downtown Roanoke, the recommendation is to start developing peripheral connections at Tanglewood, the Crossroads/Valley View Area and Salem Goodwill. There is also the recommendation to coordinate the transit service with the upcoming Amtrak service which will be here next year. Other recommendations include establishing more partnerships, regionalizing services for people with disabilities across jurisdictions, providing pedestrian access to bus stops and dignifying waiting at bus stops with ADA compliance and amenities.

The next step is to make this presentation to the other local governments and then they will be

finalizing recommendations based on the input that they have received, cost estimates and implementation strategies. They are targeting to have a draft document out soon and a final document this Summer which will go to the TPO Policy Board for approval. Then the final will go back to the local governments for endorsements.

Vice Mayor Hare commented that the Town already struggles to pay for the bus services that we currently have and this is going to get really expensive. The last time Valley Metro was here, they told us on average there were nine riders on a bus. We have been subsidizing the services and the riders have not seen a rate increase in a long time. When he sees services grow, he wants to know how the services can support themselves without the local governments continuing to dig deeper and deeper.

Council Member Scheid also commented on the information that had been requested of Valley Metro a year ago during the budget process and her concerns about the costs, particularly about the environmental costs. She was glad to see the broad recommendation with regard to creating peripherals. After further comments from Council Member Adams regarding the requested ridership information, Ms. Finch responded that she was in a good position to bridge the gap from the regional perspective. She will look at the data she has available and talk with her counterparts at Valley Metro.

Ms. Finch also commented that riders using the para-transit service were asked during their survey if they would be willing to pay more. Some said yes and some said no. Looking at zones and how far trips are going is something that can be considered in the future to help minimize the para-transit cost. Further discussion was had regarding the riders on the para-transit service and a question was asked if the fixed route buses were going to be changed out to make them ADA compliant so they can accommodate those riders who might have otherwise taken the RADAR. Ms. Finch responded that because of the constraints of Campbell Court, previous General Managers avoided the need to go to wider buses. Now they must go to the standard wider vehicle which also provides the low floor and easy access. However, it does take some time to change over the fleet.

The next item was a briefing on the results of the Request for Proposals (RFP) to locate a private operator for the Vinton Municipal pool. Pete Peters commented that staff initialed an RFP on February 8th to solicit a private operator for the pool. Staff also contacted various local pool operators, pool supply companies and others within the industry to make sure the proper identification was provided to those that might be interested in the opportunity.

The RFP closed on February 29th at 2:00 p.m. with only one proposal being received from Aquatic Management from Atlanta, Georgia. Their proposal included a price of \$20,764 to provide necessary staffing for six hours per day per week between Memorial Day and Labor day. The proposal did not include seasonal opening or closing and did not include chemicals or other daily operational supplies.

Ms. Peters next commented that given the intent of the RFP to locate a private operator with no cost to the Town, staff would recommend that Council not accept the offer and direct staff to take measures to safeguard the pool to such time that another alternative solution can be developed.

The next item was a briefing on the proposed Performance Agreement with Old School Partners, LLC, and the Roanoke County Economic Development Authority regarding the Economic Development Incentive Grant to redevelopment of the former Roland E. Cook Elementary School. Pete Peters commented that under the early phases of the project's inception and negotiations, Town staff agreed in principle to a performance agreement with Old School Partners to incentivize the redevelopment that mirrored a similar agreement offered by Roanoke County and the Roanoke EDA.

Old School Partners is expected to close on the property later this month and are completing the final design and pulling the necessary permits. Old School Partners has also received designation on the National Register of Historic Places which determined their eligibility for historic tax credits. Staff has recently finalized the terms of the Town's performance agreement with Old School which was a part of the agenda package. In addition to realizing the financial investment towards renovating a vacant property, the developers must also achieve various construction deadlines and are

to be held to a design and construction standard that safeguards the historic character of the building.

Mr. Peters next commented that the total investment of the project is estimated to be \$3.2 million with the Town's financial incentive package to be valued at a maximum of approximately \$8,000.00 spread out over a 10-year period.

The Mayor commented that Council has been briefed on this matter before and there is an action item during the regular meeting to approve the Agreement. Barry Thompson also commented that Roanoke County will be closing on this property on March 22nd.

The Mayor called the regular meeting to order at 7:10 p.m. The Town Clerk called the roll with Council Member Adams, Council Member McCarty, Council Member Scheid, Vice Mayor Hare and Mayor Grose present. The Mayor announced that there will be a modification to the agenda to move the Closed Session item from the end of the meeting to right after the Citizens' Comments and Petitions section. After a Moment of Silence, Council Member McCarty led the Pledge of Allegiance to the U.S. Flag.

Roll call

Under upcoming community events, Council Member McCarty announced that on March 22nd from 10:00 p.m. to 2:00 p.m. is the Senior Expo at the Vinton War Memorial. Clean Valley Day will be on April 9th. Also, the Vinton Breakfast Lions Club will have their draw down on April 16th. Council Member Adams challenged the other members of Council to be in a dunking booth at the Easter Egg Hunt at the War Memorial on March 26th from 2:00 p.m. to 4:00 p.m. Also, Council received an email from Sergeant Byrd who will be participating in a Police Car show fundraiser for Deputy Tim McCoy at Life Church.

The next item on the agenda was the appointment of the Police Chief and Swearing-In Ceremony. Council Member Adams made a motion to appoint Thomas L. Foster as the Police Chief for the Town of Vinton; 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, McCarty, Scheid, Hare, Grose; Nays (0) - None.

Appointed Thomas L. Foster as Police Chief

The Town Clerk conducted the swearing-in ceremony and the Mayor and Interim Chief Dudley presented Chief Foster with his ID, badge and colonel's eagles pins. The Mayor also presented him with an "In Vinton" pin after which Chief Foster and Council made additional comments.

Interim Chief Dudley read the Memo naming Sergeant Michael Byrd, Corporal Scott Hurt and Officer Terry Pittman as Co-Officers of the month for February. All three were present at the meeting and congratulated.

The next item on the agenda was the annual update from the Roanoke Valley Greenway Commission. Liz Belcher first commented that the budget for the Greenway Commission is the same as last year and Vinton's allocation is the same. She then began with a Power Point presentation and commented on the Roanoke River Greenway, which is the priority project. Starting on the west end of the County at Green Hill Park, the 50% plans were received last week. There is also a tentative scoring that would allow that project to get an additional \$4.5 million out of the HB 2 Program assuming it gets through the CTB and VDOT.

The next section is in Salem and they have been working on the design of the Eddy bridge which will come under the road and is projected to go to construction this summer. There was going to be a bridge widening at Apperson, but the bridge will not support it. Another issue in that area is a sidewalk project going up to Lewis Gale which has been bid twice without success, so they are going to build it themselves. They are still working on the right-of-way at Willow River for the next section; however, they do have the right-of-way behind the businesses on Cook Drive and are hoping to start construction in a year.

Ms. Belcher next commented that the City has finished construction of a mile which goes under Peters Creek Road and is sort of disconnected right now. The next section is across to the rail yard, along that side and then it will have to come back along the bench cut from the flood project and by Associated Asphalt. Walker Foundry is a critical landowner on the portion that is close to the Foundry. The greenway is proposed to be next to the river with a wall and an overhang. Walker Foundry does not want to do that and the City is still

working on some legislation to try to get them some environmental protection to make it more palatable to them.

The next part of the City of eight miles is completed. Then we get to the east end of the County and they also just got 50% plans and have finished the archeological survey. The next slide showed a map indicating all of the construction work sites for 2013, 2014 and 2015. Other slides showed the ribbon cuttings at the Tinker Creek Canoe Launch, the Aerial Way section in Roanoke City and the one on the Lick Run Greenway bridge over 581. Another slide showed the ribbon cutting in February for the other blueway access point at the Blue Ridge Parkway made up of 216 steps that go down to the river. Ms. Belcher next commented that Pathfinders has continued with projects at Carvin's Cove, the Horsemen Bridge replacement and the Fisherman's Trail at the Blue Ridge Parkway. Also, the Town has been a leader this year on a program to get addresses on the Greenway.

The projects that are coming soon are Phase 1 of the Glade Creek Greenway in Town. Phase 2 tentatively has some funding on it for June and one of the CTB members has recommended that it be half-funded as part of the Transportation Alternatives Program in amount of \$235,000. Council Member Scheid asked if once it got some funding, would they fund the rest of it. Ms. Belcher responded that the Town could get some funding out of the other CTB member who is from this locality.

Another project is a joint City/County/Botetourt County project to finalize the location for the Tinker Creek Greenway. One piece is funded with RSTP funds that will come available in 2017. The City will start working on that as soon as the money comes up on the list and they have \$1.2 million to get it to Orange Avenue. The next piece is Orange Avenue to RCIT and the City is looking at cost estimates to build it themselves.

The Ardaugh Company would like to have the greenway goes pass their property and Roanoke County is actively working on getting an easement worked out with them. There is a piece in Botetourt that would go to the Daleville Town Center from Greenfield.

Botetourt County has requested to join the Greenway Commission and the intergovernmental agreement does allow other localities to join. Ms. Belcher commented that they made a presentation to the Commission and then she showed two slides detailing Botetourt's commitment to trails and their existing assets. The Commission will vote at their March meeting for a recommendation which will go to all four of the member localities for them to consider the matter and adopt ordinances.

Other projects coming soon are the Catawba project. Part of the trail was built by volunteers several years ago and the County just got permission to put the bridge across the creek which will be done this Spring. Also, they are starting a Greenway Ambassador program in the City to try and create more good will along the trail. The 10th annual Gallop will be May 14th and the VDOT Workshop is returning to Roanoke in September and Roanoke County is in the middle of their strategic plan. In closing, Ms. Belcher commented that there will be an on-line giving event called Roanoke Valley Gives Day on March 16th for individuals to make donations to 120 different non-profits of which the Greenway Commission is a part.

The next item on the agenda was the annual update from the Roanoke Valley-Alleghany Regional Commission. Wayne Strickland commented that the Commission is getting ready to celebrate its 47th anniversary. In 1996, the Commission housed the Greenway Commission and hired Liz Belcher. They staff the Transportation Planning Organization, which is a federal and state designated regional transportation organization. They are involved with the broadband authority and now house the Workforce Development Board in their office.

Over the years they have assisted the Town with the comprehensive plans, zoning ordinance, hazard mitigation and corridor studies. The Town has also been involved in the regional comprehensive economic development strategy, the Roanoke Valley congestion management plan and the Greater Roanoke Water Supply plan. Mr. Strickland next commented that most recently they were able to obtain some funding for trees to be planted around Arbor Day. We have also participated with the Downtown Revitalization Management team.

Part of the TPO has allocated \$100,000 for Walnut Avenue Phase 1 and has provided some other funding for projects such as the greenways. Two of the Commission's staff serve on the Vinton's UDA Advisory Committee and will continue to provide technical assistance. They are close to completing the Hardy Road crosswalk planning assistance project requested by the Town. They also provide mapping for a number of projects for the Town and an economic impact analysis of the redevelopment of the old William Byrd High School. Vice Mayor Hare asked for Council to be provided a copy of the analysis and asked if one was done for the Roland E. Cook property. The Commission continues to work with Town staff on the wayfinding project. They are also working on the Transit Vision Plan.

The Mayor next called for a motion for a Closed Meeting pursuant to § 2.2-3711 (A)(3) of the 1950 Code of Virginia, as amended, for discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Council will not need the second Closed Meeting request that was listed on the agenda. Council Member Scheid made the motion; the motion was seconded by Council Member Adams and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None. Council went into Closed Meeting at 8:04 p.m.

At 8:41 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Council Member Adams; seconded by Council Member McCarty and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Certification of Closed Meeting

The next item on the agenda was the consideration of public comments regarding setting of the real estate, personal property and machinery and tools tax rates for calendar year 2016. The Mayor opened the Public Hearing at 8:48 p.m.

Public Hearing opened

Barry Thompson began by commenting that the assessment for 2016 for real estate is \$461,668,500 which is an increase over 2015 of \$2,863,700. If

the new construction is taken out of \$1,223,500, the net increase is \$1,640,200. Applying the \$0.07 proposed real estate tax rate will generate \$323,167 which is an increase over 2015 of \$2,004. The increase is .62%, which is less than one percent. Section 58.1-3321 of the 150 Code of Virginia does not require a notice and Public Hearing unless the increase is over one percent. However, we did advertise the Public Hearing for the tax rates in the Vinton Messenger in order to inform the citizens.

Hearing no public comments, the Public Hearing was closed at 8:42 p.m.

Public Hearing closed

The next item on the agenda was to consider adoption of an Ordinance setting the real estate tax rate for calendar year 2016. Council Member Scheid made a motion to adopt the Ordinance as presented; the motion was seconded by Council Member Adams and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

Adopted Ordinance No. 968 setting the real estate tax rate for calendar year 2016

The next item on the agenda was to consider adoption of an Ordinance setting the personal property tax rate for calendar year 2016. Vice Mayor Hare made a motion to adopt the Ordinance as presented; the motion was seconded by Council Member McCarty and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

Adopted Ordinance No. 969 setting the personal property tax rate for calendar year 2016

Barry Thompson commented that he, Pete Peters and Anita McMillan attended the announcement by the Governor today in Botetourt County of the Eldor Corporation. The Corporation will be bringing 350 jobs to the Greenfield Center with a \$75 million investment which will be a regional boost for the area.

The next item on the agenda was to consider adoption of a Resolution setting the allocation percentage for Personal Property Tax Relief in the Town of Vinton for the 2016 tax year. Barry Thompson commented that each year a review is done of the block grant which was set in 1998 of \$203,096. This year the percentage is set at 61.71%. The County rate is 58.07%. 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 vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

The next item on the agenda was to consider adoption of a Resolution appropriating funds in the amount of \$22,028.00 and transferring funds in the amount of \$7,972.00, for a total amount of \$30,000.00 for the purchase of a replacement vehicle in the Police Department. Chief Dudley commented that the \$22,028.00 received is insurance proceeds from a wrecked leased vehicle in July of 2015. They want to add \$7,972.00 from the Asset Forfeiture Fund in order to purchase a vehicle for the new Police Chief.

Council Member Scheid asked about the plan for the current Police Chief vehicle. Barry Thompson responded that it will become an administrative vehicle. This has been brought before the Finance Committee and they have agreed in principle to allow it to become an administrative vehicle. Currently we only have the vehicle in the Planning & Zoning Department which has created an issue when other staff members need to attend meetings or are doing Town business. The lights will be removed, the tags will be changed to public use tags and it will be marked with the Town seal on each side.

After brief comments, Vice Mayor Hare made a motion to adopt the Resolution as presented; the motion was seconded by Council Member McCarty and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

The next item on the agenda was to consider adoption of a Resolution authorizing the Interim Town Manager to execute a Performance Agreement with Old School Partners, LLC., and the Roanoke County Economic Development Authority as part of the redevelopment of the former Roland E. Cook Elementary School. Pete Peters commented that Council was briefed earlier in the meeting regarding this Performance Agreement and the draft Agreement was enclosed in the agenda package. The total investment of the project is estimated to be \$3.2 million with the Town's financial incentive package to be valued at

Adopted Resolution No. 2132 setting the allocation percentage for Personal Property Tax Relief in the Town of Vinton for the 2016 tax year

Adopted Resolution No. 2133 appropriating funds in the amount of \$22,028.00 and transferring funds in the amount of \$7,972.00, for a total amount of \$30,000.00 for the purchase of a replacement vehicle in the Police Department

approximately \$8,000 over a ten year period which will be administered through the Roanoke County Economic Development Authority. Council Member Adams 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, McCarty, Scheid, Hare, Grose; Nays (0) - None.

The next item on the agenda was the Financial Report for January 2016. Vice Mayor Hare commented that the Finance Committee met last week to review the report. There was a very significant sales tax receipt from December of \$150,000 and Mr. Thompson commented it was the largest sales tax receipt that he has received since he has been with the Town and would assume that it was probably the largest ever.

The cigarette tax continues to be down. Cash is down about \$100,000 from December to January, which is to be expected. Most departments are underspending except for economic development, which is due to the timing of the grant expenses and the War Memorial is significantly overspending its budget. To put it in context, the War Memorial from a revenue standpoint should be at \$109,000 at this point and they are at \$111,000. They should be at \$158,000 in expenses, but they are at \$185,000 in expenses. This is not the direction we want to go and it probably is not going to get better. However, we continue to get great reviews of the staff there and they have excelled with what we have given them.

On the Utility side, the revenues continue to be strong and we do see some savings particularly around wastewater treatment fees that are helping us build a pretty good savings account to be used to fund future projects either through bonds, cash or some combination. To put this into context, four years ago the Utility Fund was in the red as far as cash and it now has \$1,041,000.

Vice Mayor Hare next commented that the Finance Committee will be meeting next week with the Budget Team to begin reviewing the proposed budget.

Vice Mayor Hare made a motion to approve the financial report as presented; the motion was seconded by Council Member Adams and carried

Adopted Resolution No 2314 authorizing the Interim Town Manager to execute a Performance Agreement with Old School Partners, LLC., and the Roanoke County Economic Development Authority as part of the redevelopment of the former Roland E. Cook Elementary School.

by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

Approved Financial Report for
January 2016

Vice Mayor Hare asked Mr. Thompson to give an update on the real estate and property tax bills. Mr. Thompson commented that every year we attempt to move Council toward the adoption of the tax rates so it is completed by the end of March. This is to allow the processing time in the first part of April so we can get the bills out by mid-April. We will experience a processing issue this year which will cause a delay in getting the real estate and personal property tax bills out. The impact of the bills going out later will be for individuals who are accustomed to getting their bills on time. There will also be a shorted time period for the collection of the bills because the personal property bills are always due by May 31st and the real estate are always due on June 5th, both of which are dictated by the State Code.

Council Member Scheid asked what had caused the delay and Vice Mayor Hare responded a change in Roanoke County's budget process has pushed it back. Mr. Thompson commented that they plan to put a notice on the website that the bills will be delayed and he will run it by the Commissioner of Revenue and the Roanoke County Treasurer to make sure we get the appropriate wording.

The Mayor expressed appreciation to staff for all the hard work they are doing with all that we have going on in Town. He also commented on the attendance at the recent UDA meeting.

Comments from Council Members: Council Member Adams expressed thanks to Public Works for handling two recent issues in Town; Council Member McCarty asked about the skateboard park and Mr. Thompson responded that a letter from Mattern & Craig was sent on March 10th to VDEM asking that the project be pushed on to FEMA, Region III in support of the project; Council Member Scheid commented further on the request for Botetourt County to join the Greenway Commission and expressed thanks to Chief Dudley and welcomed Chief Foster.

Council Member Adams made a motion to adjourn the meeting; the motion was seconded by Council Member McCarty and carried by the

following vote, with all members voting: Vote 5-0;
Yeas (5) – Adams, McCarty, Scheid, Hare, Grose;
Nays (0) – None. The meeting was adjourned at 9:22 p.m. Meeting adjourned

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

April 19, 2016

Departments

Police

Issue

Introduction of Adam Hoover, Police Officer

Summary

Chief Foster will introduce Officer Hoover

Attachments

None

Recommendations

None



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Vinton Volunteer First Aid Crew

Issue

Report on the Vinton Volunteer First Aid Crew for April 2016

Summary

Assistant Chief Wayne Guffey will be present to give this report to Council.

Attachments

April 2016 report

Recommendations

No action required



Vinton First Aid Crew Inc
Office of the Assistant Chief
Business Meeting
April 4,2016

- Truck markup was 517 out of 468 hours for 110.5%
- There was a 126 total volunteer calls
 - We responded to 100 calls for 79 %
 - We handled 95 calls for 75%
 - Career handled 5 calls that we responded to
 - Career handled 26 calls
 - Of the 26 calls that career handled alone
 - 17 were 2nd emergency calls
 - 5 were when we had no unit in service
 - 3 other calls
 - 1 call where we did not have a 3rd unit and career had both trucks
- ALS markup 90% , BLS markup 10 %
- 1553 man hours for March
- Fractile Response 9.83
- 1st Quarter report
 - Truck markup 1518 out of 1404 volunteer hours for 108%
 - 371 Total volunteer calls
 - We have responded to 294 for 79%
 - We have handled 279 for 75 %
 - Fractile Response is 9.56
 - 4748 man Hours
 - ALS Markup is 85% BLS Markup is 15%

Wayne Guffey
Assistant Chief



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Planning and Zoning Department

Issue

Proclamation – Arbor Day

Summary

The Town of Vinton has been designated as a Tree City USA for the past 14 years. In order to retain the Tree City USA designation, the Town is required to hold an Arbor Day Celebration, along with tree plantings and tree education outreach each year.

Staff has been responsible for securing Virginia Department of Forestry grant funding each year, including this year (15 years), by submitting a grant request to Valley Beautiful Foundation, Inc., Clean Valley Council, and most recently Roanoke Valley-Alleghany Regional Commission (RVARC) with the Town providing the required matching funds. These funds have enabled the Town to plant trees on public properties, including the elementary schools in Vinton, Wolf Creek Greenway, M.A. Banks Park, and on the grounds of Vinton Public Works, Vinton War Memorial, Vinton Municipal Building, and the Craig Avenue Recreation Center.

For this year's 2016 Arbor Day Celebration, the event will be celebrated in conjunction with Herman L. Horn Elementary School's Earth Day celebration assembly. The event will be held at the school on Friday, April 22nd at 1:15 p.m. Three October Glory Red Maple and two white Dogwood trees will be planted on school grounds.

Attachments

1. Invitation to the Town of Vinton's and Herman L. Horn Elementary School's Earth Day and Arbor Day Celebration Assembly.
2. The Earth and Arbor Day 2016 Celebration Program
3. Town of Vinton's 2016 Arbor Day Proclamation

Recommendations

Read Proclamation



**You are Cordially Invited to
Attend the Town of Vinton's and
Herman L. Horn Elementary
School's Earth Day and Arbor Day
Celebration Assembly on Friday,
April 22, 2016, at 1:15 p.m. at
Herman L. Horn Elementary School
1002 Ruddell Road, Vinton**

**For more information,
call (540) 983-0601.**



EARTH AND ARBOR DAY 2016 CELEBRATION ASSEMBLY

Herman L. Horn Elementary School

Friday, April 22, 2016



PROGRAM



WELCOME

Peggy Stovall, Principal

INTRODUCTION OF GUESTS

Dawn Werness, Teacher

“TRASHY” STUDENTS INTRODUCTION AND PARADE

Amanda Lusk, Teacher

“SAVE THE BEES” PROGRAM UPDATE

Amanda Lusk, Teacher

GLEE BEES SONG

Jaime Walsh, Teacher

EARTH AND ARBOR DAY PROGRAM

Special Remarks – Tim Greenway, School Board Vice-chair

Introduction of “Smokey the Bear” - Dawn Werness

SCA Recycling Song – Amanda Lusk

“Trashy” Queen and King Announcement– Amanda Lusk

ARBOR DAY PROCLAMATION AND CEREMONIAL TREE PLANTING

Bradley Grose, Mayor, Town of Vinton

Chris Thomsen, Deputy Regional Forester

CLOSING REMARKS

Peggy Stovall, Principal





PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable source giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Bradley E. Grose, Mayor of the Town of Vinton, and on behalf of Town Council and all our citizens, do hereby proclaim April 22, 2016 as “**ARBOR DAY**” in the Town of Vinton, and urge all citizens to plant trees to gladden the hearts and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Vinton, Virginia to be affixed on this 19th of April, 2016.

Bradley E. Grose, Mayor



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Public Works

Issue

Proclamation - National Drinking Water Week

Summary

The American Water Works Association (AWWA) advocates the recognition and celebration of Drinking Water Week in all cities, counties, and towns across the U.S. This week has been recognized by AWWA for more than 35 years.

The value of water should not be underestimated.

- Water delivers **Public Health Protection**. The first obligation of any waterworks is to provide safe water. In the United States, we can drink from any public tap with a high assurance of safety. An estimated 3 million people around the world die every year from waterborne diseases such as cholera and dysentery.
- Water delivers **Support for the Economy**. Businesses or housing developments do not succeed without a safe and sustainable water supply. Tap water is critical to businesses' day-to-day operations and is often a primary ingredient in the products they create. The incredible value of water is magnified during times of drought and when populations expand into arid climates.
- Water delivers **Fire Protection**. A well-maintained water system is critical in protecting our community from the ever present threat of fire. A system that provides reliable water at adequate pressure can be the difference between a small fire and an urban inferno. The ability to suppress fires also influences new home construction, business location decisions, and insurance rates.
- Water delivers **Quality of Life**. We too often take for granted that safe water is always accessible to drink, to wash clothes, to water lawns, and for a myriad of other purposes. When water service is interrupted, we are reminded of the extraordinary value of water.

We in Vinton are blessed with an abundant supply of safe water. We are also the beneficiaries of past generations who made the sacrifices to drill the wells, erect the storage tanks, and build the distribution system that delivers water to us today. We have an obligation to future generations of citizens to make the necessary infrastructure investments to assure the long-term delivery of safe and reliable water.

Attachments

Proclamation

Recommendations

Read and present Proclamation



PROCLAMATION

WHEREAS, water is one of our most valuable resources; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy, and the quality of life we enjoy; and

WHEREAS, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of our community is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues.

NOW, THEREFORE, I, Bradley E. Grose, Mayor of the Town of Vinton, and on behalf of Town Council and all our citizens, do hereby proclaim May 1 to May 7, 2016 as **“NATIONAL DRINKING WATER WEEK”** in the Town of Vinton.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Vinton, Virginia to be affixed on this 19th day of April, 2016.

Bradley E. Grose, Mayor



Town Council Agenda Summary

Meeting Date

April 19, 2016

Departments

Administration

Issue

Briefing on the purchase of a Leonard Pilot Series 9' x 12' storage building to be placed behind the Vinton Museum at 210 East Jackson Avenue, Vinton, Virginia.

Summary

Doug Forbes will be present at the meeting to give this briefing.

Attachments

None

Recommendations

No action required



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Planning and Zoning

Issue

Briefing on proposed changes to Section 86-287 of the Vinton Town Code to reduce the itinerant vendor business license tax from a maximum of \$500.00 to a maximum of \$50.00 annually.

Summary

Over the past several years, food trucks/mobile food vendors have become increasingly popular in cities, small towns, and suburbs. More recently with the rise in popularity of food trucks, this tax has been applied to regulate food truck/mobile vendor activity on private property. Food trucks and food vendors are currently allowed to operate in Town as an Itinerant Vendor. Additionally, vendors have been allowed in commercially zoned districts with property owners' permission; during special events (Dogwood Festival and Parade, Fall Festival, Christmas Parade, etc.) at the Farmers Market and within the Town's public right-of-ways; and by non-profit organizations (Vinton Chamber etc.) during fund-raising events.

Town Staff has received several complaints from food truck operators stating that the Town's current flat fee of \$500.00 for itinerant vendors is cost prohibitive, and it is considerably higher than most localities. City of Roanoke and County of Roanoke have recently changed their itinerant vendor license tax, from \$500.00 to \$75.00 in the City, and from \$500.00 to \$50.00 in the County. Under the current Town Code Section 86-287, an itinerant vendor is defined as:

“Any person who engages in, does or transacts any temporary or transient business in the town, and who for the purpose of carrying on such business occupies any location for a period of less than one year.”

At the direction of Vinton Town Council; the Vinton Planning Commission was briefed by Staff during its work session on February 25, 2016. Additionally, the Planning Commission also held a work session on March 24, 2016, to discuss mobile food vending. Please see attached memo to the Planning Commission. At that meeting, the Planning Commission recommended the following solution:

Reduce the current itinerant vendor fee from \$500.00 to \$50.00, and follow the existing policy; which allows food vendors to operate in commercially zoned districts with property owners' permission; during special events (Dogwood Festival and Parade, Christmas Parade, etc.) at the Farmers' Market and within the Town's public right-of-ways; and by non-profit organizations (Vinton Chamber etc.) during fund-raising events.*The use is not allowed on public spaces, public streets and sidewalks except as part of special events. The usage of public space is governed by a different section of the Town Code. Usage of public spaces, streets and sidewalks is a policy consideration that may warrant future consideration by the Town Council, Planning Commission and Town Administration.

Attachment

Memo to Vinton Planning Commission, dated March 17, 2016

Recommendation

No action required

MEMORANDUM

TO: Members of Vinton Planning Commission

CC: Barry Thompson, Interim Town Manager/Finance Director/Treasurer
Richard “Pete” Peters, Assistant Town Manager/Economic Development Director

FROM: Anita J. McMillan, Planning and Zoning Director

DATE: March 17, 2016

SUBJECT: Mobile Food Vending

BACKGROUND

Over the past several years, food trucks, or mobile vendors have been popping up all across the cities, small towns, and suburbs. Itinerant vendor has been a longstanding use in the Town Code and predates the food truck trend. The use has not been requested very often. It was created to address uses such as temporary furniture sales on private property by an out-of-town vendor.

More recently with the rise in popularity of food trucks, this use has been applied to regulate this type of activity on private property. Food trucks and food vendors of unprepared foods (fish, vegetables, etc.) are currently allowed to operate in Town as an Itinerant Vendor. Additionally, prepared food vendors have been allowed in commercially zoned district with property owners’ permission; during special events (Dogwood Festival and Parade, Christmas Parade, etc.) at the Farmers Market and within the Town’s public right-of-ways; and by non-profit organizations during fund-raising events.

Town Staff has received several complaints from food truck operators stating that the Town’s current flat fee of \$500.00 for itinerant vendor is prohibitively expensive and it is considerably higher than most localities. City of Roanoke and County of Roanoke have recently changed their itinerant vendor license tax from \$500.00 to \$75.00 in the City and from \$500.00 to \$50.00 in the County.

Under the current Town Code Section 86-287, itinerant vendor is defined as:

“Any person who engages in, does or transacts any temporary or transient business in the town, and who for the purpose of carrying on such business occupies any location for a period of less than one year.”

ORDINANCE CONSIDERATIONS

Amending regulations to address food trucks is happening all over the country and localities are choosing to regulate food trucks in different ways. The goal is to find the right fit for this use in the community. Staff has reviewed reports prepared by the National League of Cities - Food on Wheels: Mobile Vending Goes Mainstream; American Planning Association (APA) Zoning Practice – Food

Trucks; City of Roanoke Food Truck policies; and Town of Blacksburg.

The National League of Cities' report indicates that based on recurring themes and commonalities, regulations are grouped into four policy areas:

- Economic activity: Food truck regulation that could potentially enhance economic development and specific processes that can be barriers to market entry – Streamlining and permit costs.
- Public space: mobile vending takes place on both public and private property, but public property presents a unique set of challenges. With the rapid expansion of food trucks, there is increased demand for limited space, which increases the likelihood of conflicting interests and encroaches upon the ability of stakeholders to maximize the advantages that public space can offer.
- Public health: this is one of the most basic concerns regarding mobile vending. All stakeholders realize the need for comprehensive regulations around sanitation and food safety.
- Public safety: public safety is a key reason why many cities began regulating food trucks. Regulations examined here include private property, vending near schools, and pedestrian

Items for Discussion:

1. Short-term solution – Reduce the current itinerant vendor fee and follow the existing policy; which allow food vendors to operate in commercially zoned district with property owners' permission; during special events (Dogwood Festival and Parade, Christmas Parade, etc.) at the Farmers' Market and within the Town's public right-of-ways; and by non-profit organizations (Vinton Chamber etc.) during fund-raising events.*The use is not allowed on public spaces, public streets and sidewalks except as part of special events. The usage of public space is governed by a different section of the Town Code. Usage of public spaces, streets and sidewalks is a policy consideration that may warrant consideration by the Town Council, Planning Commission and Town Administration.
2. Public Input: Should a Mobile Food Unit committee be formed and who should be on this Committee (Vinton Area Chamber of Commerce, Restaurant Owners, Mobile Food Unit Stakeholders, etc.)?
3. Participation and involvement of town departments for the administration and enforcement of the proposed mobile food vending regulations including policy guidelines for both public and private properties: Administration, Planning and Zoning, Finance, Special Programs/Vinton War Memorial, Public Works, and Police Departments.
4. Definition of the use; zoning districts in which the use is allowed; operational standards for the use; administration and enforcement of the issuance of the permit.
5. Policy guidelines based on different scenarios:
 - a. Vending from a public street (in a parking place)
 - b. Vending from private property

- c. Vending at a special event
 - d. Vending on a sidewalk or public property (such as the Farmers' Market, Vinton Branch Library, Charles R. Hill Senior Center, Vinton War Memorial, Municipal Building, etc.)
6. Operational Standards:
- a. What should be the limits on hours of operation?
 - b. Should hours of operation depend on the proximity of mobile food units to residential properties?
 - c. Should there be a limited number of locations for mobile food unit?
 - d. Should there be a limitation on how many days per week or month that mobile food unit can set up at one specific location?
 - e. Should the zoning district setback be met?
 - f. Should there be a required distance between a mobile food unit and an established restaurant during the restaurant's operating hours?
 - g. How should noise (music, speaker) from the mobile food unit be addressed?
 - h. Should seating areas be allowed at the mobile food unit location?
 - i. Should there be a maximum number of food trucks on anyone lot? Charlottesville allows no more than four mobile food vendors at any one time.
 - j. Should the number of vendors allowed vary based on the zoning district?
 - k. What limitations on signs should be proposed?
 - l. How should trash disposal, wastewater disposal be regulated?
 - m. Limitations on sales other than food and non-alcoholic beverages.

Other related issues:

- 1. Catering Food Trucks
- 2. Fees and Taxes:
 - a. Itinerant Merchant Fee
 - b. Meals Tax
 - c. Sales Tax
 - d. Litter Tax
- 3. Food Truck Corral/Court versus Food Truck Rodeo
- 4. Health Department Requirements
- 5. Administration and enforcement of mobile food vending

PROPOSED MOBILE FOOD UNIT REGULATIONS/ORDINANCE

Definition:

One definition that will incorporate both temporary vendors of both prepared and unprepared food

should be considered; therefore this would include all food trucks and mobile food vendors such as businesses selling produce or seafood.

Mobile Food Unit: A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations. This shall include food trucks and food carts.

The use of itinerant vendor would continue in the code (regardless whether the current vendor license tax fee of \$500 be reduced) but not apply to those entities fitting the definition of mobile food unit. The itinerant vendor regulations would be modified to fit into the temporary is permit process and be similar to those for mobile food unit.

Zoning Districts:

Determining the appropriate zoning district in which to allow this use is one of the most controversial decision points for this proposed amendment. The biggest concerns are related to those zoning districts where restaurants are also allowed, such as CB Central Business District and GB General Business District. It might be less controversial locating mobile food units in districts where there is a lack of dining options such as the industrial districts. On the other hand, with the size of the town (3.2 square miles) and the presence of restaurants in the downtown area and along Hardy Road corridor, there might be concerns from the existing restaurant owners and/or limited areas and/or for mobile food vendors to set-up within the Town except during special events.

Administration and Enforcement:

Currently, the Town does not have an existing process suitable to the review and regulation of mobile food unit vendors.

1. Staff suggests adding a new temporary use section to the zoning ordinance that will allow mobile food units to be administratively approved and monitored by Town Staff for compliance with zoning and regulation standards adopted for the use. This same temporary use process could be used in future for other temporary types of uses.
2. Provide for a time period for review of an application and an applicant appeal process if the application is denied.
3. Provide standards for the expiration of the permit. A year permit is the most common.
4. Provide for the necessary standards in which a permit can be revoked or not renewed for non-compliance.

Regulations Guidelines:

Mobile Food Unit on a Street

Vending on a public street is permitted so long as the mobile food unit is legally parked in an on-street parking space and is not impeding pedestrian or vehicular traffic. The vendor must observe any time restrictions on the parking space. *There are no restrictions on where the activity can be conducted or what items can be vended.*

Requirements:

1. Zoning verification is not required.
2. Town of Vinton Business license is required.
3. Prepared food and beverage meal tax.
4. Health department food facility permit is required.

Mobile Food Unit on Private Property

Vending from private property is permitted on parcel that is properly zoned to allow for the items being vended (e.g. “retail sales” or “eating establishment”).

Requirements:

1. Zoning permit application covering all vending locations.
2. Town of Vinton business license (zoning verification IS required covering all proposed locations).
3. Prepared food and beverage meal tax.
4. Health department food facility permit is required

Mobile Food Unit during Special Events

Vending during a special event where a permit/approval has been issued by the Town must be coordinated with the holder of the permit/approval (i.e. Vinton Area Chamber of Commerce, Special Programs/Vinton War Memorial, etc.).

Requirements:

1. *Town of Vinton Business license is required.*
2. *Prepared food and beverage meal tax.*
3. Health department food facility permit is required.

Mobile Food Unit on Public Sidewalk or Public Property

Vending on a public sidewalk or town-owned property is limited to a specific location. Items vended are limited to food and drinks. This activity is limited to certain zoning districts.

Requirements:

1. Town of Vinton Business license is required (zoning verification IS required for this type of

- covering all proposed locations).
2. Prepared food and beverage meal tax.
 3. Health department food facility permit is required.
 4. *Application and Permit Fees?*

** A street vending permit will only be valid for the number of months specified on the application. Renewals of a previously approved permit with not change in location or operation may be requested with associated permit fee.*

Other Related Issues

***Catering Food Trucks**

A food truck would not subject to the mobile food unit zoning regulations if it is providing a service to a closed, contracted private event and retail sales to the general public is not permitted.

Food Truck Corral vs Food Truck Rodeo

Other approaches to food truck policies around the country have been to develop locations and standards for either a Food Truck Corral (Food Truck Court) or Food Truck Rodeo. The Food Truck Corral establishes a set location on private property (e.g. Lake Drive Plaza, River Park Shopping Center), public property (Farmers Market, Vinton War Memorial), or a public street, where food trucks can consistently set-up either daily or certain days out of the week, either year-round or seasonally. A Food Truck Rodeo would be considered a special event and only be several times a year at the most. This would typically be held on a temporarily closed public street and may feature entertainment or other attraction such as licensed beer/beverage garden.

Fees and Taxes

It was a common question from the restaurant community regarding the fees and taxes that mobile food units are subject to. The following information on fees and taxes are provided for better understanding of this issue:

1. Itinerant Merchant Fee – Currently it is a flat rate of \$500 that is not pro-rated. This fee replaces what other businesses pay in Business/Profession/Occupational Licenses (BPOL) tax, which is based on the annual gross receipts. The Town has received numerous complaints from food truck operators stating that this is prohibitively expensive for the amount of business they do in Town and it is considerably higher than most localities in the region (\$75 in the City of Roanoke and \$50 in the County of Roanoke).
2. Meals Tax – Any mobile food vendor selling prepared foods would be responsible for collection the 5% meal tax in the Town of Vinton and filing a report with the payment each month to the Finance Department. This is a tax on the consumer and not the business. As this is considered a “trust” tax, it is the responsibility of the business to pass on the tax from the consumer to the locality. A food truck vendor is responsible for filing reports and paying

meal tax in each locality they work in.

3. Sales Tax – Any mobile food unit vendor is responsible for remitting sales tax directly to the State of Virginia. The rate is 5.3% and it is also a “trust” tax.
4. Litter Tax – Any business in Virginia selling food for human consumption is required to pay a flat \$10 fee per year to the Department of Environmental Quality to promote litter reduction across the state. All mobile food unit vendors would be subject to the litter tax.



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Administration

Issue

Consider adoption of a Resolution approving the 2016-2017 operating budget of the Roanoke Valley Resource Authority.

Summary

Council was furnished a copy of the RVRA 2016-2017 operating budget at its April 5th meeting. In accordance with the Member Use Agreement dated October 23, 1991, the annual budget of the Authority must be submitted for approval by each of the governing bodies after approval by the RVRA Board. Dan Miles will be present at the meeting to make comments and answer any questions.

Attachments

RVRA Board Notice of Public Hearing & Resolution
RVRA Budget Summary
Resolution

Recommendations

Motion to adopt Resolution

**NOTICE OF PUBLIC HEARING
ON PRELIMINARY FEE SCHEDULE FOR
ROANOKE VALLEY RESOURCE AUTHORITY**

Notice is hereby given that the Roanoke Valley Resource Authority ("Authority") will hold a public hearing in accordance with Section 15.2-5136 of the Code of Virginia, as amended, on the Authority's preliminary schedule of fees and charges to be assessed in connection with the use of the Authority's garbage and refuse collection and disposal system and related facilities. The public hearing, which may be continued or adjourned, will be held at 12:00 noon, or as soon thereafter as may be practicable, on June 22, 2016, at the Authority's offices at 1020 Hollins Road, N.E., Roanoke, Virginia. The resolution adopted by the Authority on March 23, 2016, establishing the preliminary fees and charges is set forth below:

RESOLUTION OF THE ROANOKE VALLEY RESOURCE AUTHORITY

Adopted this 23rd day of March 2016

RA#2016-719

A RESOLUTION SETTING FORTH AND PROVIDING FOR PUBLIC NOTICE AND HEARING ON
THE AUTHORITY'S PRELIMINARY SCHEDULE OF REVISED RATES, FEES, AND CHARGES
TO BE EFFECTIVE JULY 1, 2016.

WHEREAS, the Roanoke Valley Resource Authority ("Authority"), in accordance with the provisions of the Virginia Water and Waste Authorities Act, intends to establish a revised schedule of rates, fees, and charges to be charged by the Authority to users of the Authority's garbage and refuse collection and disposal system and related facilities ("System"), providing for the following changes in the Authority's rates, fees, and charges:

- (i) increase the Municipal Waste fee from \$49.00/ton to \$49.50/ton;
- (ii) increase the Commercial Waste fee from \$59.00/ton to \$59.50/ton;
- (iii) increase the Construction and Demolition Waste fee from \$59.00 to \$59.50;
- (iv) increase the Asbestos (Non-Friable) fee from \$59.00 to \$59.50;
- (v) increase the Dead Animals fee from \$59.00 to \$59.50;

NOW, THEREFORE, BE IT RESOLVED by the Roanoke Valley Resource Authority as follows:

1. Fees and Charges. The Authority hereby adopts the preliminary schedule of revised rates, fees, and charges to be charged by the Authority effective July 1, 2016, for the use of the System are as set forth on Exhibit A, which is attached to and incorporated in this resolution.

2. Public Hearing. A Public Hearing is hereby scheduled for the Authority's regularly scheduled June Board Meeting at 12:00 p.m. on June 22, 2016 at the Authority's Tinker Creek Transfer Station on the preliminary schedule of revised rates, fees, and charges.

3. Notice of Public Hearing. The Chief Executive Officer and Secretary of the Authority are authorized and directed to publish the required Notice of Public Hearing setting forth the preliminary schedule of revised rates, fees, and charges to be given by two publications, at least 6 days apart, in a

newspaper having general circulation in the area to be served by the Authority with the second notice being published at least 14 days before the date fixed in such notice for the hearing. The Authority Secretary is authorized and directed to mail a copy of such Notice of Public Hearing, including this Resolution, to the Board of Supervisors of Roanoke County, the Town Council of the Town of Vinton, and the City Council of the City of Roanoke. After such public hearing, the preliminary schedule, either as originally adopted or as amended, may be adopted and put into effect.

4. Effective Date. This Resolution shall take effect immediately.

ATTEST: Peggy L. Bishop, RVRA Board Secretary

**ROANOKE VALLEY RESOURCE AUTHORITY
WASTE DISPOSAL FEES & CHARGES
AS OF: ~~JULY 1, 2015~~ JULY 1, 2016**

MUNICIPAL WASTE	\$49.50	\$49.00 PER TON
COMMERCIAL WASTE	\$59.50	\$59.00 PER TON
CONTRACT MUNICIPAL WASTE	\$53.00	NA PER TON
CONSTRUCTION AND DEMOLITION WASTE	\$59.50	\$59.00 PER TON
WOOD WASTE CLEAN LOADS OF UNTREATED BRUSH OR WOOD SUITABLE FOR TUB GRINDING		\$35.00 PER TON
TIRES		\$120.00 PER TON
TIRES MIXED WITH OTHER WASTE	PREVAILING RATE PLUS	\$5.00 PER TIRE
SPECIAL WASTES (ACCEPTED ONLY WITH PRIOR APPROVAL & NOTIFICATION.)		
ASBESTOS (NON FRIABLE)	\$59.50	\$59.00 PER TON
ASBESTOS (FRIABLE)		\$100.00 PER TON
DEAD ANIMALS	\$59.50	\$59.00 PER TON
OTHERS (AS DETERMINED BY RESOURCE AUTHORITY)	\$59.50	\$59.00 - \$100.00 PER TON
UNCOVERED VEHICLES	ADDITIONAL	\$25.00
MINIMUM CHARGE FOR PER TON FEES		\$10.00
WOOD MULCH SALES (WHEN AVAILABLE) PICK UP TRUCKS AND SMALL TRAILERS (1 Bucket)		NO CHARGE
ALTERNATE DAILY COVER (ACCEPTED ONLY @ SMITH GAP LANDFILL WITH PRIOR NOTIFICATION & APPROVAL.)		\$25.00 PER TON
VEHICLE WEIGH FEE (NON-MEMBER VEHICLES)		\$25.00
UNACCEPTABLE WASTE CHARGES	\$100.00 PER TON @ MINIMUM ONE TON + HANDLING COSTS, RELATED DAMAGES, AND LOST REVENUE	

LATE ACCOUNT PENALTY 10% OF AMOUNT PLUS INTEREST AT THE LEGAL RATE ON THE PRINCIPAL

NOTE:

THE ROANOKE VALLEY RESOURCE AUTHORITY RESERVES THE RIGHT TO ESTABLISH FEES AND CHARGES AS IT DEEMS NECESSARY AND APPROPRIATE FOR WASTES NOT LISTED HEREIN AND TO REFUSE TO ACCEPT ANY MATERIAL DEEMED BY THE AUTHORITY TO BE UNACCEPTABLE.

RESOLUTION OF THE ROANOKE VALLEY RESOURCE AUTHORITY

Adopted this 23rd day of March 2016

RA#2016-719

A RESOLUTION SETTING FORTH AND PROVIDING FOR PUBLIC NOTICE AND HEARING ON THE AUTHORITY'S PRELIMINARY SCHEDULE OF REVISED RATES, FEES, AND CHARGES TO BE EFFECTIVE JULY 1, 2016.

WHEREAS, the Roanoke Valley Resource Authority ("Authority"), in accordance with the provisions of the Virginia Water and Waste Authorities Act, intends to establish a revised schedule of rates, fees, and charges to be charged by the Authority to users of the Authority's garbage and refuse collection and disposal system and related facilities ("System"), providing for the following changes in the Authority's rates, fees, and charges:

- (i) increase the Municipal Waste fee from \$49.00/ton to \$49.50/ton;
- (ii) increase the Commercial Waste fee from \$59.00/ton to \$59.50/ton;
- (iii) add new rate for Contract Municipal Waste of \$53.00/ton;
- (iv) increase the Construction and Demolition Waste fee from \$59.00 to \$59.50;
- (v) increase the Asbestos (Non-Friable) fee from \$59.00 to \$59.50;
- (vi) increase the Dead Animals fee from \$59.00 to \$59.50;

NOW, THEREFORE, BE IT RESOLVED by the Roanoke Valley Resource Authority as follows:

1. Fees and Charges. The Authority hereby adopts the preliminary schedule of revised rates, fees, and charges to be charged by the Authority effective July 1, 2016, for the use of the System are as set forth on Exhibit A, which is attached to and incorporated in this resolution.

2. Public Hearing. A Public Hearing is hereby scheduled for the Authority's regularly scheduled June Board Meeting at 12:00 p.m. on June 22, 2016 at the

Authority's Tinker Creek Transfer Station on the preliminary schedule of revised rates, fees, and charges.

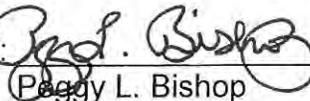
3. Notice of Public Hearing. The Chief Executive Officer and Secretary of the Authority are authorized and directed to publish the required Notice of Public Hearing setting forth the preliminary schedule of revised rates, fees, and charges to be given by two publications, at least 6 days apart, in a newspaper having general circulation in the area to be served by the Authority with the second notice being published at least 14 days before the date fixed in such notice for the hearing.. The Authority Secretary is authorized and directed to mail a copy of such Notice of Public Hearing, including this Resolution, to the Board of Supervisors of Roanoke County, the Town Council of the Town of Vinton, and the City Council of the City of Roanoke. After such public hearing, the preliminary schedule, either as originally adopted or as amended, may be adopted and put into effect.

4. Effective Date. This Resolution shall take effect immediately.

On motion of Mr. Shockley to adopt the resolution, seconded by Ms. Owens, and carried by the following roll call and recorded voice vote:

AYES: Anne Marie Green, Keith Garman, Dennis Nalley, Rebecca Owens, and Mike Shockley
NAYS: None
ABSENT: Bobby Edwards and Gary Woodson

ATTEST:



Peggy L. Bishop
RVRA Board Secretary

SUMMARY

REVENUE

2016-2017

Disposal Fees	\$ 8,172,350
Interest Income	\$ 50,000
Transfer from Contingency Reserve Fund	\$ 50,509
Sale of Recyclable Material	\$ 33,933
Miscellaneous - Mulch/Carbon Sales	\$ 31,500
Transfer - Rutrough Road	\$ -

Total \$ 8,338,292

EXPENSES

Personnel

Administrative	\$ 669,840
Transfer Station	\$ 720,474
Smith Gap	\$ 762,410

Totals \$ 2,152,723

Operating

Administrative	\$ 425,055
Transfer Station	\$ 2,291,241
Smith Gap	\$ 1,339,273

Totals \$ 4,055,569

Capital

Administrative	\$ -
Transfer Station	\$ 10,000
Smith Gap	\$ 20,000

Totals \$ 30,000

Reserves

Administrative	\$ -
Transfer Station	\$ 559,700
Smith Gap	\$ 1,540,300

Totals \$ 2,100,000

Totals	Administrative	\$ 1,094,894
	Transfer Station	\$ 3,581,415
	Smith Gap	\$ 3,661,983

Total \$ 8,338,292

SUMMARY

	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
REVENUE						
Disposal Fees	\$ 7,594,400	\$ 7,326,600	\$ 7,729,480	\$ 7,932,050	\$ 7,981,200	\$ 8,172,350
Interest Income	\$ 45,000	\$ 28,000	\$ 28,000	\$ 32,000	\$ 35,000	\$ 50,000
Transfer from Contingency Reserve Fund	\$ 1,596,087	\$ 490,991	\$ 405,405	\$ 456,323	\$ 434,974	\$ 50,509
Sale of Recyclable Material	\$ 50,600	\$ 55,000	\$ 35,000	\$ 35,000	\$ 38,000	\$ 33,933
Miscellaneous - Mulch sales	\$ 59,800	\$ 39,450	\$ 39,450	\$ 46,830	\$ 36,000	\$ 31,500
Transfer - Rutrough Road	\$ 125,000	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 9,470,887	\$ 7,940,041	\$ 8,237,335	\$ 8,502,203	\$ 8,525,174	\$ 8,338,292

EXPENSES

Personnel	\$ 1,863,655	\$ 1,972,540	\$ 2,004,856	\$ 2,126,647	\$ 2,183,227	\$ 2,152,723
Operating	\$ 3,828,652	\$ 3,995,501	\$ 4,118,479	\$ 4,260,556	\$ 4,216,947	\$ 4,055,569
Capital	\$ -	\$ 12,000	\$ 14,000	\$ 15,000	\$ 25,000	\$ 30,000
Transfer to Reserves	\$ 1,010,000	\$ 1,960,000	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000	\$ 2,100,000
Debt Service	\$ 2,768,580	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 9,470,887	\$ 7,940,041	\$ 8,237,335	\$ 8,502,203	\$ 8,525,174	\$ 8,338,292

DISPOSAL FEES

Municipal \$ per ton	45	45	47	48	49	49.5
Private \$ per ton	55	55	57	58	59	59.5

% INCREASE in expenses	-3.6%	-16.2%	3.7%	3.2%	0.3%	-2.2%
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RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, APRIL 19, 2016, AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA 24179

WHEREAS, the Town of Vinton, along with Roanoke County and Roanoke City are the governing bodies of the Roanoke Valley Resource Authority (RVRA); and

WHEREAS, in accordance with the Member Use Agreement dated October 23, 1991, the annual budget of the Authority must be submitted for approval by each of the governing bodies after approval by the RVRA Board; and

WHEREAS, on March 23, 2016, the RVRA Board approved the 2016-2017 annual budget in the amount of \$8,338,292.

NOW THEREFORE BE IT RESOLVED, that the Vinton Town Council does hereby approve the 2016-2017 operating budget in the amount of \$8,338,292 to operate and maintain the Roanoke Valley Resource Authority.

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

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

April 19, 2016

Department

Administration

Issue

Consider adoption of a Resolution approving the 2016-2017 operating budget for the Roanoke Valley Regional Cable Television Committee.

Summary

The annual operating budget of the Roanoke Valley Regional Cable Television must be submitted for approval by each of the governing bodies after approval by the RVTV Committee. Elaine Bays-Murphy will be present at the meeting to make comments and answer any questions.

Attachments

Letter
RVTV Operating Budget-FY2016-2017
Resolution

Recommendations

Motion to adopt Resolution

April 19, 2016

Mayor Bradley E. Grose
and Members of Vinton Town Council
Vinton, Virginia

Subject: 2016-2017 RVTV Budget

Dear Mayor Grose and Members of Town Council:

Roanoke Valley Television, RVTV-3 Cox Cable, was created in 1992 as an agreement between the Town of Vinton, Roanoke County, and Roanoke City, to form a Government & Educational Access Station.

RVTV-3 is governed by the Roanoke Valley Regional Cable Television Committee, which includes representatives from the three localities. The Town of Vinton is represented by Mr. Doug Adams, Mr. Richard Peters, & Ms. Mary Beth Layman.

On April 6, 2016, the Roanoke Valley Regional Cable Television Committee approved the RVTV Operating Budget for Fiscal Year 2016-2017 (attached) in the amount of \$401,044.

Funding for RVTV is provided by the three local governments and is based on the proportion of Cox Customers located in each jurisdiction. The Town of Vinton's share of the FY 2016-2017 Operating Budget is 4.22% or \$16,924.

Videos produced for the Town of Vinton in 2015 included:

- Magnets USA Grand Opening
- Vinton Seniors Center PSA
- 3rd Street Dumpster Closing PSA
- Vinton Arbor Day Celebration
- Vinton Fire & EMS - Enhanced Fire Services & Renovation
- Tinker Creek Canoe Launch Ribbon-Cutting
- Gladetown, Carline, Midway Tri-Community Reunion
- HIVE Ribbon-Cutting Ceremony
- Vinton Farmers Market PSA
- Vinton Branch Library Dedication
- State of the Town Address
- Advancement Foundation Grant Award - Small Business
- Vinton Dogwood Festival PSA

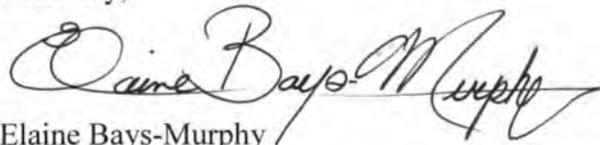
RVTV programming reaches approximately 43,708 households on Cox Cable, Channel 3. Programming is posted to the RVTV website and social media sources. Additionally, programming is posted the Town's Website and Facebook page.

Mayor Bradley E. Grose and Members of Vinton Town Council
April 19, 2016
Page Two

The approximate rate for video production in the private sector is \$1,500 per finished minute. The production value for videos produced for the Town is \$226,500.

The Roanoke Valley Regional Cable Television Committee recommends approval of the fiscal year 2016-2017 operating budget. I am pleased to respond to any questions or comments you may have with regard to the proposed budget.

Sincerely,

A handwritten signature in black ink, appearing to read "Elaine Bays-Murphy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Elaine Bays-Murphy
Cable Access Director
Roanoke Valley Television

Attachment

Cc: Barry W. Thompson, Interim Town Manager, Finance Director/Treasurer
Richard W. "Pete" Peters, Director, Economic Development, Assistant Town Manager
Mary Beth Layman, Special Programs Director
Susan Johnson, Executive Assistant/Town Clerk
Robert Leftwich, Chair, Regional Cable Television Committee

To: Roanoke Regional Cable Television Committee
From: Elaine Bays-Murphy, Director of Cable Access
Date: April 6, 2016
Re: FY 2016-2017 Operating Budget Proposal

BACKGROUND INFORMATION:

Roanoke Valley Television, RVTV Channel 3, is a Government & Educational Access Station, serving the City of Roanoke, Roanoke County, the Town of Vinton and their respective school systems. RVTV-3 was created in 1992 as an agreement between the three localities to form a Government & Educational Access Station.

The operational budget for RVTV is provided by the three local governments, and it is funded through the Virginia Communications Sales and Use Tax Revenue paid by Cox Communications. The RVTV budget amount paid by each locality is based on the proportion of Cox Customers located in each jurisdiction.

RVTV has five full-time staff members. RVTV-3 produces Original Videos, Monthly Television Shows, and covers LIVE Government Meetings.

Roanoke Valley Television produced the following in 2015:

- **80 Original Television Shows**
(12) Inside Roanoke, (12) Roanoke County Today, (12) Spotlight On City Schools, (12) Accent Excellence, (4) Roanoke County Business Partners, (4) Recreation Television, (12) BizRoanoke
(12) Libraries Happenings
- **58 Regular Government Meetings**
(24) Regular Roanoke City Council, (22) Regular Roanoke County Board of Supervisors, (12) City Council Briefings
- **85 Original Video Productions**
(List of Video Productions on Attachment Pages 4 & 5)

The approximate rate for video production work in the private sector is \$1,500 per finished minute. The approximate **RVTV Production Value for Stand Alone Video Productions is \$1,974,000.**
(Total value does not include TV Shows or Government Meetings).

RVTV-3 Programming is uploaded to the RVTV Website & Social Media Sources. Additionally, RVTV-3 Programming is uploaded to the Websites & Social Media Sources for Roanoke City, Roanoke County, Town of Vinton & their School Systems.

RVTV Website www.rvtv.org
RVTV YouTube Channel www.youtube.com/RoanokeValleyTV
RVTV Facebook Page www.facebook.com/roanokevalleytelevision
RVTV Twitter www.twitter.com/RoanokeValleyTV

FISCAL IMPACT:

The proposed FY2016/2017 Operating Budget request is \$401,044.

The proposed budget includes a 2% salary increase if approved by the Board of Supervisors.

The budget includes closed captioning services for Roanoke City Council & Roanoke County Board of Supervisors meetings.

On January 1, 2007, the Virginia Communications Sales and Use Tax Act of 2006 (Va. Code 58.1-645 et seq.) required Cox Communications, as well as other cable television providers, to pay a five percent (5%) sales or use tax to the Commonwealth of Virginia in place of paying franchise fees to the localities, including the City of Roanoke, County of Roanoke, and Town of Vinton. Under the Act, the Commonwealth pays the amount of revenues it receives from cable television providers, like Cox, to the localities.

The operational budget for RVTV is provided by the three local governments, and it is funded through the Virginia Communications Sales and Use Tax Revenue paid by Cox Communications. The RVTV budget amount paid by each locality is based on the proportion of Cox Customers located in each jurisdiction.

Cox calculates the percentage of Subscribers (December 31, 2015) in each locality as follows:

Locality	2015 Percentage	2014 Percentage
City	52.17%	52%
County	43.61%	44%
Vinton	4.22%	4%

Based on the above percentages, each member’s contribution to the FY2016/2017 budget of \$401,044 is:

Locality	2015/2016 Budget	2016/2017 Budget
City	\$204,904	\$209,225
County	\$173,381	\$174,895
Vinton	\$15,762	\$16,924
Total	\$394,047	\$401,044

*In addition to the City’s share of the above budget of \$401,044, the City will also pay \$2,136 for closed captioning for City Council Briefings.

**RVTV Financial Report
Current Account Balances as of December 31, 2015**

273200 (Operating Budget)	\$200,548.86 (49.11%)
273450 (Cox Cable Capital Equipment Grant).....	\$981,237.74
273500 (Operating Surplus).....	\$51,952.07
(\$15,000 Minimum Balance to be maintained in the account)	

Account 273500 (Operating Surplus) represents the unused funds from the Operating Budget since 1992. RVTV does not lose these funds at the end of the fiscal year, rather they are rolled over into this savings account.

ATTACHMENTS:

RVTV Proposed 2016 – 2017 Budget

	Budget 2015 -2016	Proposed Budget 2016 - 2017
1010 Regular (Actual 214,431 + 2%)	213,384.00	218,720.00
1011 Longevity Pay		600.00
2100 FICA (7.65%)	16,324.00	16,732.00
2200 Retirement – VRS (11.18%)	23,728.00	24,453.00
2202 Deferred Comp Match (650 x 4)	1,950.00	2,600.00
2300 Group Health Insurance	40,570.00	38,942.00
2310 Group Dental Insurance	2,248.00	2,249.00
2400 VRS Life (1.31%)	2,817.00	2,472.00
2500 LTD Insurance (2%)	678.00	709.00
2750 VRS Health Credit (0.30%)	608.00	656.00
3013 Professional Services – Other (Closed Captioning \$22,918 Security System \$276)	22,526.00	23,194.00
3013A CC – City Council Briefings		* City Only
3204 Repairs Vehicles (By Garage)	300.00	300.00
3209 Repairs (Other Equipment)	1,000.00	1,000.00
3305 Maintenance Service Contracts (Telephone \$550 Website \$2,575)	3,125.00	3,125.00
5210 Postage	50.00	100.00
5230 Telephone	4,230.00	4,230.00
5233 Internet & Adobe Cloud	1,990.00	1,990.00
5235 Cellular Phones (2 Smart Phones)	1,200.00	1,200.00
5305 Motor Vehicle Insurance	1,342.00	1,382.00
5308 General Liability Insurance	3,187.00	3,346.00
5420 Lease/Rent of Buildings (8 x \$3,723.77 4 x \$3,835.48)	45,132.00	46,486.00
5501 Travel (Mileage)	100.00	100.00
5520 Dinner Meetings & Luncheons	150.00	150.00
5801 Dues & Association Membership (Public Relations Society of America)	308.00	308.00
6010 Office Supplies – General	500.00	600.00
6013 Small Equipment & Supplies	2,000.00	2,000.00
6014 Video Supplies	3,000.00	2,000.00
6080 Gas, Oil & Grease	1,400.00	1,200.00
6091 Tires,Tubes & Parts	200.00	200.00
Total	\$394,047.00	\$401,044.00

*In addition to the City’s share of the above budget of \$401,044, the City will also pay \$2,136 for closed captioning for City Council Briefings. **RVTV expended 95.86** of the 2014/2015 Budget.

RVTV 2015 Edited Video Productions

Roanoke City Productions	Length
Art by Bus Press Conference	10:00
Governor's Industrial Revitalization Funds Press Conference	20:00
Star City Reads Campaign	60:00
Thrasher Dog Park Opening	11:00
ACHIEVE Reading Forum	120:00
Peter Pan Playground Opening	13:00
Roanoke Police – GTO Graduation	10:00
Roanoke Police – Kids Lawfit Video	5:00
Roanoke City Schools – Teacher of the Year Video	13:00
Read & Feed Press Conference	24:00
Sheriff's Office – Court Security Division	7:30
Roanoke River Greenway Opening	22:00
Single Stream Recycling Press Conference	16:30
Roanoke Youth Summit PSA	:30
Roanoke Youth Summit Highlight Video	3:00
State of the City Address	30:00
Human Resources Customer Service Training	16:00
Sheriff's Office – Support Services Division	8:00
Lead Safe Roanoke PSA	:30
Library Summer Reading Entry	3:30
Roanoke Leaf Collection PSA	:30
Roanoke Recycling Heroes	1:30
New Greenway Bridge at Valley View Mall	10:30
Annual Meeting RVCVB	50:00
ROA's Elmwood on Ice Press Conference	7:00
Veteran Homelessness Press Conference	13:00
City Neighborhoods Awards Celebration	45:00
Grand Re-Opening Municipal North	13:00
Updated Snow Removal	4:00
Roanoke Fire Protection Classification Announcement	15:00
RCPS – McGlothlin Award for Excellence	20:00
Friendship City Agreement – Lijiang City	30:00

Roanoke County Productions	Length
Spring Book Sale PSA	:30
Blue Ridge Kite Festival PSA	:30
Apptech Solutions Expansion	14:00
Roanoke County Employee Recruitment	3:00
Roanoke County Police Open House	11:00
New Fire Chief Announcement	15:00
South County Library Passport PSA	:30
Neighborhood Concerns App PSA	:30
Roanoke County Police 25 th Anniversary	20:00
Explore Park Master Plan Community Meetings PSA	:30
Friends of the Library Book Sale PSA	:30

Roanoke County Productions	Length
Community Outreach Summit PSA	:30
Lions Quest Skills for Growing – County Schools	6:00
New County Attorney Announcement	5:30
(5) Heroin Addiction PSAs	:30 each
Site Selector Web Application	6:00
State of the County Address	40:00
Annual Christmas Tree Lighting	:30
2015 Investiture Ceremony	60:00
WFXR-Fox Ribbon-Cutting & Open House	15:00
Community Strategic Plan PSA	:30
Community Strategic Plan Interview	5:00
Tons of Fun PSA	:30

Town of Vinton Productions	Length
Magnets USA Grand Opening	15:00
Vinton Seniors Center PSA	:30
3 rd Street Dumpster Closing PSA	:30
Arbor Day Celebration	13:30
Vinton Fire & EMS – Enhanced Fire Services & Renovation	23:00
Tinker Creek Canoe Launch Ribbon-Cutting	17:00
Gladetown, Carline, Midway Tri-Community Reunion	5:30
HIVE Ribbon-Cutting Ceremony	6:00
Vinton Farmers Market PSA	:30
Vinton Branch Library Dedication	30:00
State of the Town Address	25:00
Advancement Foundation Grant Award – Small Business	14:00
Vinton Dogwood Festival PSA	:30

City, County, & Town Productions	Length
(5) Stormwater PSAs	:30 each
Vietnam War 50 th Anniversary Event PSA	:30
Vietnam War 50 th Anniversary – Opening Ceremony	30:00
(6) RCACP Adoptable Pets Video	2:30 each

City & County Production	Length
Anti-Litter Phase 2 Press Conference	11:00

Total Minutes Produced 1,316

2015 Video Productions

(Does not include Shows or Meetings)

Productions	City of Roanoke	Roanoke County	Town of Vinton
85	37	31	17
Percentage	44%	36%	20%

RESOLUTION NO

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, APRIL 19, 2016, AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA 24179

WHEREAS, the Town of Vinton, along with Roanoke County and the City of Roanoke pursuant to ordinance, have established the Roanoke Valley Regional Cable Television Committee, in part to assist with the development of educational channels and governmental access cable programming; and

WHEREAS, each member jurisdiction annually approves the operating budget prepared by the Cable TV Government Access Director and recommended by the Roanoke Valley Regional Cable Television Committee for operation of the cable access Channel 3.

NOW, THEREFORE, BE IT RESOLVED that the Vinton Town Council does hereby approve the 2016-2017 operating budget for Roanoke Valley Regional Cable Television Committee in the amount of \$401,044, of which Vinton's allocation based on subscribers is four percent (4.22%), or the amount of \$16,924 of the total budget.

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

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

April 19, 2016

Department

Planning and Zoning

Issue

Consider adoption of an Ordinance amending Chapter 79 Stormwater Management, of the Vinton Town Code.

Summary

The Vinton Town Council established Chapter 79 Stormwater Management on May 20, 2014, in order to comply with the Virginia Stormwater Management (SWM) Act, Virginia Stormwater Management Program (VSMP) and Virginia Erosion and Sediment Control Program (VESCP) regulations. As of July 1, 2014, the Town of Vinton became the local VSMP Authority. The SWM and ESC ordinances that were adopted mirrored the County of Roanoke's ordinances.

On August 31, 2015, Christopher S. Lawrence, former Town Manager, submitted a letter to the County, requesting that the County become the VSMP Authority for the Town, as allowed pursuant to §62.1-44.15:27 B of the Code of Virginia, as amended. Since February 1984, and as recent as August 2013, through agreements between the Town and the County, Roanoke County Community Development Department staff reviewed and approved all development and construction plans for stormwater management requirements, erosion and sediment control; inspections of stormwater management facilities; and building code compliance for the Town.

In order to stay in compliance with DEQ requirements, Roanoke County/Vinton must amend the ESC and the SWM Ordinances, including the SWM Design Manuals. Town Staff has been working with Roanoke County personnel since August 2015 on the proposed changes to the ordinances; Design Manual; and the VSMP MOU agreement.

County staff presented the proposed amendments to the Board of Supervisors (BOS) at a work session on August 25, 2015. The item was scheduled to be heard at the September 22, 2015, BOS meeting, but was deferred because of information presented to the BOS by representatives of the Roanoke Regional Home Builders Association (RRHBA).

Several meetings were held between County staff and RRHBA representatives from September 2015 through December 2015, to resolve the issues raised by RRHBA. At the BOS work session held on January 26, 2016, County staff presented an overview of the proposed amendments to the SWM and ESC ordinances.

The specific SWM ordinance changes include:

- Definitions and minor word changes requested by Department of Environmental Quality (DEQ).
- Extension of the County's VSMP authority to include the Town of Vinton.
- Providing civil penalty alternatives for violations of the ordinance.

The proposed changes to the SWM ordinance will:

- Comply with DEQ's request to be fully compliant with the latest State SWM regulations.
- Relieve the Town of Vinton of the burden of having State certified employees run their VSMP program.
- Provide additional information to assist the County/Town in implementing its post-construction responsibilities (periodic inspections).
- Reduce the amount of the surety contingency from twenty-five percent to ten percent.

The proposed changes to the ESC ordinance:

- Expand the possible use of an Agreement in Lieu of, beyond a single-family residence to all land-disturbance activities that disturb less than 10,000 square feet.
- Simplify the fees section of the ESC chapter.
- Maintain the current construction surety contingency amount set at ten percent.
- Add language to clarify that the County is adopting state ESC regulations, with the exception that land disturbing activities that disturb less than the state regulated threshold (10,000 square feet) are not required to meet state ESC regulation requirements to verify the adequacy of downstream channels and that no SWM measures are required.

The BOS first reading of the ESC and SWM ordinances was held on February 9, 2016, and at the BOS meeting held on February 23, 2016, the MOU Resolution and the ordinances amending the SWM and ESC codes were adopted. On March 22, 2016, a resolution adopting the revisions to the Stormwater Management Design Manual was adopted by the BOS.

On March 1, 2016, Vinton Town Council held a work session to discuss the proposed VSMP MOU; the County's proposed amendments to the Stormwater Management (SWM) and Erosion and Sediment Control (ESC) ordinances; and the revisions to the SWM Design Manual. On April 5, 2016, Council approved the MOU with Roanoke County and adopted the SWM Design Manual by reference.

Attachment

Ordinance

Recommendation

Motion to adopt Ordinance

ORDINANCE NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, APRIL 19, 2016, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE AMENDING CHAPTER 79, STORMWATER MANAGEMENT, OF THE VINTON TOWN CODE, TO ADOPT ROANOKE COUNTY'S STORMWATER AND EROSION AND SEDIMENT CONTROL ORDINANCES WHICH SHALL BE APPLICABLE WITHIN THE CORPORATE LIMITS OF THE TOWN OF VINTON AND DESIGNATING ROANOKE COUNTY AS THE VIRGINIA STORMWATER MANAGEMENT AUTHORITY WITHIN THE CORPORATE LIMITS OF THE TOWN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 20, 2014, the Vinton Town Council adopted Ordinance No. 952, of the Vinton Town Code entitled Chapter 79, Stormwater Management; and

WHEREAS, the Town of Vinton ("Town") is currently the local Virginia Stormwater Management Program (VSMP) Authority within the corporate limits of the Town; and

WHEREAS, Roanoke County serves as Virginia Stormwater Management Program (VSMP) for land-disturbing activities within Roanoke County ("the County") and within the Town of Vinton ("the Town"); and

WHEREAS, the County is also the local Virginia Erosion Sediment Control Program (VESCP) Authority within the County and the Town, and regulates stormwater runoff from construction sites; and

WHEREAS, Roanoke County ("County") is willing to serve as the Town's VSMP Authority as evidenced by its adoption of a Resolution on February 23, 2016, authorizing the County Administrator for and on behalf of the County to enter and execute a Memorandum of Understanding (MOU) with the Town, for the County to act as the VSMP Authority for the Town pursuant to § 62.1-44.15:27 B of the Code of Virginia, as amended; and

WHEREAS, the Town recognizes the efficiency and benefit to the Town in allowing the County to serve as the VSMP Authority for the Town; and

WHEREAS, the Town desires to amend Chapter 79 of the Town of Vinton Code to adopt the County's stormwater and erosion and sediment control ordinances, including all required regulatory changes recently adopted by the Commonwealth of Virginia and to designate the County as local Virginia Stormwater Management Program (VSMP) Authority within the corporate limits of the Town; and

WHEREAS, the Virginia Department of Environmental Quality (VA DEQ) reviewed and approved the County’s ordinances for conformity with the recent legislative and regulatory changes adopted by the Commonwealth of Virginia;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Vinton, that:

- 1) Vinton Town Code, Article I, “Stormwater Management Ordinance,” Section 79-1, Title and Authority, and Article II, “Erosion and Sediment Control and Steep Slope Development,” Sections 79-49, “Title, purpose, and authority,” and 79-50, “Applicability of chapter in town,” of Chapter 79, “Stormwater Management,” are hereby amended and readopted to read as follows; and
- 2) Roanoke County’s, Stormwater Management and Erosion and Sediment Control Ordinances, Chapters 23 and 8.1 of the Roanoke County Code, shall be applicable with the corporate limits of the Town of Vinton; and
- 3) Article I, Sections 79-2 through 79-43 and Article II, Sections 79-51 through 79-59 of Chapter 79 of the Town Code are hereby repealed in their entirety.

CHAPTER 79

STORMWATER MANAGEMENT

INTRODUCTION

The Town of Vinton finds that inadequate management of stormwater runoff from land-disturbing activities and development in watersheds increases flood flows and velocities, erodes and/or silts stream channels, pollutes water, overloads existing drainage facilities, undermines floodplain management in downstream communities, reduces groundwater recharge, and threatens public safety. More specifically, surface water runoff can carry pollutants into receiving waters. The Roanoke River and many of its tributaries inside the Town are listed as impaired waters by the Virginia Department of Environmental Quality (DEQ).

Many future problems can be avoided through proper stormwater management, and the Town is dedicated to preventing the damaging effects that uncontrolled stormwater may present. The lands and waters of Town of Vinton are valuable natural resources that need to be protected. The Town finds that it is in the public interest to establish a stormwater management program.

Pursuant to Virginia Code § 62.1-44.15:27, this ordinance is part of an initiative to integrate the Town’s stormwater management requirements with the Town’s erosion and sediment control (Chapter 35) and floodplain management (Appendix B. Zoning Ordinance, Article IV, Division 13, Section 4-65 through Section 4-73) requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the Town of Vinton and those responsible for compliance with these programs.

ARTICLE I. STORMWATER MANAGEMENT ORDINANCE

Division 1. General Provisions

Sec. 79-1. Title and Authority

- A. This ordinance shall be known as the “Stormwater Management Ordinance of the Town of Vinton, Virginia.” The Town of Vinton, Virginia, hereby adopts the Stormwater Management Ordinance of the County of Roanoke, Virginia, in its entirety as set forth in Roanoke County Code, Chapter 23, Stormwater Management, as amended from time to time, which shall be applicable within the corporate limits of the Town of Vinton.

- B. Pursuant to § 62.1-44.15:27 of the Code of Virginia, the Town of Vinton hereby establishes a Virginia Stormwater Management Program (VSMP) for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Water Control Board (State Board) for the purposes set out in ~~Section 79.2 of this ordinance~~23-1.2 of Roanoke County Code, Chapter 23. The Town of Vinton hereby designates Roanoke County as the local Virginia Stormwater Management Program (VSMP) Authority within the corporate limits of the town and its Director of Community Development~~the Town Manager~~ as the Administrator of ~~its~~ the town’s Virginia Stormwater Management Program.

- C. The Town of Vinton designates Roanoke County, Virginia, as its agent for the purpose of enforcing all stormwater facility maintenance agreements, agreements in lieu of a stormwater management plan, and stormwater management plans in effect prior to the effective date of this ordinance.

Sec. 79-2. Purpose

~~The purpose of this ordinance is to promote and protect the general health, safety, and welfare of the citizens of the Town and to protect property, state waters, stream channels, and other natural resources from the potential harm of unmanaged stormwater, and to establish requirements whereby stormwater is managed to protect water quality and downstream property owners.~~

~~This ordinance provides the framework for the administration, implementation, and enforcement of the provisions of the Virginia Stormwater Management Act (VSMA) and delineates the procedures and requirements to be followed in connection with the permits issued by the Administrator.~~

Sec. 79-3. Applicability

- A. ~~Except as provided herein, no person may engage in any land-disturbing activity until a permit has been issued by the Administrator in accordance with the provisions of this ordinance.~~

- B. ~~A stormwater management plan, or an agreement in lieu of a stormwater management plan, shall be reviewed and approved by the Administrator prior to permit issuance.~~

C. ~~Notwithstanding any other provisions of this ordinance, the following activities are exempt, unless otherwise required by federal law:~~

- ~~1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1;~~
- ~~2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Water Control Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use, as described in subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;~~
- ~~3. Single family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single family residential structures;~~
- ~~4. Other land disturbing activities that disturb less than one acre of land area, except land disturbing activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;~~
- ~~5. Discharges to a sanitary sewer or a combined sewer system;~~
- ~~6. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;~~
- ~~7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance performed in accordance with this subsection; and~~
- ~~8. Conducting land disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land disturbing activity and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land disturbing activity.~~

Sec. 79-4. — Compatibility with Other Requirements

~~This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall apply.~~

Sec. 79-5. — Severability

~~If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.~~

Sec. 79-6. — Stormwater Management Technical Criteria for Regulated Land Disturbing Activities

~~The Town hereby adopts the technical criteria for regulated land disturbing activities set forth in Part IIB of the Regulations, as amended, expressly to include 9VAC25-870-62 [applicability]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development projects]; 9VAC25-870-85 [stormwater management impoundment structures or facilities]; and 9VAC25-870-92 [comprehensive stormwater management plans], which shall apply to all land disturbing activities regulated pursuant to this ordinance, except as expressly set forth in Section 79-7 of this ordinance.~~

Sec. 79-7. — Stormwater Management Technical Criteria for Regulated Land Disturbing Activities: Grandfathered Projects and Projects Subject to the Provisions of 9VAC25-870-47B, as Amended

A. ~~The Town hereby adopts the technical criteria for regulated land disturbing activities set forth in Part IIC of the Regulations, as amended, expressly to include 9VAC25-870-93 [definitions]; 9VAC25-870-94 [applicability]; 9VAC25-870-95 [general]; 9VAC25-870-96 [water quality]; 9VAC25-870-97 [stream channel erosion]; 9VAC25-870-98 [flooding]; and 9VAC25-870-99 [regional (watershed wide) stormwater management plans], which shall only apply to all land disturbing activities regulated pursuant to this section.~~

B. ~~Any land disturbing activity shall be considered grandfathered and shall be subject to the Part IIC technical criteria of the Regulations, provided:~~

- ~~1. A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any~~

~~document determined by the locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10 and section 23-2, (iii) will comply with the Part II C technical criteria of the VSMP Regulation, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;~~

~~2. A state permit has not been issued prior to July 1, 2014; and~~

~~3. Land disturbance did not commence prior to July 1, 2014.~~

~~C. Town, state, and federal projects shall be considered grandfathered and shall be subject to the Part II C technical requirements of the Regulations, provided:~~

~~1. There has been an obligation of Town, state, or federal funding, in whole or in part, prior to July 1, 2012, or the Department has approved a stormwater management plan prior to July 1, 2012;~~

~~2. A state permit has not been issued prior to July 1, 2014; and~~

~~3. Land disturbance did not commence prior to July 1, 2014.~~

~~D. Land disturbing activities grandfathered under subsections B and C of this section shall remain subject to the Part II C technical criteria of the Regulations for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to the technical criteria in effect at that time.~~

~~E. In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements of the Part II C technical criteria of the Regulations.~~

~~F. Land disturbing activities that obtain general permit coverage or commence land disturbance prior to July 1, 2014, shall be conducted in accordance with the Part II C technical criteria of the Regulations and Town of Vinton's local stormwater management requirements that were in effect at the time of receiving general permit coverage or commencing land disturbance. Such projects shall remain subject to these requirements for an additional two general permit cycles, if general permit coverage is maintained. After that time, portions of the project, not under construction, shall become subject to the technical criteria in effect at that time.~~

~~G. An operator may choose to decline grandfather status and to instead comply with the technical requirements of Section 79-6 of this ordinance. Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.~~

Sec. 79-8. Stormwater Management Design Manual

- ~~A. The Town of Vinton will utilize the policies, criteria and information contained within the County of Roanoke Stormwater Management Design Manual for proper implementation of the requirements of this ordinance.~~
- ~~B. The Town of Vinton/County of Roanoke Stormwater Management Design Manual may be updated and revised from time to time. The Administrator shall recommend any updates, supplements, or modifications of the County Stormwater Management Design Manual subject to the authorization and approval by the Vinton Town Council and Roanoke County Board of Supervisors by resolution.~~

~~Sec. 79-9. Town Right of Entry~~

- ~~A. The Administrator and/or duly authorized employees, agents, or representatives of the Town, bearing proper credentials and identification, may, at any reasonable times and under reasonable circumstance, enter any establishment or upon any property, public or private, which has a VSMP permit or a maintenance agreement, for the purpose of enforcing this ordinance, including, but not limited to:~~
- ~~1. Obtaining information or conducting surveys or investigations;~~
 - ~~2. Taking samples of discharges;~~
 - ~~3. Inspecting monitoring equipment;~~
 - ~~4. Inspecting and copying documents relevant to the enforcement of this ordinance;~~
 - ~~5. Initiating or maintaining appropriate actions which are required by the permit conditions associated with a land disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified;~~
 - ~~6. Inspecting stormwater management facilities or other BMPs or to initiate or maintain appropriate actions which are required to restore proper stormwater management facility or other BMP operation when a land owner, after proper notice, has failed to take acceptable action within the time specified;~~
 - ~~7. And such other items as may be deemed necessary for the enforcement of this ordinance.~~
- ~~B. If the Administrator and/or his/her duly authorized agent has cause to believe an activity regulated under this ordinance is occurring without a VSMP permit, or if the person in charge of the property refuses to allow the Administrator and/or his/her duly authorized agent to enter in accordance with subsection A, then the Administrator and/or his/her duly authorized agent may present sworn testimony to a magistrate or court of competent jurisdiction and request the issuance of an inspection warrant to enter the property for the purpose of making such inspection and investigation. The Administrator and/or his/her~~

~~duly authorized agent shall make a reasonable effort to obtain consent from the owner or person in charge of the property prior to seeking the issuance of an inspection warrant under this section.~~

~~Sec. 79-10 — 79-15. — Reserved.~~

~~Division 2. — Definitions~~

~~In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this ordinance have the following meanings, unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.~~

~~“**Administrator**” means the VSMP authority responsible for administering the VSMP on behalf of the Town of Vinton. The Administrator shall be the Town Manager and/or any duly authorized agent of the Town Manager, or the person designated by the Town Manager to administer this ordinance on behalf of the Town.~~

~~“**Agreement in lieu of a Stormwater Management Plan**” means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.~~

~~“**Applicant**” means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.~~

~~“**Best Management Practice or BMP**” means schedules of activities, prohibitions of practices, including a structural or nonstructural practice, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.~~

~~“**Clean Water Act or CWA**” means the federal Clean Water Act (33 United States Code 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.~~

~~“**Common plan of development or sale**” means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.~~

~~“**Control measure**” means any best management practice or other method used to prevent or reduce the discharge of pollutants to surface waters.~~

~~“**County**” means the County of Roanoke, Virginia.~~

“Department” means the Department of Environmental Quality.

“Development” means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

“Executed Development Agreements” means documents that are executed by the applicant and Town that implements the various sureties.

“Fee in lieu” means a payment of money to the Town for the use of a regional stormwater management facility in place of meeting all or part of the stormwater performance standards required by this Ordinance on the site.

“General permit” means the state permit titled ~~GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES~~ found in Part XIV (9VAC25-880-1 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

“Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a VPDES or VSMP permit (other than the VSMP permit for discharges from the municipal separate storm sewer), discharges resulting from firefighting activities, and discharges identified by and in compliance with ~~9VAC25-870-400 D 2 c (3)~~.

“Land disturbance” or “Land-disturbing activity” means ~~a manmade change to the land surface that potentially changes its runoff characteristics including any clearing, grading, or excavation, except that the term shall not include those exemptions specified in Section 23-1.3 of this Ordinance.~~

“Layout” means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

“Minor modification” means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

“Municipal separate storm sewer” means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or “MS4,” including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by Town of Vinton;

2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

~~“Municipal separate storm sewer system” or “MS4” means all municipal separate storm sewers that are located within the Town’s limits.~~

~~“Municipal Separate Storm Sewer Management Program” or “MS4 Program” means a management program covering the duration of a permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations and the Act and attendant regulations, using management practices, control techniques, and system design and engineering methods, and such other provisions that are appropriate.~~

~~“Off-site facility” means a stormwater management measure located outside the subject property boundary described in the permit application for land disturbing activity.~~

~~“Operator” means the owner or operator of any facility or activity subject to regulation under this Ordinance.~~

~~“Permit or VSMP Authority Permit” means an approval to conduct a land disturbing activity issued by the Administrator for the initiation of a land disturbing activity, in accordance with this Ordinance, which may only be issued after evidence of general permit coverage has been provided by the Department of Environmental Quality.~~

~~“Permittee” means the person to whom the VSMP Authority permit is issued.~~

~~“Person” means any individual, corporation, partnership, firm, association, joint venture, public or private or municipal corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate or governmental body, or any other legal entity, or any agent or employee of any such person.~~

~~“Regional stormwater management facility” or “Regional facility” means a facility or series of facilities designed to control some or all of the adverse impacts from stormwater runoff from two or more parcels or lots, located in the same watershed, although only portions of the area may experience development.~~

~~“Regulations” means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870-10 et seq., as amended.~~

~~“Site” means the land or water area where any facility or land disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land disturbing activity.~~

~~“State” means the Commonwealth of Virginia.~~

~~“State Board” means the State Water Control Board.~~

~~“State Permit” means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.~~

~~“State Water Control Law” means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia (1950), as amended.~~

~~“State waters” means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.~~

~~“Stormwater” means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.~~

~~“Stormwater facility maintenance agreement” means a legally binding agreement between the owner of a property and the Town of Vinton regarding long-term maintenance of stormwater management facilities.~~

~~“Stormwater Management Facility” or “SWMF” means a device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the volume, rate of flow, quality, the period of release, or the velocity of flow.~~

~~“Stormwater management plan” means a document(s) containing material for describing methods for complying with the requirements of Section 79-20 of this Ordinance.~~

~~“Stormwater Pollution Prevention Plan” or “SWPPP” means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition, the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.~~

~~“Subdivision” means the division of a parcel of land into two (2) or more parcels of any size by the establishment of new boundaries lines or by the adjustment, relocation, or vacation of existing boundary lines, for the purpose whether immediate or future, of transfer of ownership or building development. A subdivision includes all changes in street or lot lines, and any portion of any such subdivision previously recorded in which building development or street creation~~

occurs, or is required, subsequent to such recordation. The transfer of ownership of land to the Commonwealth of Virginia or a political subdivision thereof and the division of lands by court order or decree shall not be deemed a subdivision as otherwise herein defined.

~~“Total Maximum Daily Load” or “TMDL” means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measures. The TMDL process provides for point versus nonpoint source trade-offs.~~

~~“Town” means the incorporated Town of Vinton.~~

~~“Virginia Stormwater Management Act” or “Act” means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.~~

~~“Virginia Stormwater BMP Clearinghouse website” means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.~~

~~“Virginia Stormwater Management Program” or “VSMP” means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement, where authorized in this Ordinance, and evaluation consistent with the requirements of this Ordinance and associated regulations.~~

~~“Virginia Stormwater Management Program authority” or VSMP authority” means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program. For the purpose of this Ordinance, Town of Vinton is the VSMP Authority.~~

Division 3. — Program Permit Procedures and Requirements

Sec. 79-16. — Permit Required

A. — ~~No grading, building, or other local permit will be issued for a property until a VSMP authority permit has been issued by the Administrator, unless the activity is specifically exempted from VSMP permitting by this Ordinance.~~

B. — ~~No VSMP authority permit will be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the requirements of this Ordinance, including an approved erosion and sediment control plan; and an approved stormwater management plan or an executed agreement in lieu of a stormwater management plan.~~

~~C. No VSMP authority permit will be issued without the general permit registration statement except that construction activity involving a single family detached residential structure, within or outside of a common plan of development or sale does not require a permit registration statement. Construction activities involving a single family detached residential structure, within or outside of a common plan of development or sale, shall comply with the requirements of the General Permit.~~

~~Sec. 79-17. Permit Application Contents~~

~~A. Unless specifically exempted by this Ordinance, any land owner or operator desiring a permit for a land disturbance activity shall submit to the Town and County a permit application on a form provided by the Town for that purpose. Permit applications shall comply with the requirements contained within the Town/County Stormwater Management Design Manual that is available from the Town of Vinton Department of Planning and Zoning and/or Roanoke County Department of Community Development Office.~~

~~B. No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein.~~

~~1. A permit application that includes a fully executed general permit registration statement, except that construction activity involving a single family detached residential structure, within or outside of a common plan of development or sale does not require a permit registration statement;~~

~~2. An erosion and sediment control plan approved in accordance with the Town Erosion and Sediment Control Ordinance [Chapter 35] and County Erosion and Sediment Control Ordinance [Chapter 8.1];~~

~~3. A stormwater management plan, or agreement in lieu of a stormwater management plan, that meets the requirements of Section 79-20;~~

~~4. Maintenance agreement in accordance with Section 79-22;~~

~~5. Performance bonds in accordance with Section 79-23;~~

~~6. Fees in accordance with Section 79-24; and,~~

~~7. Executed Development Agreements.~~

~~C. Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish, when requested, such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of the permittee's discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.~~

Sec. 79-18. ~~Stormwater Pollution Prevention Plans~~

~~A. The Stormwater Pollution Prevention Plan (SWPPP) required by the general permit, shall comply with the requirements set forth in 9VAC25-870-54 and shall also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II [stormwater pollution prevention plan] of the general permit.~~

~~The SWPPP shall include:~~

- ~~1. An approved erosion and sediment control plan;~~
- ~~2. An approved stormwater management plan, or agreement in lieu of a stormwater management plan;~~
- ~~3. A pollution prevention plan for regulated land disturbing activities; and~~
- ~~4. Description of any additional control measures necessary to address a TMDL.~~

~~B. The SWPPP shall be amended, by the operator, whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters, which is not addressed by the existing SWPPP.~~

~~C. The SWPPP shall be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public and Town review in accordance with Section II of the general permit, either electronically or in hard copy.~~

Sec. 79-19. ~~Pollution Prevention Plans~~

~~A. A Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants.~~

~~B. At a minimum, such measures must be designed, installed, implemented, and maintained to:~~

- ~~1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;~~
- ~~2. Minimize the exposure of all materials, including, but not limited to building materials, building products, construction wastes, trash, landscape materials,~~

~~fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and~~

- ~~3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.~~
- ~~B. The pollution prevention plan shall include effective best management practices to prohibit the following discharges:~~
- ~~1. Wastewater from washout of concrete, unless managed by an appropriate control;~~
 - ~~2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;~~
 - ~~3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and~~
 - ~~4. Soaps or solvents used in vehicle and equipment washing.~~
- ~~C. The pollution prevention plan shall prohibit discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate controls.~~

~~Sec. 79-20. Stormwater Management Plans~~

- ~~A. No application for land disturbing activity will be approved unless it includes a stormwater management plan or agreement in lieu of a stormwater management plan, as required by this Ordinance, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed.~~
- ~~B. Submittal, review, approval, and resubmittal of stormwater management plans, and agreements in lieu of stormwater management plans shall comply with the requirements set forth in this Ordinance and the Town/County Stormwater Management Design Manual.~~
- ~~C. The stormwater management plan shall apply the stormwater management technical criteria set forth in Section 79-6 of this Ordinance to the entire land disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered to be separate land disturbing activities.~~
- ~~D. A stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners~~

- ~~E. The stormwater management plan must consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.~~
- ~~F. If an operator intends to meet the water quality and/or quantity requirements set forth in 9VAC25-870-63 or 9VAC25-870-66 through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by §62.1-44.15:35 of the Code of Virginia.~~
- ~~G. Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.~~
- ~~H. Where a stormwater management plan is required, a construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator and approved prior to the release of bonds. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth, certifying that the stormwater management facilities have been constructed in compliance with the approved plan. Stormwater management facilities include all storm drain structures, storm drain pipes, culverts, open channels, BMPs, and all other facilities used to convey, control, or treat stormwater runoff.~~
- ~~I. The stormwater management plan shall include the following information:~~
- ~~1. Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the pre-development and post-development drainage areas;~~
 - ~~2. Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;~~
 - ~~3. A narrative that includes a description of current site conditions and final site conditions;~~
 - ~~4. A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;~~
 - ~~5. Information on the proposed stormwater management facilities, including:
 - ~~i. The type of facilities;~~
 - ~~ii. Location, including geographic coordinates;~~~~

- iii. ~~Acres treated; and~~
 - iv. ~~Surface area, volume, depth, and width of facilities, if applicable;~~
 - v. ~~The surface waters or karst features, if present, into which the facility will discharge ;and~~
 - vi. ~~The Hydrologic Unit Code (HUC) into which the facilities drain.~~
6. ~~Hydrologic and hydraulic computations, including runoff characteristics;~~
7. ~~Documentation and calculations verifying compliance with the water quality and quantity requirements.~~
8. ~~A map or maps of the site that depicts the topography of the site and includes:~~
- i. ~~All contributing drainage areas;~~
 - ii. ~~Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;~~
 - iii. ~~Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;~~
 - iv. ~~Current land use, including existing structures, roads, and locations of known utilities and easements;~~
 - v. ~~Sufficient information (such as grades) on adjoining parcels to assess the impacts of stormwater from the site on these parcels;~~
 - vi. ~~The limits of clearing and grading, and the proposed drainage patterns on the site;~~
 - vii. ~~Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and~~
 - viii. ~~Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.~~
- J. ~~An agreement in lieu of stormwater management plan shall conform to the Regulations and the County Stormwater Management Design Manual.~~

Sec. 79-21. ~~Comprehensive Stormwater Management Plans and Regional Stormwater Management Facilities~~

- A. ~~The Town may develop comprehensive stormwater management plans in accordance with 9VAC25-870-92 as a means to more effectively and efficiently address water quality objectives, quantity objectives, or both; through the implementation of regional stormwater management facilities.~~
- B. ~~Once a comprehensive stormwater management plan is adopted by the Town and approved by the Director of the Virginia Department of Environmental Quality, it is enforceable under this Ordinance.~~

- ~~C. Stormwater management plans for land disturbing activities located in areas that have a comprehensive stormwater management plan, adopted by the Town and approved by the Director of the Virginia Department of Environmental Quality, shall comply with the requirements of the comprehensive stormwater management plan.~~
- ~~D. If a proposed regulated land disturbing activity is located in a watershed that has a regional stormwater management facility currently constructed, and if the regional stormwater management facility is in accordance with a comprehensive stormwater management plan, the Town shall have the option to require the payment of a fee in lieu of providing a portion or all of the proposed regulated land disturbing activities stormwater management requirements. The fee in lieu shall be based on the reasonable proportion of stormwater impacts from the proposed regulated land disturbing activity compared to the total stormwater impacts that the regional stormwater management facility is designed to mitigate, multiplied by the total estimated project costs. The reasonable proportion of project costs shall be solely determined by the Town. Project costs include, but are not limited to, the costs of land, professional services for investigations, studies, design, environmental permitting, surveying, construction phase services, legal services, and construction. Project costs may also include Town staff costs for project development, design, construction, permitting, oversight, or other project activities; and other direct costs. Project costs shall also include the present value of the estimated operation and maintenance costs for the next 20 years, if the Town is responsible for the regional stormwater management facility's operation and maintenance.~~
- ~~E. The Town and any other party(ies) may mutually agree to share the costs of a regional stormwater management facility, in the absence of a comprehensive stormwater management plan. The fee in lieu shall be based on project costs apportioned to each party in reasonable proportion of each party's contribution to the total stormwater impacts that the regional stormwater management facility is designed to mitigate, as mutually negotiated.~~

Sec. 79-22. Stormwater Management Facility Maintenance Agreements

- ~~A. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance agreement that is executed by the property owner and submitted prior to plan approval and recorded by the Town in the County land records prior to permit termination. The maintenance agreement shall be binding on all subsequent property owners.~~
- ~~B. The property owner of the site shall execute an access easement agreement, prior to plan approval, to provide for access to stormwater management facilities at reasonable times for periodic inspection by the Town, or their contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Ordinance. The easement agreement shall be recorded in the County land records by the Town and it shall be binding on all subsequent property owners.~~

- ~~C. A stormwater management facility that serves more than one parcel shall be located on its own, separate parcel. The land owners of each parcel served by the stormwater management facility shall be jointly and severally responsible for the maintenance of the stormwater management facility through a formal maintenance agreement with the Town.~~
- ~~D. Responsibility for the operation and maintenance of stormwater management facilities, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements, acceptable to the Town, shall be made to pass the responsibility to successors in title. These arrangements shall designate for each land owner, governmental agency, or other legally established entity to be permanently responsible for maintenance.~~
- ~~E. As part of the maintenance agreement, a schedule shall be developed identifying anticipated routine maintenance, to be performed by the property owner, needed for proper function of the stormwater management facility. The maintenance agreement shall also include a schedule for periodic inspections, to be performed by the property owner, to ensure proper performance of the facility between scheduled routine maintenance activities, and it shall require repairs when needed for proper function of the SWMF. The maintenance agreement shall require that the property owner document routine maintenance, repair, and periodic inspection activities, maintain said documentation for five (5) years, and submit said documentation to the Town, if requested.~~
- ~~F. The maintenance agreement shall also include "failure to maintain" provisions. In the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health, safety, or the environment, the Town reserves the authority to perform the necessary maintenance or repair work and to recover the costs from the property owner. Nothing in this Ordinance shall be construed to mean that the Town has the responsibility to maintain privately owned SWMFs.~~
- ~~G. Prior to the release of the performance security or bond, the developer shall either (1) transfer the maintenance responsibilities of the stormwater management facilities to a Home Owners Association or (2) provide the Town with a maintenance security.~~
- ~~1. Requirements for Transfer of Maintenance Responsibilities to the Home Owners Association (HOA):~~
- ~~i. Submission of acceptable record drawings.~~
 - ~~ii. Acceptable final inspection of the stormwater management facility by the Town or their contractor or agent.~~
 - ~~iii. Transfer of the necessary property to the HOA.~~
 - ~~iv. Organize and hold a meeting attended by the developer, the Town, the County, and members of the HOA. Provide evidence to the Town that each member of the HOA was provided prior notice of the meeting. The meeting shall be held at a place and time convenient for members of the HOA.~~

- v. ~~Provide a copy of the recorded documents establishing the Home Owners Association to the Town.~~
- vi. ~~Provide the Town with evidence that the Home Owners Association is funded. Minimum funding shall be based on the following schedule:~~

~~1-20 lots = \$1,000
21-50 lots = \$1,500
51 and over = \$1500 + \$30 per lot over 50~~

2. ~~Requirements for Posting Maintenance Security.~~

- ~~i. The Town shall require a maintenance guaranty in the amount of twenty (20%) percent of the construction costs of the stormwater management facility.~~
- ~~ii. The maintenance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.~~
- ~~iii. If the Town takes such action upon such failure by the permittee, the Town may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.~~
- ~~iv. The maintenance agreement and security will be the responsibility of the permittee or owner until such time as the permittee or owner provides the Town with the necessary requirements for Transfer of Maintenance Responsibilities to the Home Owners Association as outlined above in (1).~~

Sec. 79-23. Performance Securities

- A. ~~The Town may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit, or other acceptable legal arrangement, all of which shall be in a form approved by the Town, prior to plan approval, in order to ensure that the stormwater practices are installed by the permittee, as required by the approved stormwater management plan.~~
- B. ~~Until July 1, 2017, the amount of the performance security shall be the total estimated construction cost of the storm drainage systems and stormwater management facilities approved under the permit, plus 10% contingency. After July 1, 2017, the amount of the performance security shall be the total estimated construction cost of the storm drainage systems and stormwater management facilities approved under the permit, plus 25% contingency. The amount of contingency is in accordance with Title 15.2, Chapter 22, Article 41 (§ 15.2-2241 et seq.) of the Code of Virginia (1950), as amended.~~
- C. ~~The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.~~

- ~~D. If the Town takes such action upon such failure by the permittee, the Town may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.~~
- ~~E. Within 60 days of the completion of the requirements of the permit conditions, including request for permit termination by the operator, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, will be refunded to the permittee or terminated.~~

Sec. 79-24. Fees

- ~~A. Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with the appropriate fee schedule established, updated and revised from time to time by the Vinton Town Council by resolution. VSMP costs include Town costs associated with stormwater management plan review, VSMP registration statement review, permit issuance, state coverage verification, inspections, reporting, and compliance activities associated with land disturbing activities, as well as state program oversight costs.~~
- ~~B. Fees for providing coverage under the General Permit for Discharges of Stormwater from Construction Activities shall be imposed in accordance with the appropriate fee schedule established, updated and revised from time to time by the Vinton Town Council by resolution. Fifty percent (50%) of the total fee shall be paid by the applicant at the time that a stormwater management plan, or agreement in lieu of a stormwater management plan, is submitted for review. The remaining total fee is to be paid by the applicant prior to issuance of coverage under the General Permit for Discharges of Stormwater from Construction Activities.~~
- ~~C. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to the fee schedule established, revised and updated from time to time by the Vinton Town Council by resolution.~~
- ~~D. Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with the fee schedule established, revised and updated from time to time by the Vinton Town Council by resolution. If the permit modifications result in changes to stormwater management plans that require additional review by the Town and County, such reviews shall be subject to the fee schedule established by the Vinton Town Council, as amended. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in accordance with the fee schedule established, revised and updated from time to time by the Vinton Town Council by resolution.~~

- ~~E. General permit maintenance fees: Annual permit maintenance fees required by 9VAC25-870-830 shall be imposed in accordance with the fee schedule established, revised and updated from time to time by the Vinton Town Council by resolution, including fees imposed on expired general permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. General permit coverage maintenance fees, for permits issued in a previous calendar year, shall be paid by April 1st of each year that it is in effect. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.~~
- ~~F. Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater from Construction Activities.~~
- ~~G. No permit application fees will be assessed to:~~
- ~~1. Permittees who request minor modifications to permits as defined in Section 23-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this section.~~
 - ~~2. Permittees whose permits are modified or amended at the initiative of the Department or Administrator, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.~~
- ~~H. All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The Town shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.~~
- ~~I. In addition to the fees contained on the fee schedule established, revised and updated by the Vinton Town Council by resolution the Town may collect convenience fees associated with processing credit card payments.~~

~~Sec. 79-25. Permit Application Procedure~~

- ~~A. Permit applications and the stormwater management plan, or agreement in lieu of a stormwater management plan, shall include all of the information required by this Ordinance and the Town/County Stormwater Management Design Manual.~~
- ~~B. No VSMP authority permit shall be issued until the maintenance agreement required in Section 79-22 is approved, performance securities required in Section 79-23 have been~~

~~submitted and accepted, and fees required to be paid, pursuant to Section 79-24, are received.~~

~~C. All applications will be processed in accordance with procedures set forth below and in the Town/County Stormwater Management Design Manual.~~

~~1. The Administrator shall determine the completeness of a plan in accordance with Section 79-17 of this Ordinance and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification will contain the reasons the plan is deemed incomplete.~~

~~2. The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed above, then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.~~

~~3. The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.~~

~~4. During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the applicant or his/her designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.~~

~~5. If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above, the plan shall be deemed approved.~~

~~D. Approved stormwater management plans may be modified, as follows:~~

~~1. Modification to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.~~

~~2. The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.~~

~~E. The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities.~~

~~Division 4. Exceptions to Stormwater Management Requirements~~

- A. ~~The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.~~
1. ~~Exceptions to the requirement that the land disturbing activity obtain the required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, unless it is duly approved by the Director of Environmental Quality.~~
 2. ~~Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.~~
 3. ~~Nothing in this section shall preclude an operator from constructing to a more stringent standard at their discretion.~~
- B. ~~The Administrator may grant an exception from provisions contained in the County Stormwater Management Design Manual when not reasonably achievable, provided that acceptable mitigation measures are provided.~~
- C. ~~Requests for an exception to the stormwater technical requirements shall be submitted in writing to the Administrator.~~

Division 5. — Property Owner Responsibilities for Drainage Ways

- A. ~~Drainage ways consist of natural watercourses, storm sewers, gutters, manmade channels, and other natural or manmade drainage paths.~~
- B. ~~Every person owning property through which a drainage way passes, or such person's lessee, shall keep and maintain that part of the drainage way within the property free of trash, debris, yard wastes, and other obstacles that could pollute, contaminate, or significantly retard the flow of water.~~
- C. ~~No person shall sweep, wash, or otherwise place dirt, trash, debris, yard wastes, or other materials in drainage ways where they could be picked up and carried off the person's property by stormwater runoff.~~
- D. ~~The property owner or such person's lessee shall maintain healthy vegetation to protect the drainage way from excessive erosion during storm events. Particular care shall be taken to maintain healthy bank vegetation along watercourses.~~

Division 6. — Construction Inspection

Sec. 79-26. — Notice of Construction Commencement

The permittee shall notify the Town in advance before the commencement of land disturbing activities. In addition, the permittee shall notify the Town in advance of construction of critical components of a stormwater management facility.

Sec. 79-27. — Periodic Construction Inspection

A. — The Administrator and/or his/her authorized agent shall periodically inspect the land-disturbing activity during construction for:

1. — Compliance with the approved erosion and sediment control plan;
2. — Compliance with the approved stormwater management plan, or executed agreement in lieu of a stormwater management plan;
3. — Development, updating, implementation with the pollution prevention plan;
4. — Development and implementation of any additional control measures necessary to address a TMDL.

B. — If the Town inspections find any violations, the permittee shall be notified in writing of the nature of the violation and the required corrective actions. No additional construction or land disturbing activity in the area of the violation shall proceed until any violations are corrected and all work previously completed has received approval from the Town and County. The permittee is responsible for maintenance and repair for all stormwater management facilities during construction.

C. — The person responsible for implementing the approved plan is required to provide adequate inspection monitoring and reports to ensure compliance with the approved plan, to determine whether the measures required in the plan provide effective stormwater management and to allow the registered professional to certify the record documents in accordance with Section 79-20. All permittee inspections shall be documented and written reports prepared that contain the following information:

1. — The date and location of the permittee inspection;
2. — Whether construction is in compliance with the approved stormwater management plan;
3. — Variations from the approved construction specifications;
4. — Corrective actions that have been taken to correct previous violations;

~~5. Any violations that exist; and.~~

~~6. The name and signature of the person who performed the inspection.~~

~~Permittee inspection documentation shall be organized chronologically and be stored with the SWPPP.~~

~~D. If the Town and County determine that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan in accordance with Article IX of this Ordinance.~~

Sec. 79-28. Final Inspection and Record Documentation

~~A. The permittee shall submit record drawings and supporting documentation for all stormwater management facility and storm drainage system associated with the project before final Town and County inspection. Record drawings and supporting documents shall comply with the requirements contained in the Town/County Stormwater Management Design Manual.~~

~~B. Receipt of record drawings and supporting documentation, final inspection and approval by the Town and County, execution and recordation of maintenance agreement, and permit termination is required before the release of performance securities.~~

~~C. If it is determined from the record drawings, or inspections, that the storm drainage systems and the stormwater management facilities have not been constructed in accordance with the approved stormwater management plan, then corrective action will be taken to comply with the approved Plan or the permittee shall provide studies and information required by the Town and County to demonstrate that the constructed system will function equivalent to the approved Stormwater Management Plan, and that all regulatory requirements are met.~~

Division 7. Post-Construction Inspection, Maintenance, and Repair of Stormwater Management Facilities

Sec. 79-29. Maintenance Inspections of Stormwater Management Facilities

~~A. Following the completion and acceptance of construction, the property owner is responsible for the maintenance and repair of stormwater structures and stormwater management facilities. The property owner shall ensure that proper maintenance and repair of stormwater structures and stormwater management facilities occur and that periodic inspection, maintenance, and repair are performed so that the structures and facilities operate properly. All inspection, maintenance, and repair activities, performed by the property owner shall be documented. Documentation shall be submitted to the Town, if requested.~~

- ~~B. Stormwater structures and stormwater management facilities that have recorded stormwater facility maintenance agreements shall be operated, inspected, maintained and repaired in conformance with the applicable performance requirements contained in the approved stormwater facility maintenance agreement.~~
- ~~C. Existing stormwater structures and stormwater management facilities that do not have a recorded stormwater facility maintenance agreement shall be operated, inspected, maintained and repaired as required for proper operation of the structures and facilities. Following are the minimum requirements for stormwater structures and stormwater management facilities that do not have a recorded stormwater facility maintenance agreement:~~
- ~~1. Stormwater structures and stormwater management facilities shall be inspected, by the property owner, after significant rainfall events that cause localized flooding, and at least annually.~~
 - ~~2. All structures and slopes shall be kept in a safe condition.~~
 - ~~3. The stormwater management facility shall be kept clear of grass clippings, cut brush, and other debris.~~
 - ~~4. All pipes and structures shall be kept clean and clear of debris that could decrease flow capacity.~~
 - ~~5. Sediment and silt that washes into stormwater management facilities shall be removed and properly disposed of when the sediment and silt builds up to the point that they adversely impact the facility's proper operation.~~
 - ~~6. Trees and other woody plants shall be cut and removed from embankment slopes annually.~~
 - ~~7. Trees and woody plants shall be cut and removed from non-embankment areas of a stormwater management facility as needed to avoid buildup of debris in the facility and to avoid a nuisance. Periodic cutting and brush removal shall occur at a frequency of at least once in three years.~~
 - ~~8. Landscaping and grass cover shall be maintained for proper operation and erosion control. Replace landscaping as required. Repair erosion and replace grass cover as required.~~
- ~~D. In addition to the inspections performed by the property owner, the Town and/or County will periodically inspect stormwater management facilities. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety, public health, or the environment, the Town shall notify the property owner by registered or certified mail. The notice shall specify the measures needed to comply and shall specify the time within which such measures shall be completed. If the~~

~~responsible party fails or refuses to correct the violation, the Town, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the property owner.~~

~~E. If stormwater management facility inspection requires entry into a confined space, or special equipment or training, then the Town may hire licensed professionals to perform the inspection, or it may require the property owner to hire a licensed professional to perform the inspection. The cost for any licensed professionals to perform the required inspection shall be paid by or recovered from the owner.~~

~~F. The Town and/or County will conduct post construction inspections of stormwater management facilities pursuant to the Town's developed, and State Board's approved inspection program and will inspect each stormwater management facility at least once every five (5) years.~~

Sec. 79-30. — Records of Inspection, Maintenance, and Repair

~~A. Property owners responsible for the operation and maintenance of stormwater management facilities shall make records of all inspections, maintenance, and repairs, and shall retain the records for at least five (5) years.~~

~~B. Upon request from the Town, property owners shall provide copies of records documenting property owner inspections, maintenance, and repairs.~~

Sec. 79-31 — 79-35. Reserved.

Division 8. — Hearings and Appeals

Sec. 79-36. — Hearings

~~A. Any permit applicant or permittee, or person subject to the requirements of this Ordinance, who is aggrieved by any action, of the Town in approving or disapproving any plans required by this Ordinance, or by any enforcement action taken pursuant to Article IX, shall have the right to request, in writing, a hearing to the Town Manager or his/her designee provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.~~

~~B. The hearing shall be held provided that the Town Manager and the aggrieved party has at least thirty (30) days prior notice.~~

~~C. A verbatim record of the proceedings of such hearings shall be taken and filed with the Vinton Town Council. Depositions may be taken and read as in actions at law.~~

~~D. The Town Manager, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of any witness without legal excuse to appear or to testify or to produce documents shall be acted upon~~

~~by the Town Manager whose actions may include the procurement of an order of enforcement from the Roanoke County Circuit Court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.~~

~~E. During its review, the Town Manager shall consider evidence presented by all parties. After considering the evidence, the Town Manager's decision shall be final.~~

Sec. 79-37. Appeals

~~Final decisions of the Town Manager, under this Ordinance, shall be subject to judicial review by the Roanoke County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of any permit applicant, permittee, or person subject to any enforcement action under this Ordinance.~~

Division 9. Enforcement and Penalties

Sec. 79-38. Violations

~~Any land disturbance activity that is commenced or is conducted contrary to this Ordinance or the approved plans or agreements and permit, may be subject to the enforcement actions outlined in this section and the Virginia Stormwater Management Act.~~

Sec. 79-39. Notice of Violation

~~A. If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply.~~

~~B. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.~~

~~C. If there is no permittee, the notices shall be issued to the property owner.~~

~~D. The notice of violation shall contain:~~

- ~~1. The name and address of the permittee, or if there is no permittee, the property owner;~~
- ~~2. The address when available or a description of the building, structure, or land upon which the violation is occurring;~~
- ~~3. A statement specifying the nature of the violation;~~

4. ~~A description of the remedial measures necessary to bring the land-disturbing activity into compliance with this Ordinance and a time schedule for the completion of such remedial action;~~
5. ~~A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed;~~
6. ~~A statement that the determination of violation may be appealed by filing a written notice of appeal within 30 days of service of notice of violation.~~

Sec. 79-40. — Stop Work Orders

- A. ~~If a permittee fails to comply with a notice issued in accordance with Section 79-39 within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all construction land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.~~
- B. ~~However, if the Administrator finds that any such violation presents an imminent and substantial danger of causing harmful stormwater runoff impacts to its MS4 system or waters within the watersheds of the Commonwealth, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may request the County Attorney to institute a proceeding for an injunction, mandamus, or other appropriate remedy.~~
- C. ~~This “stop work order” shall be in effect until the County confirms that the land-disturbing activity is in compliance with the requirements of this Ordinance and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by this Ordinance.~~

Sec. 79-41 — Civil and Criminal Penalties

- A. ~~Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in the Roanoke County Circuit Court to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy.~~

- ~~B. Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.~~
- ~~C. Violations for which a penalty may be imposed under this Subsection include, but are not limited to the following:~~
- ~~1. No state permit registration;~~
 - ~~2. No SWPPP;~~
 - ~~3. Incomplete SWPPP;~~
 - ~~4. SWPPP not available for review;~~
 - ~~5. No approved erosion and sediment control plan;~~
 - ~~6. Failure to install stormwater BMPs or erosion and sediment controls;~~
 - ~~7. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;~~
 - ~~8. Operational deficiencies;~~
 - ~~9. Failure to conduct required inspections;~~
 - ~~10. Incomplete, improper, or missed inspections; and~~
 - ~~11. Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.~~
- ~~D. The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.~~
- ~~E. In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.~~
- ~~F. Any civil penalties assessed by a court as a result of a summons issued by the Town shall be paid into the Town treasury to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the Town and abating environmental pollution therein in such manner as the court may, by order, direct.~~
- ~~G. With the consent of any person who has violated or failed, neglected or refused to obey this Ordinance or any condition of a permit, the Town may provide, in an order issued by~~

~~the Town against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subdivision B of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subdivision B.~~

~~H. Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of the Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not more than \$2,500, or both.~~

~~Sec. 79-42. Restoration of Lands~~

~~A. Any violator may be required to restore land to its undisturbed condition or in accordance with a notice of violation, stop work order, or permit requirements.~~

~~B. In the event that restoration is not undertaken within a reasonable time after notice, the Town may take necessary corrective action, the cost of which shall be covered by the performance security, or become a lien upon the property until paid, or both.~~

~~Sec. 79-43. Holds on Certificate of Occupancy~~

~~Final certificates of occupancy may not be granted until corrections have been made in accordance with the approved plans, notices of violation, stop work order, or permit requirements, and accepted by the Town and County.~~

~~Sec. 79-442 – 79-48. Reserved~~

ARTICLE II. EROSION AND SEDIMENT CONTROL AND STEEP SLOPE DEVELOPMENT

Sec. 79-49. Title, purpose and authority.

A. This chapter shall be known as the "Erosion and Sediment Control and Steep Slope Development Ordinance of the Town of Vinton, Virginia." The purpose of this chapter is to conserve the land, water, air and other natural resources of the county by establishing requirements for the control of erosion and sedimentation, and by establishing requirements for development of steep slopes, and by establishing procedures whereby these requirements shall be administered and enforced. This Chapter is authorized by the Code of Virginia, title 10.1, chapter 5, article 4 (§ 10.1-560 et seq.), known as the Virginia Erosion and Sediment Control Law.

B. Pursuant to Commonwealth of Virginia enabling legislation, Article 2.4, Chapter 3.1 of the Title 62.1; and Code of Chapter 756 and 793; Roanoke County is the local Virginia Erosion Sediment Control Program (VESCP) Authority within the county and the town, and regulates stormwater runoff from construction sites.

Sec. 79-50. Applicability of chapter in town.

The provisions of ~~this chapter~~ Roanoke County Code, Chapter 8.1, Erosion and Sediment Control, as amended from time to time, shall be applicable within the corporate limits of the town. Administrative procedures and review fees may be established to accommodate the review of plans for development located within the town.

Sec. 79-51. Definitions.

~~As used in this chapter, unless the context requires a different meaning:~~

~~“Agreement in lieu of a plan” means a contract between the plan approving authority and the owner which specifies conservation measures which must be implemented in all construction disturbing between 2,500 square feet and 5,000 square feet and/or 250 to 500 cubic yards; this contract may be executed by the plan approving authority in lieu of a formal site plan.~~

~~“Applicant” means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land disturbing activities to commence.~~

~~“Board” means the state soil and water conservation board.~~

~~“Certified inspector” means an employee or agent of a program authority who holds a certificate of competence from the board in the area of project inspection.~~

~~“Certified plan reviewer” means an employee or agent of a program authority who:~~

- ~~1. Holds a certificate of competence from the board in the area of plan review;~~
- ~~2. Is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (Code of Virginia, § 54.1-400 et seq.) of chapter 4 of title 54.1.~~

~~“Certified program administrator” means an employee or agent of a program authority who holds a certificate of competence from the board in the area of program administration.~~

~~“Clearing” means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.~~

~~“Conservation plan”, “erosion and sediment control plan” or “plan” means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.~~

~~“County” means the County of Roanoke.~~

~~“Denuded” means a term applied to land that has been physically disturbed and no longer supports vegetative cover.~~

~~“Department” means the department of conservation and recreation.~~

~~“Development” means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.~~

~~“Director” means the director of community development or his assignee.~~

~~“District” or “soil and water conservation district” refers to the Blue Ridge Soil and Water Conservation District.~~

~~“Dormant” refers to denuded land that is not actively being brought to a desired grade or condition.~~

~~“Erosion impact area” means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.~~

~~“Excavating” means any digging, scooping or other methods of removing earth materials.~~

~~“Filling” means any depositing or stockpiling of earth materials.~~

~~“Geotechnical report” means a report provided at the applicant's expense, prepared and stamped by a professional engineer, that communicates site conditions, and recommends design and construction methods.~~

- ~~1. The geotechnical report shall include any or all of the following basic information, as determined by the professional engineer:
 - ~~a. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and ground water information;~~
 - ~~b. Interpretation and analysis of the subsurface data;~~
 - ~~c. Specific engineering recommendations for design;~~
 - ~~d. Discussion of conditions for solution of anticipated problems; and~~
 - ~~e. Recommended geotechnical special provisions.~~~~
- ~~2. For guidance in investigating site conditions and preparing geotechnical reports, the professional engineer may refer to all applicable sections of: "Checklist and Guidelines for Review of Geotechnical Reports and Preliminary Plans and Specifications", US Department of Transportation, Federal Highway Administration Publication No. FHWA ED-88-053, as amended.~~

3. ~~The geotechnical report shall be submitted to the plan approving authority and included in site development files prior to issuance of a land disturbing permit.~~

~~“Grading” means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.~~

~~“Land disturbing activity” means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:~~

1. ~~Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;~~
2. ~~Individual service connections;~~
3. ~~Installation, maintenance, or repairs of any underground public utility lines when such activity occurs on an existing hard surfaced road, street or sidewalk provided such land disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced;~~
4. ~~Septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served by the septic tank system;~~
5. ~~Surface or deep mining;~~
6. ~~Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off site disposal areas;~~
7. ~~Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of chapter 11 (Code of Virginia § 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of Code of Virginia § 10.1-1163;~~
8. ~~Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;~~
9. ~~Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, article 2 (§ 10.1-604 et seq.) of chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;~~
10. ~~Disturbed land areas for all uses of less than 2,500 square feet and/or less than 250 cubic yards in size;~~
11. ~~Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;~~

12. ~~Emergency work to protect life, limb or property, and emergency repairs; provided that if the land disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan approving authority.~~

~~“Land disturbing permit” means a permit issued by the county for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.~~

~~“Local erosion and sediment control program” or “program” means an outline of the various methods employed by the county to regulate land disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.~~

~~“Owner” means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.~~

~~“Permittee” means the person to whom the permit authorizing land disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.~~

~~“Person” means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.~~

~~“Plan approving authority” means the department of community development which is responsible for determining the adequacy of a conservation plan submitted for land disturbing activities on a unit or units of lands and for approving plans.~~

~~“Post development” refers to conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.~~

~~“Pre-development” refers to conditions at the time the erosion and sediment control plan is submitted to the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment control plan for the initial phase is submitted for approval shall establish pre-development conditions.~~

~~“Program authority” means the county which has adopted a soil erosion and sediment control program approved by the board.~~

~~“Responsible land disturber” means an individual from the project or development team, who will be in charge of and responsible for carrying out a land disturbing activity covered by an approved plan or agreement in lieu of a plan, who:~~

- ~~1. Holds a responsible land disturber certificate of competence;~~
- ~~2. Holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection or plan review;~~
- ~~3. Holds a current contractor certificate of competence for erosion and sediment control; or~~
- ~~4. Is licensed in state as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (§ 54.1-400 et seq.) of chapter 4 of title 54.1.~~

~~“Single-family residence” means a noncommercial dwelling that is occupied exclusively by one family.~~

~~“Steep slope” means a slope greater than 3:1, or 33.3 percent.~~

~~“Stabilized” means an area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.~~

~~“State waters” means all waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdictions.~~

~~“Town” means the incorporated Town of Vinton.~~

~~“Transporting” means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.~~

~~**Sec. 79-52. Administration of chapter in conjunction with subdivision and zoning ordinances.**~~

~~This chapter shall be administered, where applicable, in conjunction with the county's subdivision and zoning ordinances wherein such apply to the development and subdivision of land within the county or where such apply to development on previously subdivided land within the county.~~

~~**Sec. 79-53. Local erosion and sediment control program.**~~

- ~~A. Pursuant to Code of Virginia § 10.1-562, the county hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the state soil and water conservation board and those more stringent local stormwater management criteria which the county board of supervisors, may adopt by resolution and incorporate into the manual of regulations and policies entitled "Design and Construction Standards Manual"~~

~~for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.~~

- ~~B. The county hereby designates the director of community development or his assignee as the plan approving authority.~~
- ~~C. The program and regulations provided for in this chapter shall be made available for public inspection at the office of the department of community development.~~
- ~~D. Pursuant to Code of Virginia § 10.1-561.1, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land disturbing activities shall be conducted by a certified inspector. The erosion control program of the county shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.~~

~~Sec. 79-54. Regulated land disturbing activities; submission and approval of plans; contents of plans.~~

- ~~A. Except as provided herein, no person may engage in any land disturbing activity until he or she has submitted to the department of community development an erosion and sediment control plan for the land disturbing activity and such plan has been approved by the plan approving authority. Where land disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board for review and approval rather than to each jurisdiction concerned.
 - ~~1. Where the land disturbing activity results in between 2,500 square feet and 5,000 square feet and/or 250 to 500 cubic yards of disturbed area, an "agreement in lieu of a plan" may be substituted for an erosion and sediment control plan if executed by the plan approving authority.~~
 - ~~2. Where the land disturbing activity results in between 5,000 square feet and 10,000 square feet and/or 500 to 750 cubic yards of disturbed area, either a plot plan prepared by a certified responsible land disturber or an engineered plan prepared by a professional engineer showing the erosion and sediment control measures must be submitted and executed by the plan approving authority. A certified responsible land disturber must be named.~~
 - ~~3. Where the land disturbing activity results in 10,000 square feet or more and/or 750 cubic yards or more of disturbed area, an erosion and sediment control plan must be submitted which has been prepared by a professional engineer. For disturbed areas of less than 10,000 square feet, refer to the chart below to determine requirements for the site.~~~~

Square Feet	And/Or	Cubic Yards	Requirements
2,500		0	Exempt from E&S Plan; *building permit plot plan required
2,500—5,000		250—500	"Agreement in Lieu" of a plan; permit fee; *building permit plot plan required
5,000—10,000		500—750	Certified RLD, *building permit plot plan by a certified RLD or a P.E.; permit fee
10,000		>750	RLD, Erosion and sediment control plan prepared by a P.E.; agreement; surety; *building permit plot plan, if required by the building commissioner

- ~~B. —*Refer to the Virginia Uniform Statewide Building Code for Building Permit Plot Plan Requirements.~~
- ~~C. —If lots in a subdivision are sold to another owner, that person is responsible for obtaining a certified responsible land disturber and submitting a plot plan for each lot to obtain an erosion and sediment control permit.~~
- ~~D. —The standards contained with the "Virginia Erosion and Sediment Control Regulations," and The Virginia Erosion and Sediment Control Handbook and those more stringent local stormwater management criteria which the board of supervisors of the county, may adopt by resolution and incorporate into the manual of regulations and policies entitled "Design and Construction Standards Manual" are to be used by the applicant when making a submittal under the provisions of this chapter and in the preparation of an erosion and sediment control plan. In cases where one standard conflicts with another, the more stringent applies. The plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. The plan approving authority may waive or modify any of the regulations that are deemed inappropriate or too restrictive for site conditions by granting a variance under the conditions noted in 4VAC50-30-50 of the Virginia Erosion and Sediment Control Regulations.~~
- ~~E. —The plan approving authority shall grant written approval within 45 days of the receipt of the plan, if it is determined that the plan meets the requirements of the local control program, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this chapter.~~

~~When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify the modifications, terms and conditions that will permit approval of the plan. If no action is taken by the plan approving authority within the time specified above, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.~~

~~F. — Responsible land disturber requirement. As a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority, as provided by section 10.1-561, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity (the responsible land disturber). Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this chapter.~~

~~However, the plan approving authority may waive the certificate of competence for an "agreement in lieu of a plan" for construction of a single family residence meeting the requirements in 15.21-3 of this chapter. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the "agreement in lieu of a plan" shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by section 10.1-561 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this chapter and may result in penalties provided in this chapter.~~

~~G. — An approved plan may be changed by the plan approving authority when:~~

- ~~1. — The inspection reveals that the plan is inadequate to satisfy applicable regulations;
or~~
- ~~2. — The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the plan approving authority and the person responsible for carrying out the plan.~~

~~H. — In order to prevent further erosion, the county may require approval of a conservation plan for any land identified in the local program as an erosion impact area.~~

~~I. — When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion control plan shall be the responsibility of the owner.~~

~~J. — Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment~~

~~control specifications annually with the Board for review and written comments. The specifications shall apply to:~~

- ~~1. Construction, installation or maintenance of electric transmission, natural gas and telephone utility lines, and pipelines; and~~
- ~~2. Construction of the tracks, rights of way, bridges, communication facilities and other related structures and facilities of the railroad company.~~

~~Individual approval of separate projects within subdivisions (1) and (2) of this subsection is not necessary when board approved specifications are followed, however, projects included in subdivisions (1) and (2) must comply with board approved specifications. Projects not included in subdivisions (1) and (2) of this subsection shall comply with the requirements of the county erosion and sediment control ordinance.~~

~~The board shall have 60 days in which to approve the specifications. If no action is taken by the board within 60 days, the specifications shall be deemed approved. The board shall have the authority to enforce approved specifications.~~

~~K. State agency projects are exempt from the provisions of this chapter, pursuant to Code of Virginia, § 10.1-564.~~

~~L. If the grade of a site is more than 33.3 percent, refer to the International Building Code for steep slope development requirements.~~

~~M. Cut slopes or fill slopes shall not be greater than 2:1 (horizontal:vertical), unless a geotechnical report is provided for the proposed slopes.~~

~~N. Cut slopes or fill slopes shall not be greater than 25 vertical feet in height, unless a geotechnical report is provided for the proposed slopes. Cut slopes or fill slopes less than or equal to 3:1 (horizontal:vertical) may exceed 25 vertical feet in height and shall not require a geotechnical report.~~

~~O. For any cut slopes or fill slopes greater than or equal to 2:1 (horizontal:vertical) and greater than or equal to 25 vertical feet in height, as built plans showing that the finished geometry is in substantial conformity with the design shall be provided to the plan-approving authority.~~

~~P. Fill materials, compaction methods and density specifications shall be indicated on the site development plans. Fill areas intended to support structures shall also be indicated on the site development plans. Compaction test results (per VDOT standards) shall be submitted to the plan approving authority.~~

~~Q. Development plans for all new subdivisions shall show proposed lot grades to ensure positive drainage.~~

Sec. 79-55. — Permits; fees; bonding; etc.

- A. — ~~Agencies authorized under any other law to issue grading, building, or other permits for activities involving land disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.~~
- B. — ~~No person shall engage in any land disturbing activity until he has acquired a land disturbing permit, unless the proposed land disturbing activity is specifically exempt from the provisions of this chapter, and has paid the fees and posted the required bond.~~
- C. — ~~Fees. An applicant requesting permission to begin land disturbing activity pursuant to this article shall pay the following fees to cover the administrative expense of review, permitting, and inspection.~~

Square Feet	And/Or	Cubic Yards	Fees	Cap	Requirement
<2,500		<250	\$0.00		None
2,500 — 5,000		250 — 500	\$25.00		In lieu of agreement
5,000 — 10,000		500 — 750	\$50.00		Responsible land disturber
>10,000		>750	\$100.00 + \$100/disturbed acre or portion	\$500.00	Certified inspector for project
>10,000		>750	\$100.00 + \$100/disturbed acre or portion		No certified inspector for project

- D. — ~~Bond. All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the director of community development or his assignee, to ensure that measures could be taken by the county at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land disturbing activity. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.~~

~~Within 60 days of adequate stabilization and completion of all other site requirements, as determined by the director of community development or his assignee, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated.~~

~~E. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.~~

~~Sec. 79-56. Monitoring, reports, and inspections.~~

~~A. The county may require the person responsible for carrying out the plan and/or the responsible land disturber to monitor and maintain the land disturbing activity. The responsible land disturber will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.~~

~~B. The department of community development shall periodically inspect the land disturbing activity as required under the state program to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection. If the director of community development or his assignee determines that there is a failure to comply with the plan or if the plan is determined to be inadequate, notice shall be served upon the permittee, person responsible for carrying out the plan or the responsible land disturber by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land disturbing activities to the agent or employee supervising such activities.~~

~~The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee shall be deemed to be in violation of this chapter and, upon conviction, shall be subject to the penalties provided by this chapter.~~

~~C. Upon determination of a violation of this chapter, the director of community development or his assignee may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.~~

~~If land disturbing activities have commenced without an approved plan or proper permits, the director of community development or his assignee may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all of the land disturbing and/or construction activities be stopped until an approved plan or any required permits are obtained. Failure to comply will result in civil penalties as outlined in section 15.1-9 of this chapter.~~

~~Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court.~~

~~If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the director of community development or his assignee may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the county.~~

~~The owner may appeal the issuance of an order to the circuit court of the county. Any person violating or failing, neglecting or refusing to obey an order issued by the director of community development or his assignee may be compelled in a proceeding instituted in the circuit court of the county to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the director of community development or his assignee from taking any other action authorized by this chapter.~~

~~Sec. 79-57. Penalties, injunctions, and other legal actions.~~

~~A. — Violators of this chapter shall be guilty of a class I misdemeanor.~~

~~B. — Civil penalties:~~

- ~~1. — A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:~~
 - ~~a. — Commencement of land disturbing activity without an approved plan as provided in section 8.6-1 shall be \$1,000.00/day.~~
 - ~~b. — Vegetative measures — Failure to comply with items (1), (2) and (3) of the minimum standards shall be \$100.00/violation/day.~~
 - ~~c. — Structural measures — Failure to comply with items (2), (4), (9), (10), (11), (15) and (17) of the minimum standards shall be \$100.00/violation/day.~~
 - ~~d. — Watercourse measures — Failure to comply with items (12), (13) and (15) of the minimum standards shall be \$100.00/violation/day.~~
 - ~~e. — Underground utility measures — Failure to comply with item (16)a. and/or c. shall be \$100.00/violation/day.~~
 - ~~f. — Failure to obey a stop work order shall be \$100.00/day.~~

~~g. Failure to stop work when permit revoked \$100.00/day.~~

~~2. Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000.00, except that a series of violations arising from the commencement of land disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.00. The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.~~

~~C. The director of community development or his assignee may apply to the circuit court of the county to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.~~

~~D. In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the county in a civil action for damages.~~

~~E. Civil penalty enumerated. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000.00 for each violation. A civil action for such violation or failure may be brought by the county. Any civil penalties assessed by a court shall be paid into the treasury of the county, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.~~

~~F. With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the county may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (b)(2) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (b) or (e).~~

~~G. The county's attorney shall, upon request of the county or the permit issuing authority, take legal action to enforce the provisions of this chapter.~~

~~H. Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.~~

~~Sec. 79-58. Appeals and judicial review.~~

~~Any applicant under the provision of this chapter who is aggrieved by any action of the county or its agent in disapproving plans submitted pursuant to this chapter shall have the right to apply for~~

~~and receive a review of such action by the county board of supervisors. In reviewing the agent's actions, the board of supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the board of supervisors' decision shall be final, subject only to review by the circuit court of the county. Any applicant who seeks an appeal hearing before the board of supervisors shall be heard at the next regularly scheduled board of supervisors' public hearing provided that the board of supervisors and other involved parties have at least 30 days prior notice.~~

~~Final decisions of the county under this chapter shall be subject to review by the county circuit court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities.~~

~~Sec. 79-59. Civil violations, summons, generally.~~

~~A. The director shall prepare an appropriate erosion and sediment control civil violation summons for use in enforcing the provisions of this chapter.~~

~~B. Any inspector of the plan approving authority charged with enforcing this chapter shall serve upon any owner or permittee in violation of this chapter, a summons notifying the owner or permittee of said violation. If unable to serve the owner or permittee in person, the inspector may notify by summons an owner or permittee committing or suffering the existence of a violation by certified, return receipt requested mail, of the infraction. The county sheriff's office may also deliver the summons. The summons shall contain the following information:~~

- ~~1. The name and address of the person charged.~~
- ~~2. The nature of the violation and chapter provision(s) being violated.~~
- ~~3. The location, date, and time that the violation occurred, or was observed.~~
- ~~4. The amount of the civil penalty assessed for the violation.~~
- ~~5. The manner, location, and time that the civil penalty may be paid to the county.~~
- ~~6. The right of the recipient of the summons to elect to stand trial for the infraction and the date of such trial.~~

~~C. The summons shall provide that any person summoned for a violation may, within five days of actual receipt of the summons or, within ten days from the date of mailing of the summons, elect to pay the civil penalty by making an appearance in person, or in writing by mail to the county treasurer's office and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.~~

~~D. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the county shall cause the sheriff of county to serve the summons on the person charged in the manner prescribed by law. The violation shall be tried in general district~~

~~court in the same manner and with the same right of appeal as provided for in title 8.01 of the Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the county to show the liability of the violator by the preponderance of the evidence. Any admission of liability, or finding of liability shall not be a criminal conviction for any purpose.~~

~~E. The remedies provided for in this section are cumulative, and are not exclusive and, except as provided above, shall be in addition to any other remedies by law.~~

~~F. The owner or permittee may pay the civil penalty to the treasurer prior to the trial date, provided he also pays necessary court costs in addition to the civil penalty.~~

~~G. Within the time period prescribed in (c), above, the owner or permittee, may contest the violation by presenting it to the director, who shall certify the contest in writing, on an appropriate form, to the general district court.~~

~~H. Failure to pay the civil penalty, or to contest the violation, within the time period prescribed in (C), above, shall result in the immediate issuance of a stop work order and the revocation of the permit, if any.~~

Sec. 79-6051 - 79-64. Reserved

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon adoption.

This Ordinance 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

April 19, 2016

Department

Planning and Zoning

Issue

Consider adoption of a Resolution authorizing the Interim Town Manager to execute the necessary documents, including a deed, for the Roanoke County dedication of an eighty (80) foot wide greenway easement to the Town for the purpose of completing the Glade Creek Greenway Phase 2 Project.

Summary

Council was briefed on the dedication of the eighty (80) foot wide greenway easement at their April 5, 2016 meeting. On April 12, 2016, the County of Roanoke Board of Supervisors held a public hearing and approved the ordinance authorizing the granting of the greenway easement to the Town of Vinton.

Attachment

Deed of Easement for the Glade Creek Greenway
Resolution

Recommendations

Motion to adopt Resolution

Prepared by:
Peter S. Lubeck
Senior Assistant County Attorney
VSB #71223
Roanoke County Attorney's Office
5204 Bernard Drive; P.O. Box 29800
Roanoke, Virginia 24018

Prepared by the Office of the Roanoke County Attorney
Roanoke County Tax Map Parcel #60.11-04-17.00

THIS CONVEYANCE IS EXEMPT FROM RECORDATION TAXES AND FEES PURSUANT TO §§ 58.1-811(A)(3), 58.1-811(C)(4), 17.1-266, AND 17.1-279(E) OF THE CODE OF VIRGINIA (1950), AS AMENDED.

THIS DEED OF EASEMENT, is entered into this _____ day of _____, 2016, by the COUNTY OF ROANOKE, VIRGINIA, a political subdivision of the Commonwealth of Virginia, hereinafter called "Grantor," and the TOWN OF VINTON, VIRGINIA, a political subdivision of the Commonwealth of Virginia, hereinafter called "Grantee," with an address of 311 S. Pollard Street, Vinton, Virginia 24179.

WITNESSETH:

WHEREAS, the Glade Creek Greenway is a developing bicycle and pedestrian trail identified in the regionally approved Roanoke Valley Conceptual Greenway Plan endorsed by the City of Roanoke, County of Roanoke, City of Salem, and Town of Vinton; and

WHEREAS, the 2007 Roanoke County Comprehensive Master Plan for Parks and Facilities identified the development of greenways and trails as a high priority desired by citizens in Roanoke County; and

WHEREAS, the Glade Creek Greenway is envisioned to run from Tinker Creek to Vinyard Park and the Blue Ridge Parkway; and

WHEREAS, an easement is needed for the Glade Creek Greenway ("Public Access Trail") across portions of the Grantor's properties designated as Roanoke County Tax Map Parcel No. 60.11-04-17.00, containing 11.335 acres, more or less, situated in the Vinton Magisterial District, Roanoke County, Virginia; and

WHEREAS, Grantee has requested, and the Grantor has agreed to, the conveyance of a perpetual greenway easement, being eighty feet (80') in width containing 2.0596 acres, herein

referred to as "Easement," to the Grantee for the purposes of construction, operation, and maintenance of the Greenway;

NOW THEREFORE, FOR AND IN CONSIDERATION of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor hereby GRANTS and CONVEYS with General Warranty and Modern English Covenants of Title unto the Grantee, its successor and assigns, the following Easement, in the Vinton Magisterial District, County of Roanoke, Virginia, to wit:

A PERPETUAL 80 FOOT WIDE GREENWAY EASEMENT, consisting of 89,718 square feet, more or less, to construct, improve, operate, inspect, use, monitor, maintain, repair, or replace a Public Access Trail upon, over, through, and across Lot A-1A belonging to the Grantor, as depicted on that certain plat titled "Easement Plat for Board of Supervisors Roanoke County," prepared by Frank B. Caldwell, III, L.S., dated February 24, 2016, of record in the Clerk's Office of the Circuit Court of Roanoke County, Virginia as Instrument Number 201601665.

Said Easement shall be subject to the terms and conditions stated below.

1. Grantor hereby grants to Grantee and the general public free access to and use of the Public Access Trail within the Easement subject to the laws and ordinances of Roanoke County, for the purposes including but not limited to: walking, jogging, hiking, bicycle riding, horseback riding, and nature study. There shall be no access by Grantee or the public at-large granted by this Easement to any property of the Grantor other than the Easement and Public Access Trail. The general public shall have no right to construct or improve any portion of the Easement and Public Access Trail.

2. Grantee shall have the perpetual right to install and maintain improvements, the right to go on, over and upon the said Easement for the purposes of installing, maintaining, repairing and replacing the improvements necessary for the Public Access Trail.

3. Public access with any type of motor vehicle, including but not limited to motorcycles, four-wheel drives, motor bikes, mopeds, ATVs, and snowmobiles, shall be prohibited, except to the extent vehicles are necessary for accessibility (Americans with Disabilities Act of 1990), construction, inspection, emergency calls, maintenance, or reconstruction of the Public Access Trail within the Easement area by the Grantee.

4. Grantor, its successors and assigns, shall be considered the fee owner of the Easement for purposes of determining development density standards under applicable zoning and land use regulations.

5. Grantor shall retain the right to use the land subject to the Easement in any manner which shall not interfere with the use and enjoyment of said Easement for recreational access to the Public Access Trail.

6. Grantor shall not erect any building, fence, sign, guardrail, or other structure over the Easement so as to render the Easement inaccessible, except that fences and gates for control of livestock may be erected and/ or maintained with the mutual consent of the Grantor and Grantee. In the event that this covenant is violated, Grantee shall not be obligated to repair, replace, or otherwise be responsible for such improvements if damaged or removed.

7. There shall be no excavation or dredging, or dumping of ashes, garbage, waste, brush or other unsightly or offensive material on the Easement or Public Access Trail.

8. Any construction by the Grantor of roads or driveways within the Easement area or crossing the Public Access Trail must be approved by the Grantee and designed in coordination with the Grantee to facilitate a safe and convenient crossing of the road by Public Access Trail users.

9. Grantor shall have no maintenance responsibility whatsoever of the Public Access Trail within the Easement.

10. Grantee may erect within the Easement markers, kiosks, litter receptacles, vehicle control barriers, benches, bridges, signage, fences, and gates, as deemed necessary for preservation of the Easement, use of the Public Access Trail, and safety of the Public Access Trail users. No other building or above grade structure shall be constructed by Grantee or Grantor without written permission of Grantor.

11. There shall be no removal, destruction, or cutting of trees within the Easement area except as may be performed by Grantee or its agent for maintenance of the Public Access Trail, reduction of hazard, flood control, good husbandry practice, or prevention or treatment of disease without the consent of Grantor, which shall not be unreasonably withheld.

12. Grantee and its agents shall have the right to inspect the Easement and to cut, clear, and remove all undergrowth, obstructions, or improvements lying within or upon the Easement that in any way endanger or interfere with the proper use of the same.

13. Grantee shall have the right and duty to ensure maintenance of the Public Access Trail for as long as it holds the Easement rights hereunder.

14. Grantee agrees that the Easement shall not be open to the public until such time as construction of the Public Access Trail is completed.

15. Grantor agrees that the terms, conditions, and restrictions of this Easement will be inserted by it in any subsequent deed or other legal instrument by which it divests itself of either the fee simple title to, or of its possessory interest in, the subject property.

16. The parties confirm and agree that Grantee may convey, transfer, and assign this Easement and its interest and rights acquired herein to a governmental or public entity for construction, operation, and maintenance of the Glade Creek Greenway.

17. Should Grantee or its assigns cease to develop, operate, or maintain the Public Access Trail, Grantor may request that the Easement be vacated.

WITNESS the following signature and seal:

GRANTOR:
THE COUNTY OF ROANOKE, VIRGINIA

_____ (SEAL)
By: Thomas C. Gates
County Administrator

COMMONWEALTH OF VIRGINIA)
COUNTY OF ROANOKE) to-wit

The foregoing instrument was acknowledged before me this __ day of _____, 2016,
by Thomas C. Gates, County Administrator, on behalf of Roanoke County, Virginia, Grantor.

Notary Public
Commission expires: _____
Registration No.: _____

Barry W. Thompson, Interim Town Manager of the Town of Vinton, Virginia, hereby joins in the execution of this instrument to signify acceptance by the Town of Vinton, Virginia, of the Easement conveyed herein pursuant to Virginia Code § 15.2-1803, which acceptance was approved by Town Council by action on the ____ day of _____, 2016.

GRANTEE:
TOWN OF VINTON, VIRGINIA

_____ (SEAL)

COMMONWEALTH OF VIRGINIA)
COUNTY OF ROANOKE) to-wit

The foregoing instrument was acknowledged before me this __ day of _____, 2016, by Barry W. Thompson, Interim town Manager, on behalf of Town of Vinton, Virginia, Grantee.

Notary Public
Commission expires: _____
Registration No.: _____

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, APRIL 19, 2016, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

WHEREAS, on October 20, 2015, Vinton Town Council adopted a resolution authorizing staff to submit FY 2017-2018 MAP-21 TA program grant application for the construction of Phase 2 of Glade Creek Greenway, from Walnut Avenue to Gus Nicks Boulevard; and

WHEREAS, the Phase 2 portion of the greenway will be located along Glade Creek on Town-owned property and County-owned property, formerly owned by the Roanoke County School Board and known as the Old William Byrd High School/Roanoke County Career Center; and

WHEREAS, Roanoke County has agreed to donate the proposed greenway easement to the Town which runs parallel to Glade Creek on the western portion of the property adjacent to Vale Avenue and the total eighty (80) foot wide greenway easement area is 2.0596 acres (89,718 square feet) and extends 0.20 mile in length; and

WHEREAS, the estimated total project cost for Glade Creek Greenway Phase 2 is \$526,210.00. Grant funding in the amount of \$417,710.00 was submitted, with the remaining funding of \$108,500.00 to be provided by local match for administration of the project and drainage improvements, Pathfinders for Greenways and other volunteer organizations. The donation of the greenway easement by Roanoke County will also serve as an in-kind match for the Project; and

WHEREAS, Town Council finds it to be in the best interest of the Town of Vinton to accept the donation of said greenway easement from Roanoke County.

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

1. The Interim Town Manager is hereby authorized, for and on behalf of the Town, to execute and attest, respectively, the necessary documents, including a deed, accepting the donation of the greenway easement described herein.
2. All documents necessary to accomplish this acceptance shall be in a form approved by the Town Attorney.
3. This resolution shall be effective from and after the date of its adoption.

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

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Fire & EMS

Issue

Consider adoption of a Resolution appropriating funds in the amount of \$2,616.64 for the receipt of an insurance claim made on a generator at the Vinton Fire Department.

Summary

On June 17, 2015 a generator at the Vinton Fire Department was damaged as a result of lightning. The proper insurance filing was made with the VML Insurance Programs and a check has been issued in the amount of \$2,616.64. The generator was repaired by Carter Machinery Company, Inc. at a cost of \$5,116.64 and it is requested that Vinton Town Council appropriate the funds to offset the cost of said repair.

Attachments

Invoice from Carter Machinery
Resolution

Recommendations

Motion to adopt Resolution

Carter



Carter Machinery Company, Inc.

Remit To: Carter Machinery Company, Inc.
 P.O.Box 751053
 Charlotte, NC 28275-1053

Inquiries: Salem (Power Systems Division)
 971 Russell Dr, Salem, VA 24153
 800.228.7971

INVOICE
 0120529/

← Please reference this number on remittance

SOLD TO:

SHIP TO:

*
 TOWN OF VINTON
 311 S POLLARD ST
 VINTON, VA 24179-2531

DOC TYPE	INVOICE NUMBER	INVOICE DATE	CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	STORE	DIV	SALESMAN	TERMS	PAGE
SIN2	0120529	08-19-15	092029	FIRE DEPT.	19	E	369	2	1
PSOWO NUMBER			PC	LC	MC	SHIP VIA		INV SEQ NO.	
1970895			10	10	10			8966870	
MAKE	MODEL	PIN / SERIAL NUMBER		EQUIPMENT NUMBER	METER READING		MACH ID NO		
AO	3000	381629-007			1.0				
QUANTITY	ITEM	N/R		DESCRIPTION	UNIT PRICE		EXTENSION		

*** INVOICE SUMMARY ***

IF YOU HAVE QUESTIONS PLEASE CONTACT MICHAEL BEAR
 540-562-5133 OR 800-228-7971

VINTON FIRE DEPARTMENT

TRAVEL TO/FROM JOB

TOWN OF VINTON
 REPAIR TRANSFER SWITCH
 11/6/15 REQUEST FOR PAYMENT
 REPLACE INSTR PANEL/CONTROL PANEL

Item Description	Amount	LABOR INVOICE TOTAL	MATERIALS CHARGES INVOICE TOTAL	TOTAL
Lubrication Service to Generator	\$5,116.64	200 - 320	350	105.24 T
			ENVIRONMENT CHG.	

P.O. No. _____ Completion: Partial PARTIAL INVOICE

Receipt for Goods/Services: *[Signature]* *[Signature]*

Remarks:

11-07-15A09:25 RCVD

Carter makes no warranty, express or implied, as to any matter except as provided in its separate statement of "Warranties and Disclaimers" reprinted on the reverse side hereof or available online at www.CarterMachinery.com/notices.

MACHINE AND RENTAL INVOICES ARE DUE UPON RECEIPT, UNLESS OTHERWISE STATED. PARTS AND SERVICE INVOICES ARE DUE ON OR BEFORE 10th OF MONTH FOLLOWING DATE OF PURCHASE. ANY ACCOUNT NOT PAID BY 30th OF MONTH FOLLOWING PURCHASE WILL BE PAST DUE AND A FINANCE CHARGE WILL BE COMPUTED BY A SINGLE PERIODIC RATE OF 2% PER MONTH WHICH IS AN ANNUAL PERCENTAGE RATE OF 24%.

PAY THIS AMOUNT	5116.64
AMOUNT CREDITED	

view Invoices and Statements online @ www.CarterMachinery.com



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Police

Issue

Consider adoption of a Resolution appropriating funds in the amount of \$2,959.55 for the receipt of an insurance claim made on a 2009 Dodge Charger (Unit 1137) of the Police Department.

Summary

On February 22, 2016, a 2009 Dodge Charger (Unit 1137) of the Police Department, struck a deer causing damage to the front passenger side panel, front and rear passenger side doors and the front passenger side mirror and windshield was shattered. The Town's insurance carrier, VML Insurance Programs, has issued a check in the amount of \$2,959.55, which is the estimate from Buddy's Auto Body, Inc. to repair said vehicle less the \$500.00 deductible.

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, APRIL 19, 2016 AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA 24179.

WHEREAS, on February 22, 2016, Unit 1137 was damaged during a collision with a deer; and

WHEREAS, the proper insurance filing was made with the VML Insurance Programs and has been received into the Revenue Account 200.1901.001– Recoveries and Rebates in the amount of \$2,959.55; and

WHEREAS, in order for the repair work to be completed, it is necessary for the Vinton Town Council to appropriate the funds from the Revenue Account 200.1901.001- Recoveries and Rebates to the Police Department Operating Budget Account Number 200.3101.304 - Maintenance and Repair of Equipment.

NOW, THEREFORE, BE IT RESOLVED that the Vinton Town Council does hereby approve the following accounting transaction and authorizes the Police Department to pay for the repair work to Vehicle Unit 1133.

FROM:

200.1901.001	Recoveries and Rebates	\$2,959.55
---------------------	-------------------------------	-------------------

TO:

200.3101.304	Maintenance and Repairs-Equipment	\$2,959.55
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This Resolution was 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

April 19, 2016

Department

Administration

Issue

Consider adoption of a Resolution approving a loan to ANBAJA Enterprises, Inc. in the amount of \$25,000.00 from the CDBG Revolving Loan Fund.

Summary

ANBAJA Enterprises, Inc. as lessee has applied for the Revolving Loan Program for 111 South Pollard Street. The principal owners of the company are Joseph Andrew Bishop, Barry L. Robertson and Jason M. Bishop. They are requesting loan funds to make interior improvements and purchase supplemental equipment. The total loan amount is \$25,000.00. All work that is being considered is within the parameters of the Revolving Loan Program Guidelines that was approved by Council.

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, APRIL 19, 2016 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

WHEREAS, the Town of Vinton received funds from the Virginia Department of Housing and Community Development through their Community Development Block Grant (CDBG) Program to do revitalization improvements to the downtown area of Vinton; and

WHEREAS, a portion of the CDBG money is to be used to set up a \$100,000 Revolving Loan Fund to be used in the downtown area by business and property owners; and

WHEREAS, ANBAJA Enterprises, Inc., lessee of 111 South Pollard Street, has applied for \$25,000.00 to make interior improvements and purchase supplemental equipment; and

WHEREAS, the request conforms to the stipulations set forth in the Revolving Loan Program Guidelines; and

WHEREAS, the Loan Review Committee has reviewed the loan request and voted to recommend the loan to Town Council for funding.

NOW THEREFORE, BE IT RESOLVED, that the Vinton Town Council does hereby grant a loan to ANBAJA Enterprises, Inc. the amount of \$25,000.00 from the CDBG Revolving Loan Fund with interest at the prime rate in effect on April 19, 2016 and a loan repayment schedule of 84 months.

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

April 19, 2016

Department

Administration

Issue

Consider adoption of a Resolution approving a loan to S.A.S.S. Properties, L.L.C. in the amount of \$29,000.00 from the CDBG Revolving Loan Fund.

Summary

S.A.S.S. Properties, L.L.C. has applied for the Revolving Loan Program for 103 E. Lee Avenue. The principal owners of the company are R. Stephen Brown, Ann C. Brown, Stephanie R. Brown-Mead and Stacie A. Brinkley. They are requesting loan funds to construct a new façade on the building and to remove and re-install a lighted sign. The total loan amount is \$29,000.00. All work that is being considered is within the parameters of the Revolving Loan Program Guidelines that was approved by Council.

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, APRIL 19, 2016 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

WHEREAS, the Town of Vinton received funds from the Virginia Department of Housing and Community Development through their Community Development Block Grant (CDBG) Program to do revitalization improvements to the downtown area of Vinton; and

WHEREAS, a portion of the CDBG money is to be used to set up a \$100,000 Revolving Loan Fund to be used in the downtown area by business and property owners; and

WHEREAS, S.A.S.S. Properties, L.L.C., owner of 103 E. Lee Avenue, has applied for \$29,000.00 to construct a new façade on the building and to remove and re-install a lighted sign; and

WHEREAS, the request conforms to the stipulations set forth in the Revolving Loan Program Guidelines; and

WHEREAS, the Loan Review Committee has reviewed the loan request and voted to recommend the loan to Town Council for funding.

NOW THEREFORE, BE IT RESOLVED, that the Vinton Town Council does hereby grant a loan to S.A.S.S. Properties, L.L.C. in the amount of \$29,000.00 from the CDBG Revolving Loan Fund with interest at the prime rate in effect on April 19, 2016 and a loan repayment schedule of 84 months.

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

April 19, 2016

Department

Human Resources

Issue

Consider adoption of a Resolution authorizing the renewal of the Town of Vinton Employees' group health insurance coverage with The Local Choice Program for the contract year July 1, 2016 through June 30, 2017.

Summary

- Premium increase of 8.9%
- Town will still offer same policies: Key Expanded and Key 500 Plans
- Changes within the current policies
 - Applied Benefit Analysis services will now be covered through age 10 due to House Bill 1940

Plans with Comprehensive Dental Coverage					Plans with Preventive Dental Coverage				
EXPANDED BENEFITS PLAN					EXPANDED BENEFITS PLAN				
		2016-2017 Rate	2016/2017 TOWN	2016/2017 EMPLOYEE			2016-2017 Rate	2016/2017 TOWN	2016/2017 EMPLOYEE
	E	700.2	639	60.98		E	686.1	632	54.45
	E+1	1296	975	321.3		E+1	1270	962	308.2
	Family	1891	1059	832		Family	1852	1040	812.4
500 - PLAN					500 - PLAN				
	E	599	599	0		E	584.8	585	0
	E+1	1109	968	140.5		E+1	1081	955	126.3
	Family	1617	1051	566.3		Family	1579	1032	546.7

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO

AT A REGULAR MEETING OF VINTON TOWN COUNCIL HELD ON TUESDAY, APRIL 19, 2016 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

WHEREAS, the Town of Vinton has participated in the State's group health insurance program (The Local Choice Health Benefits Program) since July 1, 1990; and

WHEREAS, each year, participants of the program are required to submit a renewal acceptance to the Virginia Department of Human Resource Management for the new contract year.

NOW, THEREFORE, BE IT RESOLVED, that the Vinton Town Council does hereby authorize renewal of the Town of Vinton Employees' group health insurance coverage with the State of Virginia (The Local Choice Program) for the contract year July 1, 2016 through June 30, 2017.

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

April 19, 2016

Department

Finance/Treasurer

Issue

Financial Report for February 2016

Summary

The Financial Report for the period ending February 29, 2016 has been placed in the Town's Dropbox and on the Town's Website.

The Finance Committee met on April 13, 2016 to discuss this report and will make a presentation to Council at their Regular Meeting.

Attachments

February 29, 2016 Financial Report Summary

Recommendations

Motion to approve the February 2016 Financial Report

Financial Report Summary
 Month Ending February 29, 2016

THE TOWN OF
VINTON
 VIRGINIA



	Adopted Budget	Revised YTD Budget	MTD	YTD Posted	REMAINING BALANCE	%
General Fund 200						
Revenues	8,977,318	4,522,752	876,911	4,668,763	146,011	103%
Accrued Revenue Adjustment			292,707	292,707		
Total Adj. Revenues	8,977,318	4,522,752	1,169,617	4,961,470	438,718	110%
Expenditures	8,977,318	5,151,903	531,818	5,015,157	(136,746)	97%
Revenues over/(under) Expenditures		(629,151)	637,799	(53,687)		
Utility Fund 300						
Revenues	3,618,150	2,267,648	477,379	2,409,615	141,967	106%
Bond Series 2013		0	0	0	0	
Operating Revenues	3,618,150	2,267,648	477,379	2,409,615	141,967	106%
Expenditures	3,618,150	2,174,882	290,668	1,971,494	(203,387)	91%
Bond Series 2013	0	0	9,355	68,811	68,811	
Operating Expenditures	3,618,150	2,174,882	281,313	1,902,684	(272,198)	87%
Revenues over/(under) Expenditures		92,766	196,065	506,931		
Total All Funds						
Revenues	12,595,468	6,790,399	1,646,996	7,371,084	580,685	109%
Expenditures	12,595,468	7,326,784	813,131	6,917,841	(408,944)	94%
Revenues over/(under) Expenditures		(536,385)	833,864	453,244		



Town Council Agenda Summary

Meeting Date

April 19, 2016

Department

Council

Issue

Appointments to Boards/Commissions/Committees

Summary

Council needs to nominate and appoint for the following:

Roanoke Valley Resource Authority

Joey M. Hiner to the unexpired term ending December 31, 2019 to replace Gary W. Woodson

Western Virginia Regional Industrial Facility Authority

Richard W. Peters, Jr. to the unexpired term ending February 3, 2020 to replace Gary W. Woodson

Attachments

None

Recommendations

Nominate individuals and motion to approve