

Bradley E. Grose, Mayor  
Matthew S. Hare, Vice Mayor  
Keith N. Liles, 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, October 18, 2016**

**AGENDA**

Consideration of:

- A. 7:00 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM**
- VINTON TOWN COUNCIL
  - VINTON PLANNING COMMISSION
- B. MOMENT OF SILENCE**
- C. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG**
- D. UPCOMING COMMUNITY EVENTS/ANNOUNCEMENTS**
- E. REQUESTS TO POSTPONE, ADD TO OR CHANGE THE ORDER OF AGENDA ITEMS**
- F. CONSENT AGENDA**
1. Consider approval of minutes of regular Council meeting of September 20, 2016.
  2. Consider approval of minutes of regular Council meeting of October 4, 2016.
- G. AWARDS, INTRODUCTIONS, PRESENTATIONS, PROCLAMATIONS**
1. Preview of the upcoming General Assembly Session – **Delegate Christopher T. Head**
  2. Officers of the Month for September – **Chief Tom Foster**
  3. Report on the Vinton Volunteer First Aid Crew for September – **Chief Wayne Guffey**
- H. CITIZENS' COMMENTS AND PETITIONS - This section is reserved for comments and questions for issues not listed on the agenda.**
- I. JOINT PUBLIC HEARING WITH VINTON PLANNING COMMISSION**
- a. Consideration of public comments regarding the joint petition of Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by

approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners. They also requested that this undeveloped portion of the right-of-way never to be used as a street or road to any other property at any time in the future.

- a. Open Public Hearing
  - Report from Staff – **Anita McMillan**
  - Receive public comments
  - Council discussion and questions
- b. Close Public Hearing
- c. Planning Commission to make a recommendation
- d. Council to consider adoption of an Ordinance

**J. ADJOURNMENT OF VINTON PLANNING COMMISSION**

**K. PUBLIC HEARINGS**

1. Consideration of public comments regarding the request from Audley Robinson, 222 Highland Road, to purchase the vacated and undeveloped portion, 25 feet wide by 138.52 feet long (3,463 square feet) of Glencoe Street right-of-way.
  - a. Open Public Hearing
    - Report from Staff – **Karla Turman**
    - Receive public comments
    - Council discussion and questions
  - b. Close Public Hearing
  - c. Council to consider adoption of an Ordinance
2. Consideration of public comments regarding a proposed ordinance to grant a fifteen (15) year Telecommunications Franchise to Lumos Networks, Inc. commencing on October 18, 2016.
  - a. Open Public Hearing
    - Report from Staff – **Town Manager**
    - Receive public comments
    - Council discussion and questions
  - b. Close Public Hearing
  - c. Council to consider adoption of an Ordinance

**L. TOWN ATTORNEY**

**M. BRIEFING**

1. Briefing on the proposed Performance Agreement with Waukeshaw Development Inc., and the Roanoke County Economic Development Authority as part of an Economic Development Incentive Package to redevelopment of the former William Byrd High School.

**N. ITEMS REQUIRING ACTION**

1. Consider adoption of a Resolution to approve an application for an allocation of funds up to \$200,000 to be matched through the Virginia Department of Transportation Fiscal Year 2017-2018 Revenue Sharing Program – **Joey Hiner**
2. Consider adoption of a Resolution appropriating funds in the amount of \$3,265.09 for the receipt of an insurance claim made on a Dodge Charger (Unit 1137) of the Police Department – **Chief Tom Foster**

3. Consider adoption of a Resolution appropriating funds in the amount of \$44,582.00 for the purchase of a replacement vehicle in the Police Department – **Chief Tom Foster**

**O. TOWN MANAGER**

**P. MAYOR**

**Q. COUNCIL**

**R. 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/COMMITTEE MEETINGS:**

**October 24, 2016** – 8:00 a.m. – Council Strategic Planning Retreat – Vinton War Memorial

**October 25, 2016** – 7:30 a.m. – Public Works Committee Meeting – Public Works Conference Room – 804 3<sup>rd</sup> Street

**November 1, 2016** – 7:00 p.m. – Council Meeting – Council Chambers



## **Town Council Agenda Summary**

### **Meeting Date**

October 18, 2016

### **Department**

Town Clerk

### **Issue**

1. Consider approval of minutes of regular Council meeting of September 20, 2016.
2. Consider approval of minutes of regular Council meeting of October 4, 2016.

### **Summary**

None

### **Attachments**

September 20, 2016 minutes  
October 4, 2016 minutes

### **Recommendations**

Motion to approve minutes

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 6:30 P.M. ON TUESDAY, SEPTEMBER 20, 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  
Keith N. Liles  
Sabrina McCarty  
Janet Scheid

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

**The Mayor called the Work Session to order to** hear a briefing on aspects of public transit service provided to the Town of Vinton by GRTC d/b/a Valley Metro. Carl Palmer, General Manager for Valley Metro, commented that the focus of his presentation is to share information on ridership and cost indicators over the past four years, some cost containment initiatives and some conceptual service modifications. The Mayor commented that it had been suggested that this Work Session be followed up with another Work Session to review the information that Mr. Palmer will be providing.

Mr. Palmer next shared his PowerPoint presentation in connection with the Valley Metro Service to the Town. (A copy of the presentation is on file in the Town Clerk's Office and will be made a part of the permanent record.)

With regard to the cost containment initiatives for the STAR Route, Mr. Palmer commented that hiring a third party for eligibility determination did not materialize because it was cost prohibitive. Council Member Scheid asked if it would be possible to ask the individuals who are using this service to recertify themselves every so many years. Mr. Palmer responded they now have a

staff member who is dedicated full-time to monitor the service. They are taking an average of 60 new applicants each month with a lot of the referrals being Rehab Centers and Nursing Homes. As they are entering these facilities, they are automatically determined to be eligible for the service, but many of them do not use it. They also need to look at those who were granted eligibility on a temporary basis and have them re-evaluated.

The monthly pass program for the STAR Route is also being monitored for the number of rides per person and a way to come up with a statistically fair limit on rides, per month, per person. Council Member Scheid asked if it was legal to eliminate the monthly pass altogether and Mr. Palmer responded yes because the regulations do not address monthly passes. If they are silent on any regulations, then by default they have no opinion on the subject and it is a matter of local policy. However, if that step is taken, there would be a considerable amount of fall-out. Council Member Scheid then asked if the monthly pass could be eliminated for the STAR Route and kept it for the Fixed Route. Mr. Palmer responded that since it was not addressed in the regulations, then one does not have to be in parity with the other.

Council Member Scheid next asked if the purpose of the trips could be an option of the monthly pass. Mr. Palmer responded that under the regulations it would not be legal because of its comparability to the Fixed Route service in terms of accessibility to any need. For example, during inclement weather or heavy snow, they focused on dialysis and similar medical treatments which may have proved to be life-threatening. They sought a legal opinion from the Federal Transit Administration on the issue. The opinion stated that as long as it was for a specified period of time, it was allowed, but it could not be done for an undetermined period of time because it is a form of discrimination.

They are also exploring the idea of free rides for individuals with disabilities on the Fixed Route. Council Member Scheid commented that she understood that currently a disabled rider is able to pay half of the fare on the Fixed Route and Mr. Palmer responded that was correct. Council Member Scheid then commented that the

proposal would be to take the fare to zero to try and encourage more people to transfer from STAR Route to the Fixed Route.

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

Roll call

**Under upcoming community events, Council Member McCarty** announced the Fall Festival on October 8<sup>th</sup> along with the Breakfast Lions Club pancake breakfast. Anita McMillan announced the Fall Waterways Clean-up on October 1<sup>st</sup> and the Roanoke Valley Greenway annual picnic on October 23<sup>rd</sup> in the area of the Twin Creeks Brewery and the Farmers' Market.

**Under requests to postpone, add to or change** the order of agenda items, the Town Manager commented that there was a revision to the Cover Sheet for Item 2 under the Briefing section of the agenda and a revision to the Resolution for Item 1 under the Items Requiring Action section which have been provided to Council.

**Council Member Liles made a motion to** approve the Consent Agenda; the motion was seconded by Council Member McCarty and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Approved minutes of the Regular meeting of September 6, 2016

**Chief Foster announced that Danny Cox had** been hired as a new Officer with the Department. He then recognized Officer Michael Giles in his promotion to Corporal in August.

**Donna Collins, Human Resources Director,** announced that Sam Landes and David Holmes are two new employees in the Public Works Department.

**The next item on the agenda was a report on** the Vinton Volunteer First Aid Crew for August. Chief Guffey reported the volunteer truck hours were 533 out of a possible 468 for 114%. The truck was marked up 86% for ALS and 14% BLS. They responded to 90 out of 109 calls and

handled 84. The fractile response time was 10.17 and they had 1,519 man hours for the month. He also reported they have 40 members currently on roll. They have just added four new members and have seven prospects in the application process.

Vice Mayor Hare asked if a report or chart could be created to show each month and the trends for the entire year. Chief Guffey responded that he could provide such a report.

**The next item on the agenda was the** consideration of public comments regarding the joint petition of County of Roanoke and Waukeshaw Development, Inc., for a rezoning of the former William Byrd High School properties, from R-2 Residential to MUD Mixed Use Development District, in order for the properties to be redeveloped to residential units with supporting recreational and civic uses. The properties are located at 100 and 156 Highland Road, Vinton, Virginia, Tax Map Numbers 060.11-04-17.00 and 060.11-04-20.00.

The Mayor opened the Public Hearing at 7:21 p.m.

Public Hearing opened

Anita McMillan first commented that the two parcels are located off Gus Nicks Boulevard and Highland Road. In 2014, Roanoke County advertised a Request for Proposal to develop the property similar to the one they did for the former Roland E. Cook School. The Roland E. Cook property was rezoned to Mixed Use Development District and the redevelopment is underway on that property.

The proposal is to convert the main building and the annex building into at least 77 apartment units, but not to exceed 90 units. Based on the Mixed Use Development, they are requesting for the off-street parking spaces to be 1.5 per unit. The property is currently zoned R-2, which does not allow for multi-family under the definition of three or more units. The proposed use of the maintenance building has not been determined, but Mixed Use will allow flexibility. Also, the auditorium of the existing main building could also be used for civic or recreational use. The properties to the west of these parcels are zoned R-2 and R-3 and the properties across from the main building are zoned either R-1, Residential, or M-1, Industrial.

A tour of the building was conducted on August 15<sup>th</sup>

followed by an open house at the War Memorial. Council was briefed at their August 16<sup>th</sup> meeting.

With regard to the future land use, the lower lot was designated when the Vinton Area Corridor Study was done as recreation due to the fact that a majority of the property was either located in the floodway or floodplain area. The three buildings are located outside the 100 years floodplain.

The conceptual plan as submitted with the rezoning request shows 127 off-street parking spaces for the apartment units. Roanoke County as one of the petitioners and Mr. McCormack are aware that once they know the use for the auditorium and exactly how many units are to be built, the additional off-street parking spaces will be required. These can be addressed during the site plan review process.

At the open house, several concerns were brought up by the adjoining property owners which were included with the staff report. Those concerns basically relate to safety especially with regard to exiting Highland Road or turning onto Highland Road. They have requested that the Town consider decreasing the speed limit from 35 mph to 25 mph along Gus Nicks Boulevard and the installation of flashing signs to warn motorists. They also commented that in the past there was a road between the two parcels which ran from Highland Road to Gus Nicks Boulevard and requested that the developer consider opening this road back up.

The Planning Commission had their Public Hearing in September and they voted unanimously to recommend approval of the rezoning of the two parcels.

Roanoke County has submitted to the Virginia Department of Historic Resources an application for the building to be designated as a historic building. They tentatively have been approved on the first round. Mr. McCormack would like to use historic tax credits to develop this property to make it financially feasible.

Wayne Guffey asked what the plans were for the basketball court inside the building. Ms. McMillan responded that it will be converted into apartment units. The only section that will not be converted

into apartment units is the auditorium. William Booth asked if the name of the complex had been chosen and Mr. McCormack responded not yet.

Ms. McMillan commented on the concerns from Alan and Katye Hale that were a part of the staff report. Ms. Hale, who was present, commented that they were very excited about the development and hoped that as the process moves forward that their concerns with safety remain forefront in everyone's minds. They would like to see the road opened back up so they could enter and exit from the north side of the school. The visibility is better at the lower entrance.

Roanoke County Board of Supervisors Chairman Jason Peters expressed appreciation to Council for their openness to renovating this school, the Roland E. Cook school, the Macado's restaurant in the former library branch, the support of the new library branch and other future projects. Together the County and the Town are accomplishing a lot of great things. He also expressed appreciation to the Town and the County staff for all of their hard work.

Council Member Scheid asked for a clarification of the number of units that will be built. Mr. McCormack commented that working in an historic building there are so many challenges and they are trying to make the project work from a logistical standpoint while at the same time complying with the historic standards. When the layout was first done, they wanted to see if it was workable to run a pro-forma to get financing and spend the energy and time to move forward to the next step. If approved, they will get into taking more specific measurements of the entire building. It is difficult for a developer to spend a lot of money early on and then find out that the Town was not interested in the project. That is why there is a range. If they find theoretically they can do 90 units in the building, but do not have enough parking, then they will scale it back. They have found financing for the project through the Virginia Credit Union out of Richmond.

Vice Mayor Hare commented that the safety issues do need to be addressed during the process. Council Member Liles, Council Member McCarty and the Mayor also commented on the project and expressed appreciation to Roanoke County for their

partnership.

After further discussion, the Mayor closed the Public Hearing at 7:45 p.m.

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

**The next item on the agenda was a briefing on** a request from Mr. Audley Robinson, 222 Highland Road, to purchase the vacated and undeveloped portion, 25 feet wide by 138.52 feet long (3,463 square feet) of Glencoe Street right-of-way. Anita McMillan commented that in 1993 the 50 feet wide by 138.52 feet long portion of undeveloped right-of-way was vacated and half went to Mr. Robinson and the other half went back to the Town to be a part of Gearheart Park. Mr. Steve Robinson on behalf of his brother, Audley Robinson, has requested that the Town consider selling the 25 feet wide by 138.52 feet long portion to his brother for the purpose of installing a handicapped ramp and to relocate the existing driveway.

Ms. McMillan indicated she had consulted with the Town Attorney and they will have to notify the adjoining property owners and advertise it once. It would be very expensive to have an appraisal done of the property, so staff used the assessment value of Gearheart Park as the basis for figuring a purchase value of \$1,281.31 of the 3,463 square feet. Mr. Robinson has been advised that he will be responsible for the costs of the surveying, the plat, all of the recording costs and the legal advertisement.

Council Member Scheid asked if a portion of Mr. Robinson's gravel driveway was currently on the property. Ms. McMillan responded yes and it has been like that since back in the 1980's.

Council Member Scheid next asked if Gearheart

Public Hearing closed

Adopted Ordinance No. 978 rezoning the former William Byrd High School properties, from R-2 Residential to MUD Mixed Use Development District, in order for the properties to be redeveloped to residential units with supporting recreational and civic uses. The properties are located at 100 and 156 Highland Road, Vinton, Virginia, Tax Map Numbers 060.11-04-17.00 and 060.11-04-20.00

Park is maintained by the Town. Ms. McMillan responded that Roanoke County maintains the building and the property. Council Member Scheid next commented that the property was very steep and she thought it would be difficult for him to do anything with it without putting a retaining wall or some severe cuts. She asked if there had been any involvement with Roanoke County in terms how that would affect the park. Ms. McMillan commented that if the property is going to be vacated, all the adjoining property owners would be contacted, which will include Roanoke County.

The Town Attorney commented that Mr. Robinson will be using this property to meet the required setback and he is not going to actually build on the property. Ms. McMillan commented that he wants to make sure that the addition will meet the setback and will only be doing the driveway on the new portion.

After discussion regarding whether Mr. Robinson should be required to pay a purchase price for the property, the Town Manager commented that he would prefer for there to be a purchase price for the property along with the other costs. Council gave their consensus that the Town should be paid for the property.

The sale of this property does not have to go before the Planning Commission. The Public Hearing will be held by Council at their October 18, 2016 meeting.

**The next item on the agenda was a briefing on** the proposed application for allocation of Virginia Department of Transportation (VDOT) SMART SCALE funds for the Walnut Avenue Improvements Project. Joey Hiner first made comments on the paper alleys in the Town and Vice Mayor Hare suggested that the matter be discussed by the Public Works Committee.

Mr. Hiner next commented that the Town desires to submit an application through the VDOT SMART SCALE program for Walnut Avenue improvements to include sidewalks, bike lanes or shared-use paths, curb and gutter, signage and lighting concentrating to the north of Walnut Avenue from the Farmer's Market Stage to the new bridge to the west. The original proposed project to be submitted

was for the area to the west of the bridge and extending to Roanoke City.

Council Member Scheid asked why the 8<sup>th</sup> Street intersection would not work for this application. Mr. Hiner commented that in the beginning the Walnut Avenue Improvement Project included the corridor from the west corporate line up to Lee Avenue to include this intersection. When the funding changed, the Town chose to do the bridge. At that time VDOT did a lot of the professional engineering work. Now, they require the Town to do more of the background work and staff thought more had been done, but it did not go any further than just the concept. The Town Manager commented that an assessment needs to be done of the intersection and that is why they decided to submit this part in 2018 after they have a better understanding of what we need to do with that intersection.

Vice Mayor Hare asked if the plan is to do both sides of Walnut Avenue. Mr. Hiner responded that it will be both sides where needed with more concentration on the north side. On the south side particularly from 4<sup>th</sup> Street to where the bridge project ended will need the most attention. With regard to the area between 2<sup>nd</sup> and 3<sup>rd</sup> where there are a lot of commercial businesses, VDOT's recommendation is putting a sidewalk there would not be conducive to the businesses that are currently there, but perhaps painting a walkway through there would work. On the opposite side there can be something more continuous and we can decide where we can put in drive-way aprons to control the access.

The Town Manager commented that the Mountain View Road rebuild will be submitted as a separate project in 2018 along with the west end of Walnut Avenue. Mr. Hiner commented that the Mountain View project would probably come under the RSTP funds as opposed to the SMART SCALE since SMART SCALE does not cover road rebuilding.

Vice Mayor Hare commented that when we consider rebuilding Mountain View, we need to take into consideration the money that was spent to have the roads prioritized and make sure that we are not jumping in front of those priorities.

Vice Mayor Hare asked how much we would be applying for through the SMART SCALE Program.

Mr. Hiner commented that they will be giving an estimate. Staff will also need to decide if they are going to administer or ask VDOT to administer. If VDOT is going to administer, then they will add their cost to the estimate.

The Mayor commented that he would like to see the new lighting included to make that area more attractive for businesses.

**The next item on the agenda was to consider** adoption of a Resolution authorizing the Town Manager to file an application for allocation of Virginia Department of Transportation (VDOT) SMART SCALE funds for the Walnut Avenue Improvements Project. Council was furnished with an Amended Resolution which changed the Scope of the project to be submitted. Vice Mayor Hare made a motion to adopt the Amended Resolution as presented; the motion was seconded by Council Member Liles and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Adopted Amended Resolution No. 2168 authorizing the Town Manager to file an application for allocation of Virginia Department of Transportation (VDOT) SMART SCALE funds for the Walnut Avenue Improvements Project

**The next item on the agenda was to consider** adoption of a Resolution appropriating funds in the amount of \$3,265.09 for the receipt of an insurance claim made on a Dodge Charger (Unit 1137) of the Police Department. Chief Tom Foster commented that there have been some delays with the other party's insurance company and asked that the Resolution be tabled to a future meeting. Vice Mayor Hare made a motion to table the Resolution as presented; the motion was seconded by Council Member McCarty and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Resolution tabled to a future meeting

**The Town Manager commented that a letter** was sent to Debra Brogan who addressed Council at their last meeting concerning issues on Bexhill Drive. The construction debris has been removed, the street has been swept, and the "No Outlet" sign has been ordered and will be placed as soon as received. With regard to the paving, the street will be added to the list for consideration as part of next year's paving schedule.

He also commented on the trash cans that have been placed in the Downtown area and that the

benches and planters will be placed this week.

**The next item on the agenda was the Financial Reports for July 2016.** Vice Mayor Hare commented that the Finance Committee met on September 12<sup>th</sup> and discussed the July financial statement. We were almost on target with the General Fund revenues. It is hard to know with one month what the trends are with expenditures. The Utility Fund is up over budget and is slightly under in spending.

The Stormwater Fund which was set up to start tracking expenditures incurred approximately \$11,000 in July. The purpose is to show the true costs versus using estimates. At this point they are planning to transfer \$300,000 from the General Fund into the Stormwater Fund. If at some point a revenue stream is created to fund these expenses, then the \$300,000 will go back to the General Fund. The Town Manager commented that by the end of this fiscal year, we should have a better handle on what are actually stormwater expenses. Vice Mayor Hare asked Anne Cantrell to provide a proper balance sheet for the Stormwater Fund for the next Finance Committee meeting.

With regard to the War Memorial, he reported that at the end of the fiscal year, the subsidy increased over the budget as well as over last year. It was \$153,000 and the budget subsidy was \$104,000. Last year the subsidy was \$130,000. This was a year of transition and the subsidy was due to some prior decisions that were made. Without that, the subsidy probably would have been \$115-125,000. Council needs to decide at some point what they are willing to subsidize. Council Member Scheid commented that staff has requested that Council decide what they can live with and then staff can adjust to that cost.

Vice Mayor Hare next commented that they reviewed the Volunteer First Aid Crew request for their quarterly funding and it was approved. Also, they reviewed a request to consider a proposal from another company for a lease of the cell tower on 3<sup>rd</sup> Street and the Committee decided not to accept the offer and continue with the company that currently has a lease. They also discussed Valley Metro.

There is a current policy on uniform reimbursements of an allowance for detectives of \$500 per year. After discussion about some concerns from a tax standpoint and to make record keeping easier, the Committee recommended that they give them a lump sum payment.

Vice Mayor Hare made a motion to approve the Financial Report for July 2016; the motion was seconded by Council Member Scheid and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Approved financial report for July 2016

**The Mayor commented on the success of the Drug Cartel training session at the War Memorial and all of the positive feedback.** Chief Foster commented that the company that did the training stated it was the most organized training they had ever been a part of and expressed their gratitude to the Town. He extended congratulations to Lieutenant Mark Vaught upon his retirement from the Police Department after 34 years.

**Comments from Council: Council Member Liles congratulated Council Member Scheid on receiving the A. Victor Thomas Environmental Stewardship Award given by the Blue Ridge Land Conservancy.** Council Member McCarty expressed appreciation to Vice Mayor Hare and Council Member Scheid for serving on the Finance Committee. Council Member Scheid expressed thanks to Carl Palmer for his presentation on Valley Metro and requested a work session at the next Council meeting for further discussion. Vice Mayor Hare made further comments regarding Valley Metro. He also commented on the cuts made on Virginia Avenue by Roanoke Gas and requested the Town Manager to contact them.

**Council Member Scheid made a motion to adjourn the meeting;** the motion was seconded by Vice Mayor Hare and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None. The meeting was adjourned at 9:05 p.m.

Meeting adjourned

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Susan N. Johnson, Town Clerk

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, OCTOBER 4, 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  
Keith N. Liles  
Sabrina McCarty  
Janet Scheid

STAFF PRESENT: Barry W. Thompson, Town Manager  
Susan N. Johnson, Executive Assistant/Town Clerk  
Susan Waddell, Town Attorney  
Anne Cantrell, Interim Finance Director  
Anita McMillan, Planning & Zoning Director  
Joey Hiner, Public Works Director  
Tom Foster, Police Chief  
Chad Helms, Fire/EMS Captain

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

Roll call

**Under upcoming community events, Council Member McCarty** reminded everyone of the Fall Festival this Saturday. She also announced a Prayer Walk on October 15<sup>th</sup> starting at Vinton Baptist Church at 10:30 a.m. and the Zombie Walk on October 22<sup>nd</sup> at the Farmer's Market. Council Member Scheid announced the Roanoke Valley Greenway annual picnic on October 23<sup>rd</sup> starting at 3:30 p.m. at the Farmer's Market and new Twin Creeks Brewing Company. The Mayor announced that on November 6<sup>th</sup> there will be a special event for Veterans at the Memorial.

**The next item on the agenda was a Proclamation** for Fire Prevention Week. Council Member Scheid read the Proclamation. Vice Mayor Hare asked Captain Chad Helms if there were any more smoke alarms available at the Fire Department for citizens. Captain Helms responded that they do still have the alarms donated by the Lions Club available along with some fire extinguishers.

**The next item on the agenda was a briefing on the** joint petition of Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners. They also requested that this undeveloped portion of the right-of-way never to be used as a street or road to any other property at any time in the future.

Anita McMillan first commented that a summary of the history of this request was provided in the Staff Report as part of the agenda package.

In January of 2013 Mr. and Mrs. Overbay, the property owners in the City of Roanoke submitted a subdivision plat showing access to the property from Daleview Drive, which is an undeveloped right-of-way located in the Town. Staff contacted the City of Roanoke and was advised they had waived several of the requirements of the subdivision since there was no access from the City. The only access was from Daleview Drive or from Olney Road located to the north of the parcel.

During several discussions on the matter, concerns were expressed by staff that Daleview Drive had never been developed and there were two existing driveways located on that portion of the undeveloped right-of-way. In addition, the parcel itself was located in the City of Roanoke and there was concern as to what would happen to the existing driveways and if the road would be constructed to certain standards.

The Overbays next submitted a request to vacate Daleview Drive along with signed statements from the Slighs and the Quams stating that they were in agreement to giving them a right-of-way in the middle of Daleview Drive. The Slighs and Quams attended the Planning Commission Public Hearing and expressed concerns about how the Daleview Drive would be developed and that they were not properly informed of the intentions of the Overbays to develop the property. The Overbays' asked for their request to be withdrawn that evening.

Several discussions took place between the Town Attorney and the Overbays' attorney with regard to having a license agreement for the use of Daleview Drive. The Slighs and Quams submitted another request to have the property vacated and deeded to them. However, after the Overbays would not agree to the terms of the license agreement, the attorney for the Slighs and Quams withdrew their request and asked for it to be tabled.

In June, the Overbays went ahead and subdivided the lot and the recorded plat provided with the agenda shows that the two lots are to be accessed from Olney Road, not from Daleview Drive. Not only will Lots 1 and 2 be accessed from Olney Road, Lot 2 will have an access easement coming from Lot 1. There is also a waterline easement provided coming from Olney Road.

The request to vacate has been advertised in The Vinton Messenger last week and will be advertised again this Thursday. There will be a joint Public Hearing of the Planning Commission and Council on October 18<sup>th</sup>. The adjoining property owners have been notified. One came to the office and one called and neither had a problem with the request. Michael Henderson has purchased two of the lots and he contacted our office and indicated he does not want the undeveloped right-of-way to be vacated and will be attending the Public Hearing. The City of Roanoke Director of Planning and Community Development called and indicated that Mr. Henderson had asked for the City to oppose the request, but the City does not have any comment because the right-of-way is in the Town.

Council Member Scheid asked why Mr. Henderson would object to the vacating of Daleview Drive if he does not plan to use it. Ms. McMillan responded because Daleview Drive is the closest access to his two lots and any construction vehicles can use it as opposed to going down Olney Road. The Mayor asked if the Daleview Drive were opened, would it not be a responsibility of the Town to maintain it. Ms. McMillan responded that was correct.

Council Member Scheid next asked when the driveways were built on the Town property. Mr. Quam responded that he purchased the lot in 1972 and built the house and put the driveway in. Mr. Cundiff told him to put it wherever he wanted to in the road. Council Member Scheid then asked Mr. Quam if he

knew at that time he was putting the driveway on Town property. Mr. Quam responded yes. Council Member Scheid next commented the Quams and Slighs have had their driveways on Town property for 44 years. Mr. Sligh commented that they bought the house in 1992 and the driveway was already there. Council Member Scheid then commented that in 1972 when Mr. Quam built his driveway and Mr. Cundiff said it was okay, it was not Mr. Cundiff's property and he did not have the right to tell Mr. Quam that he could build it there.

Vice Mayor Hare commented that if Daleview Drive is vacated then it is closed forever. Mr. Sligh commented that he and Mr. Quam have maintained Daleview Drive and kept it mowed twice a week ever since 1972. Ms. McMillan commented that under the State Code once it is vacated 25 feet by 150 feet will be given to Mr. Quam and the other portion will be given to Mr. Sligh. They are responsible for paying all of the costs related to the advertising and the subdivision plat.

Ms. McMillan commented that since the Planning Commission heard the request in 2013 and 2014, there will be a joint Public Hearing on October 18<sup>th</sup>.

**The next item on the agenda was a briefing on** the proposed on the proposed granting of a telecommunications franchise to Lumos Networks, Inc. The Town Manager commented that In October 1990, Lumos Networks, Inc., a Virginia Corporation, fka Roanoke & Botetourt Telephone Company was granted a telecommunications franchise in the Town of Vinton, which has expired. They have requested that the franchise be renewed for a fifteen (15) years from the effective date of the agreement. The franchise is not an exclusive franchise and will give them the right to use the streets of the Town to operate and maintain a fiber optic telecommunications system. The Town Manager next commented on some of the specific items in the proposed agreement. The Agreement is very similar to the one that has expired. A map of the service area was provided to Council and the Town Manager commented that it is a very small area in the midway section of Town.

The Town Manager next commented that the Town Attorney reviewed the agreement and worked with Lumos. The Public Right-of-Way Use Fees are set by the State. There is a franchise fee that flows to the State and back to the Town, but the Right-of-Way

Fees go directly to the Town. This has a dollar value of about \$260.00 on an annual basis.

**The next item on the agenda was a briefing on a** proposed Resolution to approve an application for an allocation of funds up to \$200,000 to be matched through the Virginia Department of Transportation Fiscal Year 2017-2018 Revenue Sharing Program. Joey Hiner commented that funds under this Program have to be an eligible project as defined by the State to be construction, re-construction, improvement or maintenance and eligible street additions for which the Revenue Sharing Program funds are available or it must be on roadways that are currently maintained by VDOT or on roadways that are currently maintained by a locality for which the locality is receiving maintenance payments from VDOT or roads meeting new road or rural addition qualification.

At the next Council meeting, Council will be asked to consider taking action on a Resolution to approve applying for funding up to \$200,000 which the Town would have to match. The Town Manager commented this would be in next fiscal year's budget and could be used for a project such as the re-building of an existing road such as Mountain View. Mr. Hiner commented that project would fall under re-construction which is mentioned specifically in the eligible project definition. The funds could also be used for other maintenance activities as well.

The Town Manager further commented that we need to have a Resolution to VDOT by November 1<sup>st</sup> and staff is requesting Council to decide if they desire to move forward with the application.

Council Member Scheid asked if this is the first time we have applied for these type of funds. The Town Manager commented that we did Revenue Sharing approximately five-six years ago to pave Mountain View. Mr. Hiner further commented that it appears it can be used for resurfacing now as well.

Council Member Scheid asked what does the application involve, just a list of potential projects. Mr. Hiner responded that was correct. As far as how the applications are evaluated, he felt that the ones that receive higher ratings are those that do not meet VDOT standards. Vice Mayor Hare commented on a recent presentation to the Greenway Commission by the City of Roanoke Transportation Director on the large amount of funding they have received through

the Revenue Sharing Program as well as other funding sources. He suggested that we get a copy of his presentation.

Council Member Liles asked if bike lanes could be added to Mountain View. Mr. Hiner responded that it would be difficult because of being right-of-way constrained through that corridor which would require the acquisition of additional right-of-way and is not covered under Revenue Sharing.

**The Town Manager asked Joey Hiner to give an update on the application for the SMART SCALE Project which was submitted on Monday on the Walnut Avenue project.** Joey Hiner commented that they did submit the project for the Walnut Avenue corridor to the east of the new bridge from the Farmer's Market to 5<sup>th</sup> Street. This would include bicycle lanes on both sides, sidewalk on the north side of Walnut, improving some of the sidewalk on the south side, some lighting improvements, crosswalks and driveway entrances.

There was some assistance with the application from VDOT and Bryan Hill with the Roanoke Valley-Alleghany Regional Commission. The project came out to approximately \$2.6 million as estimated by VDOT. As far as a schedule, if the funding is awarded, VDOT would be looking at the project to be advertised and bid in the 2023-2024 time frame with completion in 2026 so they also included an inflation factor in their estimation. The application was submitted electronically and the review process will take several months.

The Town Manager next commented on notices that have been placed in Town neighborhoods by HOMEiDUSA. Staff has had communication with the Company today and expressed concerns that the notice is misleading in that it leads citizens to think the Town is endorsing this. After consultation with our Town Attorney, she has done some research and Staunton had the same issue with the same company. They determined it is considered damaging property to paint the reflective numbers on the curb and have asked this company to not perform business in their locality. The Town Attorney also commented that the notice does make it appear that it is sanctioned by the EMS or law enforcement and the law in the State restricts how curbs are to painted and only for specific purposes. Council gave their consensus for the Town Manager

to contact the company.

**The Town Clerk commented for the record on the Lumos franchise** that it would require a Public Hearing which will be held at the next Council meeting on October 18<sup>th</sup>.

**The Mayor commented on two ribbon cuttings** that he attended for New Moon Production Company and Earth Works, which are both graduates of the Business Incubator Program at the HIVE. He commented on discussion of our recycling program at the recent Public Works Committee meeting that the Committee should be making a report to Council in the near future that hopefully will have a positive budget impact. He commented on the presentation of the Proclamation to the Roanoke County Board of Supervisors. He also commented on the passing of Fred Anderson, former Treasurer of Roanoke County for 28 years and that he had asked staff to prepare a Proclamation in his honor to present to his family.

**The next item on the agenda was appointments to Boards/Commissions/Committees.** The Mayor asked if there were any other nominations. Vice Mayor Hare made a motion to re-appoint William Booth to the Planning Commission for a new term beginning November 1, 2016 and ending on October 31, 2020; the motion was seconded by Council Member McCarty and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Re-appointed William Booth to the William Booth to the Planning Commission for a new term beginning November 1, 2016 and ending on October 31, 2020

**Comments from Council: Council Member Scheid** commented that she will be participating in a Dunking Booth at the Fall Festival for “Dunk for the Cure” which is a fundraiser for Susan G. Komen.

**Council Member Scheid made a motion to adjourn** the meeting; the motion was seconded by Vice Mayor Hare and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None. The meeting was adjourned at 8:18 p.m.

Meeting adjourned

**The item to be considered under the Work Session** was a follow-up discussion on the presentation at the September 20, 2016 Council meeting by Carl Palmer, General Manager for GRTC d/b/a Valley Metro. Council first identified some key issues: the expense is no longer under their

control and it continues to grow at a rate much higher than inflation; the system is very inefficient and even the FIXED Route does not have the density to generate and keep the service at an efficient operating level; the STAR Route is even more inefficient and what part of the system do they have some control over.

Council next came up with a list of questions to send to Carl Palmer as follows: Is there is a written contract with the Town and if so, provide a copy. In terms of the FIXED Route, (1) provide the data for the number of riders for each Town stop for each hour for one month and (2) can the fare be increased. In terms of the STAR (RADAR) Route, (1) can we do away with the monthly pass; (2) can we limit the number of trips; (3) can we use CORTAN instead; (4) can we make some of our high-use destinations be on the FIXED Route and (5) what are Valley Metro's plans to become more efficient?

Vice Mayor Hare commented that he would like the matter referred to a Committee and Council agreed. Council gave their consensus that the matter be directed to the Finance Committee. Vice Mayor Hare asked if it could be put on the next Finance Committee agenda on October 12th to review the list of questions. Comments were also made to possibly consider contacting the Roanoke Valley-Alleghany Regional Commission as a resource in helping to come up with a solution.

The Work Session was adjourned at 9:31 p.m.

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Susan N. Johnson, Town Clerk



## **Town Council Agenda Summary**

### **Meeting Date**

October 18, 2016

### **Department**

Administration

### **Issue**

Preview of the upcoming General Assembly Session

### **Summary**

Delegate Chris Head will attend the meeting to give this preview.

### **Attachments**

None

### **Recommendations**

No action required



## **Town Council Agenda Summary**

### **Meeting Date**

October 18, 2016

### **Department**

Police

### **Issue**

Officers of the Month for September

### **Summary**

Sergeant Fabricio Drumond, Corporal Michael Giles, Officer Matthew Stafford, Sergeant Tim Lawless, Corporal Michael Caldwell and Officer Silas Chapman were selected as Officers of the month for September and will be recognized at the meeting

### **Attachments**

None

### **Recommendations**

Recognize Officers of the Month



## **Town Council Agenda Summary**

### **Meeting Date**

October 18, 2016

### **Department**

Vinton Volunteer First Aid Crew

### **Issue**

Report on the Vinton Volunteer First Aid Crew for September

### **Summary**

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

### **Attachments**

September Report

### **Recommendations**

No action required



## Vinton First Aid Crew Inc.

P.O. Box 314

Vinton VA 24179

*Office of the Chief*

[WGuffey@vintonems.com](mailto:WGuffey@vintonems.com)

### September 2016 Report

- Volunteer Truck hours was 482 of 456 possible hours for 105 %
- We had a unit in service 100% of the volunteer time
- Medic truck marked up 87% and a BLS Unit 13%
- Responded to 93 out of 126 calls doing volunteer hours 74%
- Handled 89 out of 126 calls doing volunteer hours 71%
  - Out of the 33 calls career handled 26 were 2<sup>nd</sup> emergency calls
- Fractile Response time was 10.06
- 1600 man hours for the month of September
  
- I also want to thank the town for their continued support both finically and by the many encouraging words that I have received over the last few months. It has made this new adventure for me less stressful.
  
- We continue to see strides in our membership drive and we have many applications in the process, we just took in 4 new members and the good news is a lot of the applications are young, which is vital in keeping the grew going for more years to come.

*Wayne Guffey*

Wayne Guffey

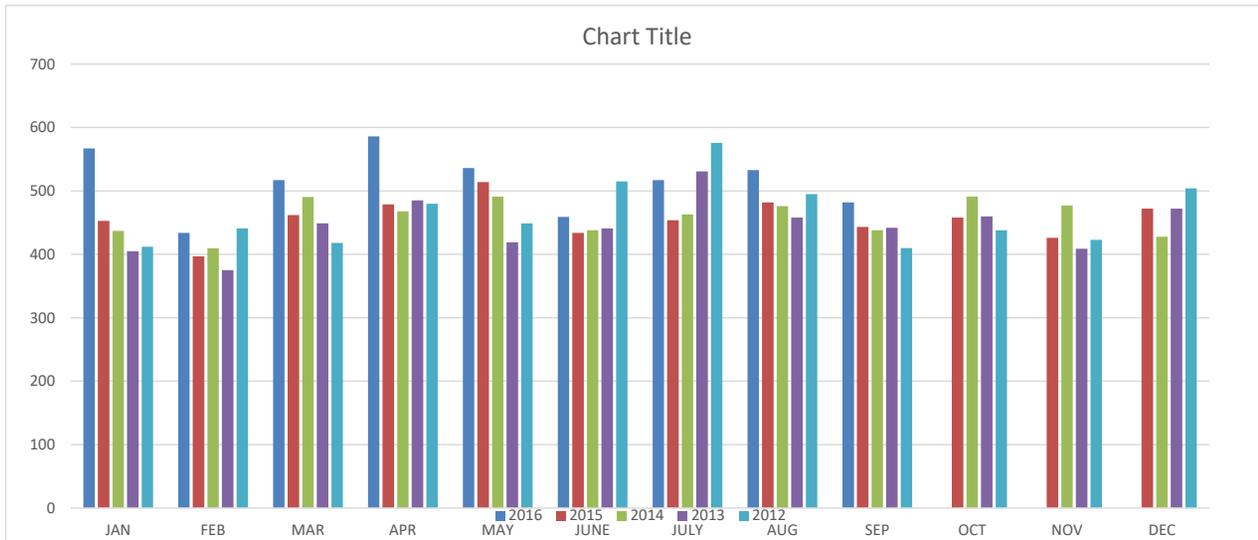
Chief

Vinton First Aid Crew



Volunteer

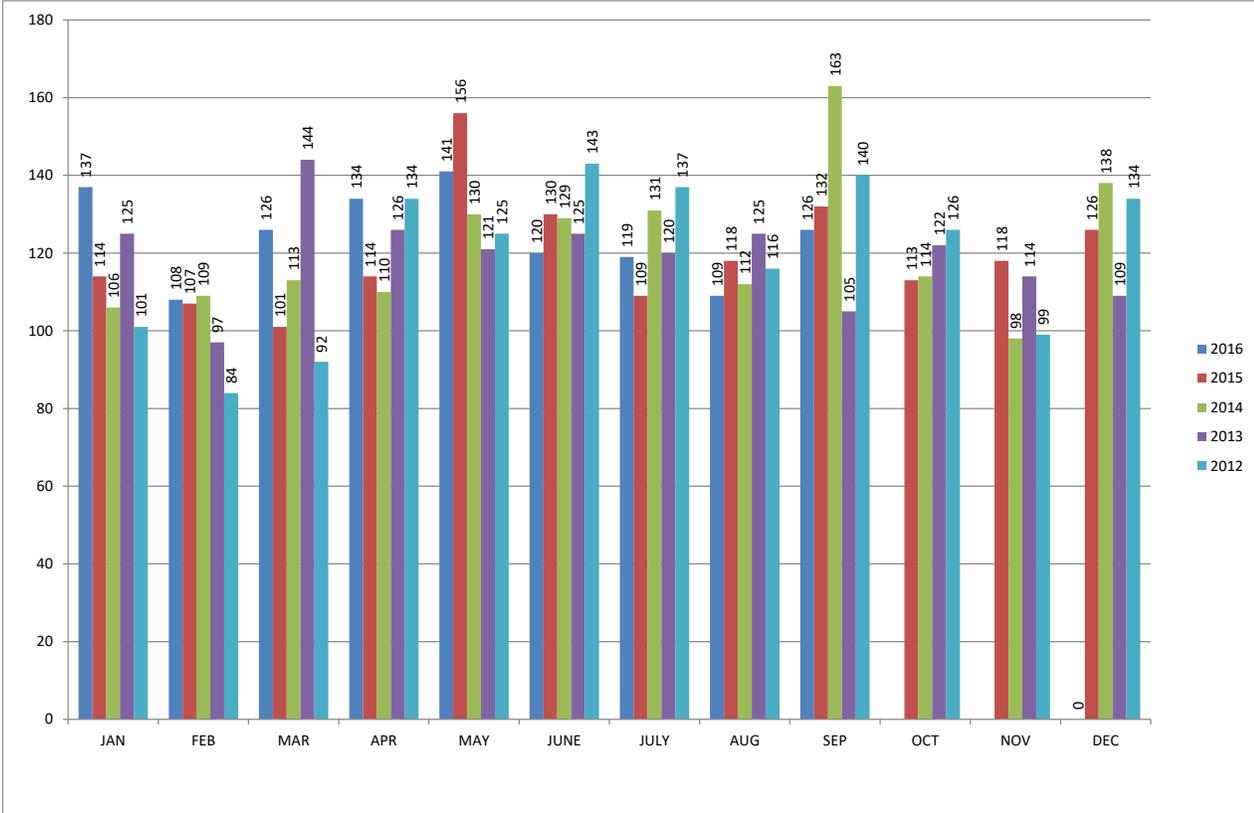
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	TOTAL	Possible	Pct
2016	567	434	517	586	536	459	517	533	482				4631	4248	109.02%
2015	453	397	462	479	514	434	454	482	443.5	458	426	472	5474.5	5630	97.24%
2014	437	409.5	490.5	468	491	438	463	476	438	491	477	428	5507	5646	97.54%
2013	405	375	449	485	419	441	531	458	442	460	409	472	5346	5642	94.75%
2012	412	441	418	480	449	515	576	495	410	438	423	504	5561	5630	98.77%



26519.5	26796	98.97%
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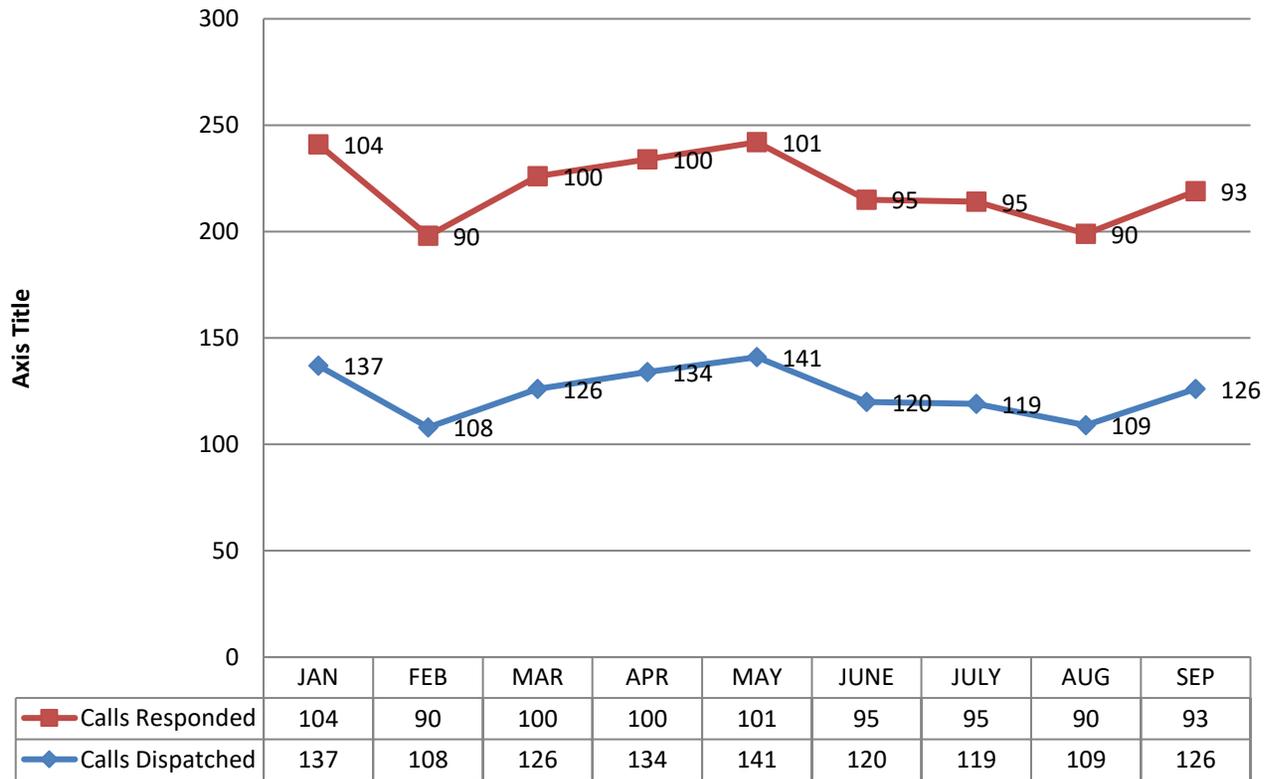
Volunteer

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	TOTAL
2016	137	108	126	134	141	120	119	109	126				1120
2015	114	107	101	114	156	130	109	118	132	113	118	126	1438
2014	106	109	113	110	130	129	131	112	163	114	98	138	1453
2013	125	97	144	126	121	125	120	125	105	122	114	109	1433
2012	101	84	92	134	125	143	137	116	140	126	99	134	1431

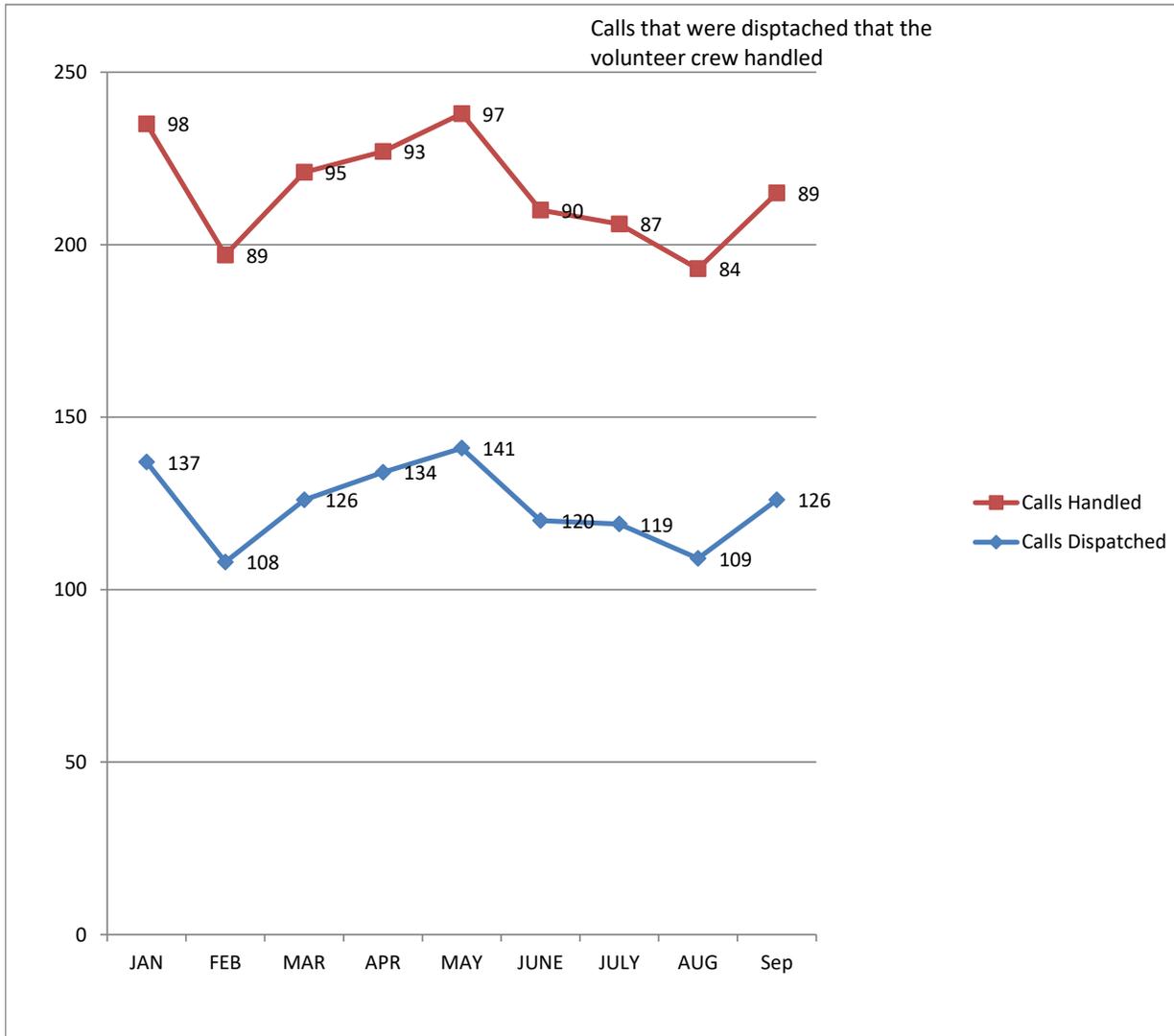


	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP
Calls Dispatched	137	108	126	134	141	120	119	109	126
Calls Responded	104	90	100	100	101	95	95	90	93

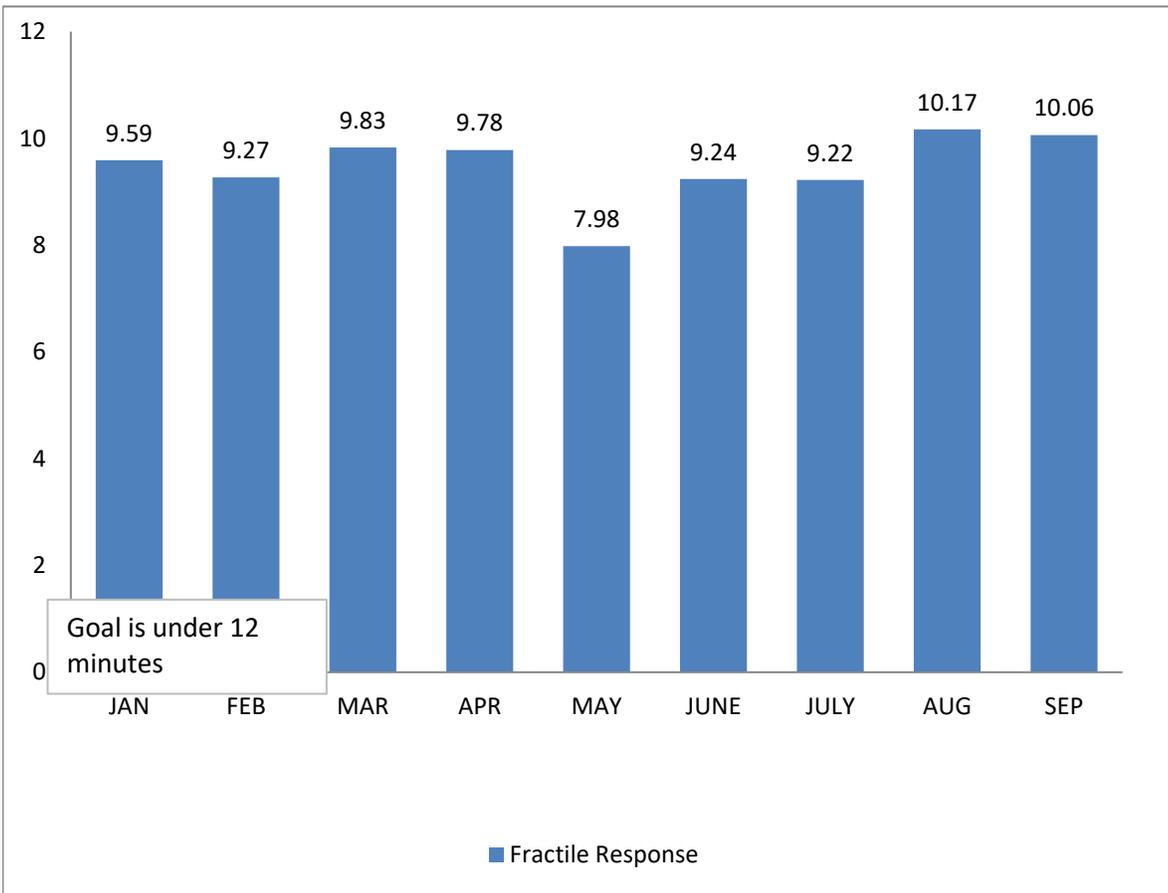
### Calls Dispatched that the crew responded too



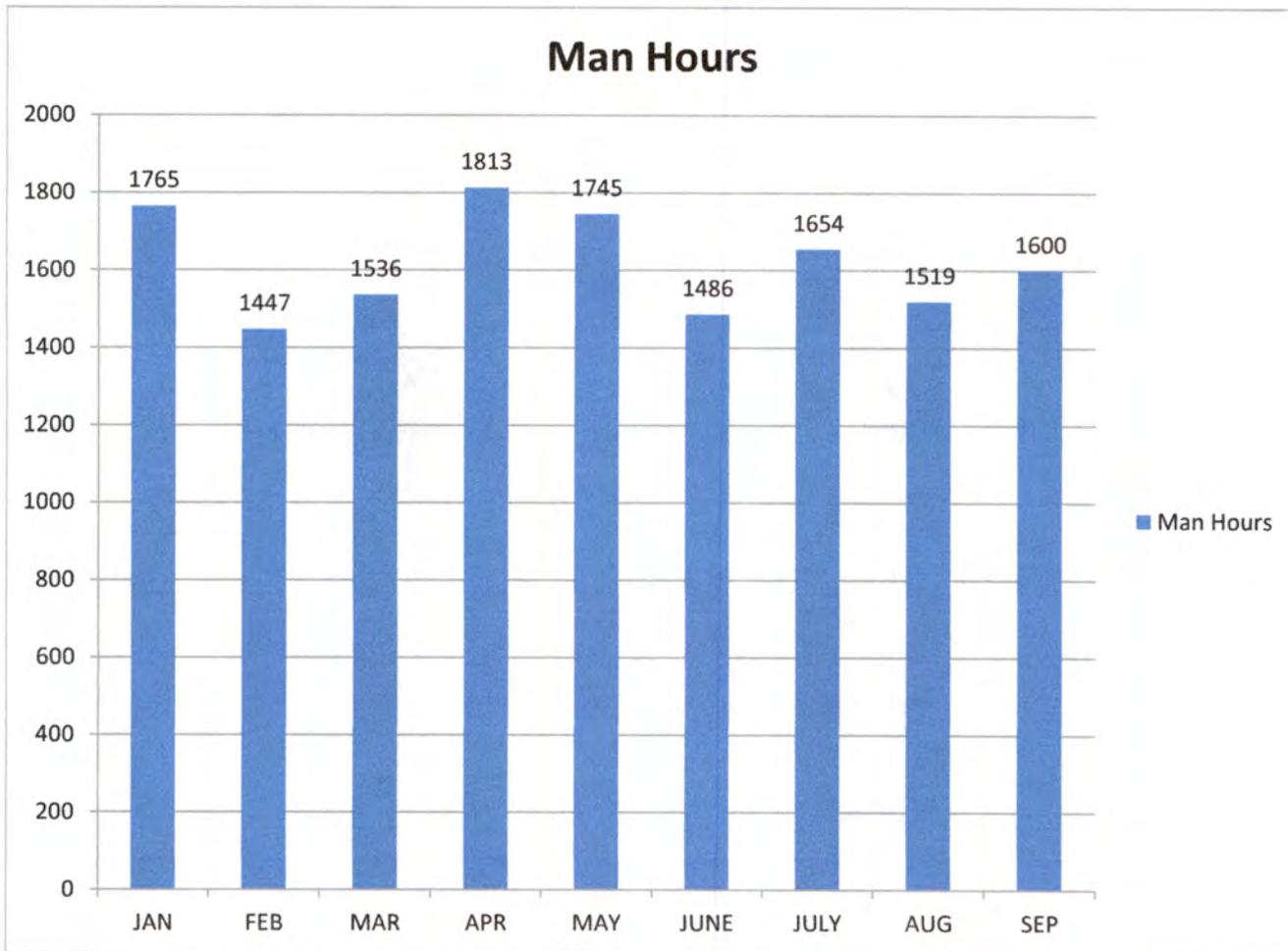
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	Sep
Calls Dispatched	137	108	126	134	141	120	119	109	126
Calls Handled	98	89	95	93	97	90	87	84	89



Fractile Response	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP
	9.59	9.27	9.83	9.78	7.98	9.24	9.22	10.17	10.06



	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP
Man Hours	1765	1447	1536	1813	1745	1486	1654	1519	1600



Volunteer

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	TOTAL
2016	1765	1447	1536	1813	1745	1486	1654	1519	1600				14565
2015	2157	1629	1892	1636	1721	1415	1481	1715	1596	1695	1660	1445	20042
2014	1571	1585	2209	1721	1638	1675	1727	1619	1574	1946	1731	1876	20872
2013	1651	1451	1523	1943	1436	1672	1824	1501	1571	1697	1892	1623	19784
2012	1891	1999	1947	2244	1805	1824	2104	1971	1528	1526	1480	1516	21835
													97098
Average	1807	1622.2	1821.4	1871.4	1669	1614.4	1758	1665	1573.8	1716	1690.75	1615	19419.6



## **Town Council Agenda Summary**

### **Meeting Date**

October 18, 2016

### **Department**

Planning and Zoning

### **Issue**

Consideration of public comments on the joint petition of Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners. They also requested that this undeveloped portion of the right-of-way never to be used as a street or road to any other property at any time in the future.

### **Summary**

On April 29, 2013, a plat of the right-of-way vacation, a concept plat showing the right-of-way portion to be conveyed to the Overbays, and the unsigned statements by the property owners, requesting the undeveloped right-of-way to be vacated and agreeing to convey a strip contained within the right-of-way to the Overbays, were faxed to Staff. According to Mr. McMurry, the Quams and Slighs would be present at the Planning Commission meeting and would sign the paperwork on May 2, 2013.

At the May 2, 2013, Planning Commission public hearing, Mr. McMurry, the Overbays' representative asked for the vacation request to be tabled due to some concerns being raised by Sherman Sligh. On May 8, 2013, Staff received a telephone call from the Overbays' attorney, John Patterson, who informed Staff that the Overbays wished to withdraw their request for the undeveloped right-of-way to be vacated. On May 10, 2013, the letter to withdraw the request was received from Mr. Patterson.

On September 11, 2013, Staff received another letter from the Quams and Slighs requesting that the undeveloped Daleview Drive right-of-way be vacated and deeded to them, along with signed petition of the property owners along Olney Road, indicating that they were in agreement with the vacation request. On October 10, 2013, Staff received a copy of the survey plat and legal description of the undeveloped right-of-way to be vacated from LMW P.C., the surveying firm retained by the Quams and Slighs.

At the December 10, 2013, public hearing of the Planning Commission, the Planning Commission voted to table the request for 60 days in order for the three parties (Overbays, Slighs, and Quams) to reach an agreement regarding on the use of the undeveloped right-of-way and/or whether or not to vacate the undeveloped Daleview Drive. On December 13, 2013, hand delivered correspondence was received by the Town Manager's office from C. Richard Cranwell, who was retained by the Quams and Slighs, requesting a continuance of the Town Council public hearing scheduled for December 17, 2013.

In the interim, the Overbays submitted a revised subdivision plan showing access to the two proposed lots from Olney Road. On March 10, 2016, the Overbays' subdivision plat was approved by the City of Roanoke and the Town of Vinton. As shown in the approved subdivision plat, the parcel was subdivided into two lots – 10 acres Lot A and 15.17 acres Lot B. The Overbays' property (DB 1122, Page 228) indicates that there is an existing 50 right-of-way from the Town of Vinton's Olney Road. The two new lots are shown to be accessed from Olney Road, a town right-of-way, located to the north east of these lots. A new 20 feet wide access and water line easement is provided on the subdivision plat through Lot A for Lot B. These two lots are to be served by the Town's water service only; other services (snow removal, trash pick-up, schools, etc.) will be provided by the City of Roanoke. In May 2016, the lots were purchased by Michael Henderson.

On June 24, 2016, a third petition to vacate the undeveloped Daleview Drive was submitted by the Quams and Slighs. Additionally, David Bullington, with The Bullington Law Firm, P.C., has been retained by C. Richard Cranwell to represent the Quams and Slighs.

Town Council was briefed by Staff on the request at the Town Council regularly scheduled meeting held on October 4, 2016. The undeveloped right-of-way, known as Daleview Drive, is located between 647 and 701 Olney Road. Currently, there are two driveways located on this undeveloped right-of-way, which serve 647 and 701 Olney Road, respectively.

### **Attachments**

1. Staff Report – 3 Pages
2. Supporting Materials – 22 Pages
3. Ordinance – 2 Pages

### **Alternatives**

1. Approve the request to abandon, vacate, and deed the undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners.
2. Deny the request to abandon, vacate, and deed the undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners.

Staff recommends alternative 1 and adopting the attached ordinance.

### **Recommendation**

Conduct Public Hearing; receive Planning Commission recommendation; motion to adopt Ordinance

**STAFF REPORT**

**PETITIONERS:** Robert and Linda Quam, 647 Olney Road  
Sherman and Barbara Sligh, 701 Olney Road

**PREPARED BY:** Anita McMillan, Planning and Zoning Director

**DATE:** September 19, 2016

**A. NATURE OF REQUEST**

A joint petition of Robert and Linda Quam, and Sherman and Barbara Sligh, requesting that a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, Map of Section No. 4, Bali Hai, Plat Book 6, Page 30, be abandoned, vacated, and deeded to them, as the adjoining property owners was received on June 24, 2016. They also requested that this undeveloped portion of the right-of-way never to be used as a street or road to any other property at any time in the future.

**B. BACKGROUND/SUMMARY**

The undeveloped right-of-way, known as Daleview Drive, is located between 647 and 701 Olney Road. Currently, there are two driveways located on this undeveloped right-of-way, which serve 647 and 701 Olney Road, respectively. Please see attached aerial map showing the two existing driveways located in the undeveloped right-of-way, Daleview Drive.

Staff was contacted by Mrs. Anne Huffman Overbay in September 2012, requesting a meeting with Town personnel. On October 2, 2012, a meeting was held between Ardith and Anne Overbay, and Town staff including the former Town Manager, Town Attorney, Planning and Zoning Director, former Public Works Director and Assistant Director. The meeting was held to discuss the Overbays' intention to subdivide their vacant parcel, consisting of 25.17 acres, which is located in the City of Roanoke. The parcel was without any improved street access from the City of Roanoke or the Town of Vinton, but could potentially be accessed from either the undeveloped right-of-way of Daleview Drive located between 647 and 701 Olney Road, and/or from Olney Road, in the area located to the north of 615 Olney Road, and to the south of 609 and 613 Olney Road.

On January 11, 2013, a preliminary subdivision plat was submitted by the Overbays with a revised plat being submitted on February 27, 2013, showing two lots with access from the undeveloped right-of-way known as Daleview Drive. On March 27, 2013, a meeting was held between Ardith Overbay and his surveyor, Chris McMurry, and Town personnel. According to Mr. Overbay, he had been in contact with the property owners of 647 and 701 Olney Road regarding his proposed use of the undeveloped right-of-way for access of his two lots. At the conclusion of the meeting, Mr. Overbay agreed to discuss with both property owners that they request that the Town close, vacate, and deed the undeveloped right-of-way to them, and subsequently convey a 20' by 150' strip contained within the vacated right-of-way to the Overbays, to serve as an access point for the two lots.

On March 29, 2013, preliminary drawings were submitted showing the proposed vacation of the right-of-way and the strip to be deeded to the Overbays. On April 10, 2013, Mr. McMurry submitted to Staff, signed statements from the Slighs and the Quams, stating that they agreed to the undeveloped right-of-way being vacated and would convey the said strip to the Overbays. The signed statements were not notarized, and there were some mistakes noted in the statements that needed to be corrected.

On April 29, 2013, a plat of the right-of-way vacation, a concept plat showing the right-of-way portion to be conveyed to the Overbays, and the unsigned statements by the property owners, requesting the undeveloped right-of-way to be vacated and agreeing to convey a strip contained within the right-of-way to the Overbays, were faxed to Staff. According to Mr. McMurry, the Quams and Slighs would be present at the Planning Commission meeting and would sign the paperwork on May 2, 2013.

On April 15, 2013, Staff sent correspondence to utility companies including Vinton Public Works Department, Roanoke Gas, American Electric Power (AEP), Verizon, and Cox Communications regarding the vacation request of the said undeveloped right-of-way. All of the utility companies responded and stated that they did not have any objections to the vacation request.

Twelve (12) adjoining property owners, including the owners of 647 and 701 Olney Road, Mr. and Mrs. A.R. Overbay, and Chris McMurry, were also notified of the vacation request through correspondence dated April 15, 2013.

At the May 2, 2013, Planning Commission public hearing, Mr. McMurry, the Overbays' representative asked for the vacation request to be tabled due to some concerns being raised by Sherman Sligh. On May 8, 2013, Staff received a telephone call from the Overbays' attorney, John Patterson, who informed Staff that the Overbays wished to withdraw their request for the undeveloped right-of-way to be vacated. On May 10, 2013, the letter to withdraw the request was received from Mr. Patterson.

In July of 2013, the Town Attorney and the Overbays' attorney discussed the possibility of having a license agreement between the Town and the Overbays for the use of Daleview Drive. The license agreement was necessary because the Town did not wish to make improvements to the right-of-way and wanted to limit any potential liability it might have concerning the use of the right-of-way.

However, on August 19, 2013, the Town received a letter from the Quams and the Slighs requesting that the Town reconsider vacating the right-of-way. The license agreement was placed on hold because the Overbays did not agree to the terms.

On September 11, 2013, Staff received another letter from the Quams and Slighs requesting that the undeveloped Daleview Drive right-of-way be vacated and deeded to them, along with signed petition of the property owners along Olney Road, indicating that they were in agreement with the vacation request. On October 10, 2013, Staff received a copy of the survey plat and legal description of the undeveloped right-of-way to be vacated from LMW P.C., the surveying firm retained by the Quams and Slighs.

Twelve (12) adjoining property owners, including Mr. and Mrs. A.R. Overbay, and the Overbays' attorney, John Patterson, were notified of the vacation request through correspondence dated November

18, 2013.

As required by State Code Sections 15.2-2204 and 15.2-2272, the legal notice of both of the public hearings on the right-of-way vacation request was advertised in *The Vinton Messenger*. At the December 10, 2013, public hearing of the Planning Commission, the Planning Commission voted to table the request for 60 days in order for the three parties (Overbays, Slighs, and Quams) to reach an agreement regarding on the use of the undeveloped right-of-way and/or whether or not to vacate the undeveloped Daleview Drive.

On December 13, 2013, hand delivered correspondence was received by the Town Manager's office from C. Richard Cranwell, who was retained by the Quams and Slighs, requesting a continuance of the Town Council public hearing scheduled for December 17, 2013.

In the interim, the Overbays submitted a revised subdivision plan showing access to the two proposed lots from Olney Road. On March 10, 2016, the Overbays' subdivision plat was approved by the City of Roanoke and the Town of Vinton. As shown in the approved subdivision plat, the parcel was subdivided into two lots – 10 acres Lot A and 15.17 acres Lot B. The Overbays' property (DB 1122, Page 228) indicates that there is an existing 50 right-of-way from the Town of Vinton's Olney Road. The two new lots are shown to be accessed from Olney Road, a town right-of-way, located to the north east of these lots. A new 20 feet wide access and water line easement is provided on the subdivision plat through Lot A for Lot B. These two lots are to be served by the Town's water service only; other services (snow removal, trash pick-up, schools, etc.) will be provided by the City of Roanoke. In May 2016, the lots were purchased by Michael Henderson.

On June 24, 2016, a third petition to vacate the undeveloped Daleview Drive was submitted by the Quams and Slighs. Additionally, David Bullington, with The Bullington Law Firm, P.C., has been retained by C. Richard Cranwell to represent the Quams and Slighs.

## **ATTACHMENTS**

1. June 24, 2016, a written request received from the Quams and Slighs to close, vacate, and deed the undeveloped Daleview Drive to them, as the adjoining property owners – 1 Page.
2. A copy of the survey plat showing the Quams' and Slighs' property – 1 Page.
3. An aerial map showing 647 and 701 Olney Road driveways located within the undeveloped right-of-way of Daleview Drive – 1 Page.
4. December 17, 2013, minutes of the Town Council regular meeting – 2 Pages.
5. Correspondence dated December 13, 2013, from C. Richard Cranwell – 1 Page.
6. December 10, 2013, minutes of the Planning Commission public hearing – 6 Pages.
7. September 11, 2013, a written request and petition received from the Quams and Slighs to close, vacate, and deed the undeveloped Daleview Drive to them, as the adjoining property owners – 3 Pages.
8. August 20, 2013, minutes of the Town Council regular meeting – 6 Pages.
9. Copy of a portion of the recorded Overbays' subdivision plat showing access by Olney Road – 1 Page.

June 24, 2016

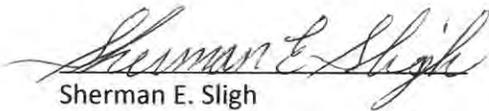
Barry W. Thompson  
Town Manager  
311 S. Pollard Street  
Vinton, VA 24179

Dear Mr. Thompson:

We, the property owners at 647 and 701 Olney Road in Vinton, Virginia, request that the undeveloped street known as Daleview Drive be closed and deeded to the property owners, the Quams at 647 Olney Road and the Slighs at 701 Olney Road, Vinton, Virginia.

Also, we request that this property never be used as a street or road to any other property at any time in the future.

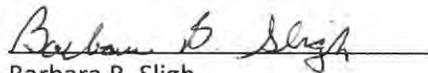
Thank you.



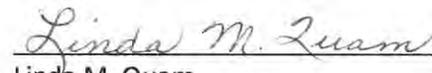
Sherman E. Sligh  
701 Olney Road  
Vinton, VA 24179  
540-985-0972



Robert O. Quam  
647 Olney Road  
Vinton, VA 24179  
540-342-7762



Barbara B. Sligh  
701 Olney Road  
Vinton, VA 24179  
540-985-0972



Linda M. Quam  
647 Olney Road  
Vinton, VA 24179  
540-342-7762



647 Olney Road

Undeveloped Daleview Drive ROW

0B1.05-01-00-00-0000

701 Olney Road

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, DECEMBER 17, 2013, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

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

MEMBER ABSENT: Robert R. Altice

STAFF PRESENT: Christopher S. Lawrence, Town Manager  
Susan N. Johnson, Town Clerk  
Susan Waddell, Town Attorney  
Stephanie Dearing, Human Resources Director  
Anita McMillan, Planning & Zoning Director  
Gary Woodson, Public Works Director  
Joey Hiner, Assistant Public Works Director

**The Mayor called the regular meeting to order at 7:00 p.m.**  
The Town Clerk called the roll with Council Member Adams, Council Member Hare, Vice Mayor Nance, and Mayor Grose present. Council Member Altice was absent.

Roll Call

After a Moment of Silence, Mr. Hare led the Pledge of Allegiance to the U.S. Flag.

**Under upcoming community events/ announcements, the** Town Manager commented that the Chamber is having their New Year's Eve Gala at the War Memorial. The Mayor reminded everyone of the Chamber Open House this Thursday and Vice Mayor Nance commented the reception for Mr. Altizer is also this Thursday.

**Vice Mayor Nance made a motion that the consent agenda** be approved as presented; the motion was seconded by Mr. Adams and carried by the following vote, with all members voting: Vote 4-0; Yeas (4) – Adams, Hare, Nance, Grose; Nays (0) – None; Absent (1) - Altice.

Approved minutes of the regular Council meeting of November 19, 2013

**Vice Mayor Nance read a letter from Chief Cook naming** Officer Gregory Quesinberry as Officer for the month of November 2013. Officer Quesinberry was present at the meeting and recognized by the Mayor.

**The next item on the agenda was consideration of public** comments on a request by Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke,

Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners.

The Mayor commented that based upon a request from Attorney Cranwell, the Town Attorney recommended that we entertain a motion stating that Attorney Dick Cranwell, on behalf of the applicants, has requested a continuance of the public hearing. Based on this request and the recommendation from the Planning Commission that the application be tabled for sixty days, he entertained a motion that the Public Hearing be continued for ninety days.

Vice Mayor Nance said he would applaud the parties for trying to rectify this issue rather than the Town perhaps making a very harsh ruling for one or two if not all of the parties involved. Mr. Nance made the motion suggested by the Town Attorney and the motion was seconded by Mr. Hare. The Mayor commented that he is also glad the parties are going to try and work out a resolution that can be agreeable with everyone. He also commented on the Planning Commission's decision to table the matter for sixty days. The motion was then carried by the following roll call vote, with all members voting: Vote 4-0; Yeas (4) – Adams, Hare, Nance, Grose; Nays (0) – None; Absent (1) - Altice.

Public Hearing continued for ninety days

**The next item on the agenda was to consider adoption of** an Ordinance authorizing the Town Manager to execute a Joint Powers Agreement with VML Insurance Programs and an Advice to Pay Agreement with Lincoln Financial Group pertaining to the VMLIP Paid Leave Solution Program. The Town Manager commented that Council has been briefed on this matter several times and staff is now recommending that we participate with VML Insurance Programs through Lincoln Financial Group. This is for the legislated short-term and long-term disability coverage relative to the January 1, 2014 introduction of hybrid plan covered employees. He further commented that over the next several months, staff will be reviewing options regarding providing this same benefit to all of our current employees as part of our benefits package.

Mr. Hare asked the Town Attorney about having dealings with this group in his business and did it create a conflict of interests. Ms. Waddell asked Mr. Hare if the Lincoln Financial Group is one of many companies that he deals with or does he have some exclusive relationship with them. Mr. Hare responded that it is not exclusive. The Town Attorney then stated to Mr. Hare that generally speaking to determine conflict of interests, it would be based on the fact that he would have any financial benefit from Lincoln Financial Group being awarded this item and if it would benefit him in any way. Mr. Hare said it would not.

# CRANWELL, MOORE & EMICK

Attorneys at Law

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111 Virginia Avenue, West  
Vinton, Virginia 24179

P.O. Box 11804  
Roanoke, Virginia 24022-1804  
www.cranwellmoorelaw.com

Telephone: 540-344-1000  
Facsimile: 540-344-7073  
Toll Free: 877-632-FELA  
(3352)

December 13, 2013

**HAND DELIVERED**

Chris Lawrence, Town Manager  
Town of Vinton  
311 S. Pollard Street  
Vinton, VA 24179

Re: Daleville Drive

Dear Chris:

I have been retained to represent Robert O. Quam and Sherman and Barbara Sligh with regard to the above-referenced matter. This letter is to request a continuance of the public hearing scheduled for December 17, 2013, at 7:00 P.M. with regard to the Petition and the related easement issue relative to Daleview Drive.

Please confirm that there will be no public hearing on December 17, 2013.

Thank you.

Sincerely,



C. Richard Cranwell

CRC/bm

cc: Kevin P. Oddo, Esquire (via fax - 510-3050)  
John R. Patterson, Esquire (via fax - 982-5660)

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING  
COMMISSION HELD ON TUESDAY, DECEMBER 10, 2013, AT 7 P.M., AT THE VINTON  
MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET.**

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

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

**OTHERS PRESENT:**     **Theresa Fontana, Town Attorney**  
                              **Robert Quam, Petitioner**  
                              **Sherman Sligh, Petitioner**  
                              **Melvin Bennett, Petitioners' Representative**  
                              **Riley and Anne Overbay, Adjoining Property Owners**  
                              **Chris McMurry, Land Surveyor**  
                              **John R. "Bob" Patterson, Attorney-at-Law**  
                              **Debbie Howard, Transcriptionist for Mr. Patterson**  
                              **Kevin Oddo, Attorney-at-Law**  
                              **Roger Dunagan, Resident, 705 Olney Road, Vinton**  
                              **Mick Michelsen, Resident, 225 N. Maple Street, Vinton**

**AGENDA**

- I. Call to Order**
- II. Approval of Minutes:**
  - 1. June 13, 2013 Meeting**
  - 2. October 29, 2013 Joint Meeting**
- III. Closed Meeting**
- IV. Reconvene and Adopt Certification of Closed Meeting**
- V. Public Hearing:**
  - 1. A request by Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners.**
- VI. Briefing:**
  - 1. Proposed amendment to the zoning ordinance regarding temporary family health care structures (Med Cottages).**
  - 2. Proposed amendment to the zoning ordinance regarding floodplain districts, the issuance of permits for development, and by providing factors and conditions for variances in the floodplain districts.**
- VII. Citizens Comments**
- VIII. Comments of Planning Commissioners and Planning Staff**
- IX. Adjournment**

**PLANNING COMMISSION  
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The meeting of the Vinton Planning Commission was called to order at 6:33 p.m. by Chairman Jones. Roll was called and all members were present.

Minutes from the June 13, 2013, meeting, and the October 29, 2013, joint meeting, were considered for approval. Chairman Jones asked for a motion on the minutes. Mr. Patterson made a motion to approve both sets of minutes as submitted, and Mr. Booth seconded the motion. Roll was called, and all members present voted in favor of the motion to approve two sets of minutes.

The next item on the agenda was a request to convene in a closed meeting, pursuant to § 2.2-3711 (A) (7) of the 1950 Code of Virginia, as amended, for consultation with legal counsel regarding possible disposition of real property. Mr. Booth made a motion to convene a closed meeting at 6:35 p.m., which was seconded by Mr. Patterson. All members voted in favor of the motion.

The Vinton Planning Commission reconvened at 7 p.m. The closed meeting certification, a copy of which will be made a part of the permanent record, was read aloud by Chairman Jones. A motion to reconvene the meeting and approve the closed meeting certification was made by Mr. Patterson and seconded by Mr. Mason. All members voted in favor of the motion.

Next to be heard, was a request by Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners. Chairman Jones opened the public hearing at 7:05 pm. He read the request aloud. Chairman Jones stated that everyone in the room will have the chance to speak one at a time. He also said that there would be a three to five minute time limit for each speaker. He asked that they refrain from bringing up items that others have already discussed and not to repeat what others have already said. Chairman Jones asked Ms. McMillan for a brief summary of the issue. Ms. McMillan mentioned that Mr. Sligh and Mr. Quam had made a request to close the Daleview Drive right-of-way. She stated that the hearing was advertised as required and that the adjoining property owners were notified. She asked everyone who addresses the Planning Commission about this request to please state their name for the record. The floor was opened for comments. Mr. Quam requested that Mr. Bennett speak on his and Mr. Sligh's behalf. Mr. Melvin Bennett stepped forward and stated his home address—709 Olney Road, Vinton. He said the property owned by the Overbays has been vacant for 48 years. He stated that the original developer planned to develop the lot behind this right-of-way, but the City of Roanoke annexed it before he was able to do so. The driveway that the current owner/developer of the property wants to place in the right-of-way will be shared, but he said that the Town will not regulate if someone parks a big motor home in it. Mr. Bennett said the City of Roanoke should make access available to the lot since it is not in the Town or County. He mentioned that they had submitted a signed petition (a copy of which will be made a part of the permanent record) by the neighbors in favor of the closure of the right-of-way. He asked that they close the right-of-way as requested by Mr. Quam and Mr. Sligh. Mr. Kevin Oddo, attorney for the developer, the Overbays, said he would speak on their behalf regarding this request. He stated that part of the Overbay's property is in the Town, but the majority of it is located in the City of Roanoke. He said that they would like to subdivide the property into two parcels—one 10 acre parcel and one 15 acre parcel. Mr. Oddo said there

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would be no more than two houses built on the property, and the Overbays are willing to put that in writing. He stated that the City will allow the subdivision if Mr. Overbay has access from Daleview Drive. Mr. Oddo said that Mr. Overbay is willing to be reasonable and put everything in writing with the other adjoining owners. He listed seven reasons why the Overbays oppose this request: 1. The request will, if approved, only benefit the Slighs and the Quams. Mr. Oddo said they do not want the two houses behind them so this request, if approved, would stop that. 2. In previous hearings, the people who support the issue now were against it at the earlier meetings. Mr. Oddo read statements from the minutes of previous meetings made by Mr. Quam, Mr. Sligh, and Mr. Bennett indicating that they were against the closure of the right-of-way. 3. The right-of-way has been there for 50 years with no issues. 4. The Overbays bought property based on the plat showing the right-of-way. 5. The Slighs and Quams use the public right-of-way as if it were their own property. Mr. Oddo stated that they have their driveways in it and use it to access their properties, and Mr. Overbay should have same right. 6. If the right-of-way is closed, Mr. Overbay will be irreparably damaged due to City's access requirement from this right-of-way. 7. With regard to the concerns about traffic, there will only be two houses constructed by the Overbays, so the right-of-way will not be a major thoroughfare. Mr. Oddo said that Mr. Overbay plans to construct a driveway that will match what is in the right-of-way now. He said there will be no parade of cars and no one will be parking big RVs there. Mr. Oddo stated that the Overbays ask that the petition to close the right-of-way be denied. Chairman Jones asked for other speakers to come forward on this request. Mr. Riley Overbay spoke next. He stated that he has owned this property for 20 years. He said that all he is asking for is the same rights as what Mr. Quam and Mr. Sligh have had for the last 30 years. He said he is willing to sign an agreement stating that there will only be two houses constructed. Chairman Jones asked for others who wish to speak to come forward. Mr. Bob Patterson, attorney, stood and stated that he also represents Mr. Overbay. He said he had nothing further to add to Mr. Oddo's statements. Mr. Fredrick Michelsen addressed the Commission next. He said he does not have a dog in the fight, so to speak. He said he is concerned, as a citizen of the Town, with taking Vinton resources and using them for a property that is located in the City of Roanoke. Citizens in the area that he talked to were against it. He said he was told that there is another access to this property that may not be as desirable. He does not think it is in the Town of Vinton's or its citizens' best interests. Mr. Quam spoke next. He stated that Mr. Cundiff, the original developer of the subdivision, had promised him years ago that he would always have a corner lot. Mr. Quam said if there is going to be an easement; it is going to have to be for a street. However, he would just as soon have it vacated, as they have requested. He asked what would happen if the City allows more houses to be built back there than just one. He said there could be a hundred houses built on 25 acres. Mr. Quam said he felt there are no guarantees, even if it is in writing. Chairman Jones read the petition from the adjoining owners that said they are in agreement with abandoning and vacating the Daleview Drive right-of-way. Chairman Jones stated that there are 24 names signed on the petition. He said it will be made a part of the permanent record of this meeting. Mr. Booth asked Mr. Oddo if Vinton will be supplying the water for the property. Mr. Oddo said he understands that Vinton would provide the water to the two lots. Ms. McMillan said the City has made that one of the requirements. The Town has agreed to provide the water, but sewer will not be provided which, Ms. McMillan said, is why they can only do two lots. Mr. Booth wanted to know why the City would not provide water for its own citizens. Ms. McMillan said it was cost prohibitive for the City to provide it. Mr. Booth asked why the City requires the access to be through Daleview Drive. Mr. Oddo said he could not answer that since it is the City of Roanoke's requirement. He thinks it is because the Daleview Drive access would come in right between the two lots. Mr. Booth asked why they cannot use the access that is available from Olney Road. Mr. Oddo said the City will not allow it to be subdivided into two lots unless the Daleview Drive

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right-of-way is used. Chairman Jones suggested that they could construct a long driveway from Olney Road to serve the two lots. He asked what needed to be done to get the owners to work together on this issue. Mr. Oddo suggested that either the Town Attorney could try to facilitate a meeting between the owners, or perhaps a private person (a mediator) could work with them and try to help bring about a resolution. He reiterated that Ms. McMillan had just stated that there will only be two lots due to the number of water connections the Town has agreed to provide. Mr. Oddo thinks that the neighbors fear a large subdivision will be built. He said that Mr. Overbay is willing to work with the neighbors to resolve this issue. Mr. Patterson said he would like to see that happen. Mr. Booth asked if there was a way to get to the property from Berkley's Bottom. Mr. Oddo said he asked Mr. Overbay about that today, and unfortunately there is no access from the Berkley Road. Chairman Jones asked if there were other questions. There were no further questions. Mr. Booth said he would like to see the three parties reach a consensus in the matter and come to an agreement. Mr. Mason asked what has stopped the parties from getting together and coming up with an agreement. Mr. Sligh said they were lied to by Mr. Overbay, and they refuse to have anything more to do with him. Mr. Oddo stated that he has no idea what lies Mr. Sligh refers to and said Mr. Overbay does not know either. Mr. Mason said they should attempt to come to an agreement because the Planning Commission has to make its recommendation in the best interest of the Town and its citizens. Mr. Bennett asked if he could speak about what has been brought up. Ms. Michelsen said she would like to hear from him. Mr. Bennett stated that Mr. Overbay lied to Mr. Sligh and Mr. Quam when he told them he had acquired the right-of-way and wanted to give them some of it. He said that the Slighs and the Quams signed a paper giving their ok, but Mr. Overbay did not have the paperwork notarized. Later, the Slighs and Quams realized they had been lied to about the right-of-way by Mr. Overbay. Mr. Bennett said they will not agree to anything. Mr. Patterson, attorney for Mr. Overbay, asked that the Planning Commission table the request so they can try to go through mediation. He said he has seen many cases where it was said there would never be an agreement that have come to one with mediation. Mr. Patterson said the worst that could happen is that mediation will fail, and they will have to come back before the Planning Commission. Mr. Overbay stated that he does not know what the lie is that they speak of and said he has not lied about anything that he knows of. Mr. Overbay said it would be in the best interest of the neighbors to go this route where they have some control over what will be built on the property. Mr. Booth mentioned that if Mr. Overbay comes into the lot from the Olney Road side, he might be able to put more houses back there. Mr. Overbay said that was not the case, but that he could do whatever City zoning allows and the neighbors would have no control over it. Chairman Jones closed public hearing at 7:45 pm. He asked the Town Attorney for some guidance. Ms. Fontana stated that they could table it to give time for mediation, or they could make a recommendation to Council to either vacate it or not. She mentioned that they do need to state the reason as to why they vote they way they do. Ms. McMillan said the Council hearing on this request will be held next week, and they will make the final decision as to whether to table, approve, or deny the request. Chairman Jones asked if, as chairman, he could make a motion. Ms. Fontana said he could not. Mr. Booth asked if Council would vote to table the request. Ms. Fontana said Council would have to make the decision. Mr. Booth said he would like to see the three parties reach an agreement. He made a motion that the Planning Commission table the request for an appropriate amount of time for the parties to reach an agreement. Chairman Jones asked to amend the motion to state that it be tabled for 60 days. Mr. Mason seconded the motion. The roll call vote was recorded as follows: Chairman Jones-"Yes" to tabling the request for 60 days. If no agreement is reached, the Planning Commission will reconvene and vote on it. Mr. Mason-"Yes" because he would like to see the three parties resolve it, rather than the Planning Commission telling them what to do. Mr. Booth-"Yes" because he would like to see it worked out and wants to see the Town and its citizens

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served as best as possible. Ms. Michelsen-“Yes” because she would like to see these folks sit down together to come up with a solution that is best for everyone. She said this is an opportunity for citizens to figure out what they want to do instead of the government telling them what to do. She agrees with the 60 day timeframe, as Chairman Jones amended the motion, due to the holidays. Mr. Booth added that Daleview Drive has been there for years and is not going anywhere in the next 60 days. Mr. Patterson-“Yes”.

The next item was a briefing on the proposed amendment to the zoning ordinance regarding temporary family health care structures (med cottages). Ms. McMillan said Ms. Turman has been working on the amendment. She mentioned that state code requires a provision for med cottages. She said this is the work session on it, and once it is agreed upon, they can have a public hearing on it in January or February 2014. Chairman Jones asked Ms. Turman to provide an update on it. Ms. Turman went over the changes that the state is requiring. She said that there are two required updates: an increase from 30 to 60 days and to allow for occupancy of two for caretaker and patient. Chairman Jones said he is encouraged that the State Government is allowing these. He said the cottages are really advanced – even having sensors in them that alert if someone falls down. Ms. Michelsen mentioned that it is expensive to put people in nursing homes, and you are not sure what kind of care they will get. She said she is supportive of it. Chairman Jones, Mr. Mason, Mr. Patterson and Mr. Booth also said they have no problems with it.

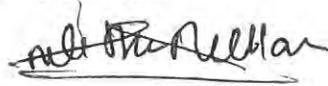
Next to be discussed was the proposed amendment to the zoning ordinance regarding floodplain districts, the issuance of permits for development, and by providing factors and conditions for variances in the floodplain districts. Chairman Jones said he needed help on this ordinance. Ms. Turman stated that the previous version of the ordinance is only 8 pages, and the revised one is about 27 pages. Ms. Turman said that FEMA and the DCR visited the Town, and found that the current ordinance needed to be updated. These changes are mandated in order for the Town to remain a NFIP community and so people will still be able to obtain flood insurance. Ms. McMillan mentioned that the floodplain is an overlay district. Chairman Jones asked if there was anything negative or that stands out in the new ordinance. Ms. Turman mentioned the Cedar Avenue mobile home park, in which many of the trailers are located within the floodplain. She said that FEMA stated that, if a trailer is damaged, the owners will not be allowed to replace it. She said that FEMA has become more restrictive on this. Chairman Jones wondered if they carry flood insurance on the trailers. He also wanted to know if FEMA wants the Town to close the trailer park. Ms. Turman said if the trailers are damaged by flooding, they cannot be replaced. Ms. McMillan mentioned that normally the requirement for commercial construction is that it be built a foot above flood elevation, and residential requires it to be built two feet above flood elevation. She recommended that the owners who might be affected by the changes be notified about when the public hearing on this amendment will be held. Ms. McMillan asked that they read over the information provided to them and email any questions they have to her or Ms. Turman. She said, if they do not have the answer, they will contact FEMA to find out. Ms. Michelsen asked, since FEMA is requiring the updates, if this has to be done regardless. Ms. McMillan said if the Town wants to remain in the NFIP and have flood insurance, they will have to do this update. Chairman Jones said affected property owners definitely should be notified. Ms. McMillan said her office can send letters out soon to allow time for the property owners to ask any questions they may have about it. She stated that the Planning Commission could have the public hearing in February, and Council could hear it in March.

**PLANNING COMMISSION  
PUBLIC HEARING  
DECEMBER 10, 2013  
PAGE 6**

There were no further citizen comments. In Planning Commission and Staff Comments, Chairman Jones said he thought that tonight's meeting went well. He said that he appreciated town attorney being here for the meeting. He stated that this is a difficult issue. He asked if there was anything else to be discussed. Ms. McMillan said she would like the Planning Commission to review the stormwater regulations at a later date even though they are not a part of the zoning ordinance.

There were no further comments from citizens, commissioners, or staff. Therefore, with there being nothing further to discuss, the meeting was adjourned at 7:13 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Anita McMillan", written over a horizontal line.

Anita McMillan  
Planning Commission Secretary

September 11, 2013

Christopher B. Lawrence, Town Manager  
Vinton Planning Commission  
Town of Vinton Council

We, the property owners at 647 and 701 Olney Road in Vinton, Virginia, request that the undeveloped street known as Daleview Drive be closed and deeded to the property owners, the Quams at 647 Olney Road and the Sleighs at 701 Olney Road, Vinton, Virginia 24179.

Also, we request that this property never be used as a street or road to any other property at any time in the future.

Sherman E. Sleigh  
701 Olney Rd.  
Vinton Va. 24179  
540 985 0972

Barbara B. Sleigh  
701 Olney Road  
Vinton Va 24179  
540 985 0972

Robert O. Quam  
647 Olney Rd.  
Vinton, Va. 24179  
540 34-35217

Linda M. Quam  
647 Olney Road  
Vinton, Va 24179  
540-342-7762

Christopher S. Lawrence, Town Manager  
Vinton Planning Commission  
Town of Vinton Council

We, the undersigned, are in agreement with the request of the Luame and Slighs to abandon and vacate the fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive.

Name and Address Phone No. Date

Sherman E. Sligh	701 Olney Road	985 0972	12-9-13
Boblan B Sligh	701 Olney Rd	985 0972	12-9-13
L. Day	705 Olney Rd	345-9323	12-9-13
Janice M. Patrick	644 Olney	343-6531	12/9/13
Ken Terry	710 Olney Rd.	343-6450	12/9/13
Jimmy A. Wilson	634 Olney	982-1262	12/9/13
Ann Powell Nicely	715 Olney Rd.	982-6762	12/9/13
Charles L. Sult	1350 Olney	344-8254	12-9-13
Shirley M. Sult	635 Olney	344-8254	12-9-13
Judy Newman	648 Olney	345-1335	12-9-13
Melvin E. Bennett	709 Olney	345-2879	12-9-13
Judith M. Bennett	709 Olney	345-2879	12-9-13
Charla N. Ingram	706 Olney	354-6697	12-9-13
Angela M. Logan	706 Olney Rd	521-3524	12/9/13

Name and Address	Phone No.	Date
Joris Plunk Matthews 807 Olney Rd. Vinton	344-4913	12/9-1
Clarence Matthews 807 Olney Rd. Vinton	344-4913	12/9-1
Mike & Vickie Lewis 702 Olney Rd Vinton	342-3318	12/9/13
Mike & Jeanne Perdue 643 Olney Rd. Vinton	314-3302	12/9/13
PETER & <del>CAROLE</del> GIVENS 627 OLNEY RD VINTON	345 9140	12/9/13
Carole Givens 627 Olney Rd. Vinton	345 9140	12/9/13
Jimmy E. Patall 644 Olney Rd, Vinton	343 6531	12/10/13
Margaret Wood 639 Olney Rd Vinton	345-5018	12-10-1
Robert O. Zean 647 Olney Rd Vinton	342-7762	12-10-1
Linda M. Zean 647 Olney Rd, Vinton	342-7762	12-10-1

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 6:00 P.M. ON TUESDAY, AUGUST 20, 2013, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

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

STAFF PRESENT: Christopher S. Lawrence, Town Manager  
Susan N. Johnson, Town Clerk  
Elizabeth Dillon, Town Attorney  
Ryan Spitzer, Assistant to the Town Manager  
Stephanie Dearing, Human Resources Director  
Barry Thompson, Finance Director/Treasurer  
Ben Cook, Police Chief  
Gary Woodson, Public Works Director  
Anita McMillan, Planning & Zoning Director  
Joey Hiner, Assistant Public Works Director

**The Mayor called the work session to order at 6:00 p.m.**

The first item related to a briefing on pending VRS issues relative to the January 1, 2014 introduction of hybrid plan covered employees and their legislated short-term and long-term disability benefits. Stephanie Dearing commented that on July 1, 2010, a significant change happened with VRS wherein all employees hired after that date became Plan 2 participants. Up to that point, all participants had the same benefits who worked under a VRS covered position.

Beginning January 1, 2014, all employees hired after that date will be members of a hybrid plan. Those employees will have a combination of a defined benefit and a defined contribution program which will allow these employees to participate in the management of their retirement funds in the VRS. Ms. Dearing further commented that the General Assembly has enacted legislation requiring that those employees also be provided short-term and long-term disability benefits. VRS has worked with UNUM, a national insurance company, to develop a plan in compliance with this legislation to provide said coverage to only members of the new hybrid plan. Town staff has attended several informational meetings sponsored by the VRS and UNUM concerning the plan that will be the measurement by which all other plans will be gaged.

Ms. Dearing reminded Council that because no firemen or police officers will ever fall into the hybrid plan because of the plans currently provided for them, there are 50 employees who potentially in the future could be provided these benefits.

At this time, we need to decide if we want to allow UNUM to provide these benefits or do we want to go with a different provider. We have talked with two other providers up to this point who can provide these benefits. Each plan will have to meet the basic requirements of the General Assembly, but can have many different variables to choose from. Currently the rates quoted from the UNUM plan are \$0.91 per \$100 salary. The other two rates that we have been provided are both less than the UNUM rate. UNUM's quotes are only good for six months and will be set bi-annually by the General Assembly.

Ms. Dearing stated that originally we had to make a decision by September 1<sup>st</sup>, but the VRS is allowing localities to ask for an extension to November 1<sup>st</sup>. We are going to request the extension so we will have time to gather more information and make a recommendation to Council by mid-October. The Town Manager commented that VACo and VML are in the process of developing a plan.

**The next item was a briefing on the options of purchasing a 250/300 KW Mobile Diesel Generator.** Gary Woodson reviewed his prior Power Point presentation regarding the need for a mobile generator for the 3<sup>rd</sup> Street Lift Station and for a water emergency back-up power source. Out of the ten wells we have, only the Falling Creek well has the proper electrical connection to hook up an emergency generator. Three critical pump stations are the Chestnut Mountain, Lindenwood and Falling Creek.

Mr. Woodson commented that we solicited bids and only Fidelity Power gave us the cost on a permanent mounted generator as well as a mobile generator and they were the low bidder. A 250 KW mobile generator will cost \$86,348.00 or a 300 KW will cost \$92,348.00. The permanent mounted generator was priced at \$29,896.00. Mr. Adams asked if the low bidder was a local company and the response was yes and that Fidelity Power is actually the vendor who looked at our system and wrote the specifications.

Mr. Woodson then covered the cost for electrical connections at the six essential wells which in an emergency situation could supply water for the Town at reduced pressure and flow. The estimated total would be \$38,041.00.

A question was asked about using a smaller generator for some of the wells and the response was there are smaller generators available to hook into some of the lower electrical demand systems. A larger motor would have to have the larger generator, but a smaller motor can use a multiple listing of different types of generators. The large generator would have a panel to adapt to the size required for each well.

Mr. Woodson continued to comment that the estimated cost for electrical connections for future emergency service to all the wells would run an additional \$40,638.00. If we did all the wells we currently have it would cost approximately \$78,679.00.

Mr. Altice said he felt we need a portable generator and a stationary generator. If 3<sup>rd</sup> Street goes down and you use the mobile one there, you can only operate that one station. We need to look at replacing the one at 3<sup>rd</sup> Street first and we need back up for the wells too.

Mr. Woodson next presented three options as recommendations from staff. Option 1 would to purchase a 100 KW permanent mounted generator for the 3<sup>rd</sup> Street location, a 250 KW mobile generator and do the electrical connections for the essential wells for a total of \$154,285.00. Option 2 would be to purchase the mobile generator and do the electrical connections at \$124,389.00 or Option 3 would be to purchase the two generators and not do the electrical connections at \$116,244.00.

There is currently earmarked \$100,000 from last year's budget for a generator purchase. Mr. Woodson suggested Council consider Option 2 which would provide a mobile generator in case of an emergency and hook-ups for the essential wells. At such time that 3<sup>rd</sup> Street should fail, then the mobile generator could be used and then make a determination at that time to purchase a permanent generator. We could budget for the permanent generator in a future budget. We would also work toward having the electrical connections for all the other wells done, maybe a few each year as the budget allows.

After further questions and comments, the Town Manager commented that the current bid is good for 45 days, so we would have to bring back any item for action at the September 3<sup>rd</sup> meeting. Vice Mayor Nance stated that he agreed with Mr. Altice that we need both, but he would go with Mr. Woodson's recommendation of Option 2, but keep an open mind with Option 1. Mr. Hare preferred Option 1 because it is a priority to him in case of another emergency like we had in 2011. We have savings and we have raised the rates and he thinks we need to make this investment. Mayor Grose states that the agreement appears to be with Option 1 and Mr. Adams agreed along with Mr. Altice.

In summary, Mr. Woodson stated that if we go with Option 1, we would need to consider budgeting for the other electrical connections in the future. The Town Manager commented that the War Memorial has the connection for the mobile generator and it would be able to run the War Memorial in the event it would need to be our emergency location.

**The Town Manager suggested that the Work Session be** extended to cover the last item since there were interested parties present. Council agreed and the next item was a briefing on the Daleview Drive license agreement.

The Town Attorney first commented that as Council may recall Daleview Drive is an undeveloped public right-of-way near Olney Road. The Overbays own some property that is mostly located in the City of Roanoke and they want to subdivide that property into two tracts of property. The Overbays wish to access their property through Daleview Drive and want to put a driveway there.

One possible remedy for this is a license agreement wherein the Town gives its permission for someone to encroach on that right-of-way and pave a driveway. The license agreement also provides for indemnity, hold harmless for the Town and the Virginia Code provides for a locality to authorize encroachments upon a public right-of-way subject to the terms and conditions outlined by the governing body. It also provides that the owners or occupants shall be liable for negligence on account of such an encroachment. So the liability goes with that person who is building the encroachment.

A license agreement has been drafted and it provides that it can be revoked by the Town with 60-days' notice. It is not an easement, but merely permission. The Town Attorney further commented that she could not present to Council that the Overbays will sign the license agreement in the form that has been prepared because it is not the agreement that they desired.

The Town has also received a letter from the adjoining property owners requesting the Town to consider vacating the undeveloped right-of-way pursuant to Virginia Code. If the right-of-way is vacated, then it will be divided between the two adjoining property owners. If the Town is interested in vacating the right-of-way, we would have to give notice and have a public hearing. If it were to be found that the owner of any lot shown on the plat is shown to be irreparably damaged, then the vacation of that right-of-way could be overturned by the Court. The Town Attorney commented that there is other access to the property.

The Town Manager commented that the right-of-way is there because of the original subdivision plat. The right-of-way is intended for a future road to be built and our subdivision code requires that to subdivide property it must be on a publicly owned and maintained street. The requirement is that the Overbays build a public street into their property with a cul-de-sac which is a very expensive project for a small number of lots. That is why they are asking permission to build a

private driveway and not a road. The neighbors who the Town Manager spoke with yesterday would be in agreement with a public road.

This property has two points of access, Daleview Drive and the end of Olney Road. Olney Road needs no approval from the Town because the right-of-way and the property come right up to each other with a public street and they have every right to build a driveway into it. The license agreement is a way to be able to provide an option for Council's consideration in working with all the property owners.

Vice Mayor Nance asked if the Town would have any long-term interest or plan for the right-of-way and the response was no since it goes to City property. Mr. Nance further commented that it appears the Overbays do not want to work with the two citizens that have been there and are trying to use the Town as an agent to get what they want at less than what is normally deemed sufficient for a right-of-way. And the Overbays do not even want the license agreement that we are being asked to consider.

The Town Attorney stated that she would recommend that Council not vote on a license agreement to which the other party has not agreed. Also, since there is also now a request to vacate the right-of-way, it would be better to postpone any consideration until we hear from any parties as to the request to vacate.

Mr. Melvin Bennett of 709 Olney Road commented that Mr. Overbay approached the two property owners, Mr. Sligh and Mr. Quam, and stated that he had acquired the driveway and had it closed. He then stated that he did not need all of it and he was going to give both of them 15 feet each and he was going to take 20 feet. They signed a statement to that fact, but did not get it notarized.

Two days later they all got a letter stating that a request had been made to close the street. At that time he did not know about the visit from Mr. Overbay and thought that the Town was giving them the property, but later found out what Mr. Overbay had done. Mr. Bennett stated the statement they signed was not notarized. At the Planning Commission Public hearing, the Overbays withdrew their request.

Mr. Bennett further commented that now Mr. Overbay has requested that rather than vacate the property, he wants to run a driveway down it. The concern is that if he gets this driveway, it is going to be a shared by at least three people and no one knows what might happen later on in the City of Roanoke. They could rezone the property and all of the traffic would be coming through this driveway. Even though we might not like it, he does have the right to develop it as a

public street and we have no legal cause for objection.

Originally the Town said they would give this to the adjoining owners and we would like for the Town to consider doing that now since the street is of no value to the Town. Mr. Hare asked if it was their intent to get Mr. Overbay to buy the property once the Town vacates it to them and Mr. Bennett said absolutely not.

After further comments the Mayor asked if the Town vacates this right-of-way and in the future these gentlemen or someone else decided to sell the property for an entrance, would it then have to be fully developed as a street. The response was not once it is vacated, it becomes a private driveway. The Mayor expressed his concern also about what the City might allow to develop on the adjoining property in the future.

Vice Mayor Nance indicated that he plans to make a motion to delay any action on the license agreement until the motion to vacate is decided. The Town Manager commented that the vacation request would go back to the Planning Commission and they would follow the normal process to vacate a right-of-way.

The Work Session adjourned at 7:25 p.m. and Council took a five minute recess.

**The Mayor called the regular meeting to order at 7:30** p.m. The Town Clerk called the roll with Council Member Adams, Council Member Altice, Council Member Hare, Vice Mayor Nance, and Mayor Grose present. After a Moment of Silence Mr. Altice led the Pledge of Allegiance to the U.S. Flag.

Roll Call

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

Approved minutes of the July 16, 2013 Council meeting

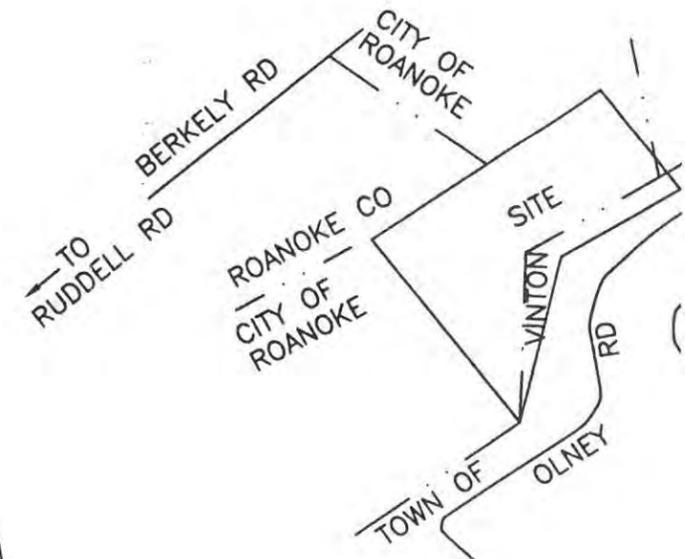
**Chief Book introduced two new Police Officers, Officer** James Spence and Michael Caldwell and made brief comments. Officer William Welch will be introduced at the next meeting.

**Vice Mayor Nance read a letter from Chief Cook naming** Police Officer Gregory Quesinberry as Officer of the Month for July 2013.

**Under citizens' comments and petitions, Glenn** Marshall of 529 Tinker Avenue, Vinton, commented that he moved to Tinker Avenue about a year and a half ago from

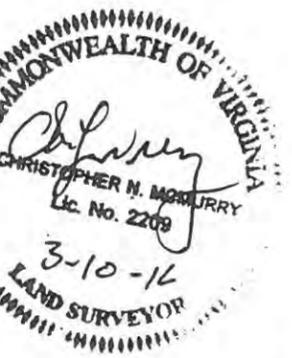
BEARING	DISTANCE
S 59°06'40" E	30.31'
S 30°53'20" W	50.00'
N 59°06'40" W	36.00'
N 46°08'00" W	84.80'
N 84°47'46" W	64.04'
N 85°54'00" W	90.34'

LEGEND:  
 ● IRON FOUND  
 ▲ 5/8" REBAR SET  
 ○ DEED POINT



CERTIFY THAT THIS PLAT  
 Y AND RECORDS TO THE BEST OF MY BELIEF AND  
 E I S CORRECT.

*[Signature]* 3-10-16  
 HER N. MCMURRY 002209 DATE



*[Signature]* 3/30/16  
 SUBDIVISION AGENT DATE  
*[Signature]* 3-10-2016  
 AGENT DATE

OFFICE FOR THE CIRCUIT COURT OF ROANOKE COUNTY,  
 MAP WAS PRESENTED AND WITH THE CERTIFICATE OF  
 THERETO ANNEXED IS ADMITTED TO RECORD AT  
 P. M. ON THIS 29 DAY OF  
 2016.

IN THE CLERK'S OFFICE FOR THE CIRCUIT COURT OF ROANOKE,  
 VIRGINIA, THIS MAP WAS PRESENTED AND WITH THE CERTIFICATE OF  
 ACKNOWLEDGEMENT THERETO ANNEXED IS ADMITTED TO RECORD AT  
 12:51 O'CLOCK P. M. ON THIS 29 DAY OF  
 March 2016  
 TESTE: BY: *[Signature]*

**ORDINANCE NO.**

**AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, OCTOBER 18, 2016, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.**

**AN ORDINANCE** permanently abandoning, vacating, and deeding a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped public right-of-way, known as Daleview Drive, to the adjoining property owners.

**WHEREAS**, on June 24, 2016, Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W. E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, filed an application to the Council of the Town of Vinton, Virginia, in accordance with the law, requesting that the Council permanently abandon, vacate, discontinue and deed to them as the adjoining property owners, the undeveloped public right-of-way, known as Daleview Drive, described hereinafter; and

**WHEREAS**, on April 15, 2013, a notification letter was mailed by the Town Planning and Zoning Department to American Electric Power (AEP), Cox Communications, Roanoke Gas Company, Verizon, and Vinton Public Works Department inquiring if said companies have utilities in the said undeveloped public right-of-way; and

**WHEREAS**, on September 22, 2016, a notification letter was mailed by the Town of Vinton to the adjoining property owners of said undeveloped public right-of-way; and

**WHEREAS**, on October 4, 2016, at the Town Council regularly scheduled meeting, members of the Town Council was briefed by Staff on the request; and

**WHEREAS**, a joint public hearing was held on such application by the Planning Commission and Town Council on October 18, 2016, respectively, after due and timely notice pursuant to the provisions of Sections 15.2-2272 and 15.2-2204 of the 1950 Code of Virginia, as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application; and

**WHEREAS**, it appears from the foregoing that all interested parties have been properly notified; and

**WHEREAS**, the Council has carefully considered the request and finds that no inconvenience will result to any individual or to the public from permanently abandoning, vacating, and deeding such undeveloped public right-of-way.

**THEREFORE, BE IT ORDAINED** by the Council of the Town of Vinton, Virginia that the undeveloped public right-of-way situated in the Town of Vinton, Virginia; more particularly described as:

That certain undeveloped 50 feet wide by 150.01 feet long platted street known as Daleview Drive, lying between Lot 1, Block 12, and Lot 7, Block 9, as shown on the Map of Section Number 4, Bali Hai Subdivision, property of W. E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son, dated August 31, 1964, and recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, in Plat Book 6, Page 30, on January 5, 1965;

be, and is hereby permanently abandoned, vacated, and deeded, and that all rights and interests of the public in and to the same be, and hereby are released insofar as the Council of the Town of Vinton is empowered so to do with respect to the closed the right-of-way.

**BE IT FURTHER ORDAINED** that the applicants shall, upon meeting all other conditions of the granting of the application, deliver to the Clerk of the Circuit Court of the County of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the Town of Vinton, Virginia, as Grantor, and in the name of the Petitioners, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

**BE IT FURTHER ORDAINED** that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the County of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the Town Manager of the Town of Vinton, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

This ordinance shall be in full force and effect upon passage.

This ordinance 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**

October 18, 2016

### **Department**

Planning and Zoning

### **Issue**

Consideration of public comments on the petition of Audley C. Robinson, Jr. to purchase a 25 feet x 138.52 feet portion of 350 Highland Road, tax map number 060.15-01-22, which was the former Glencoe Street, vacated by ordinance on April 6, 1993, and is adjacent to Mr. Robinson's property located at 222 Highland Road.

### **Summary**

Town Council was briefed on this purchase request at their September 20, 2016, regularly scheduled meeting. The proposed purchase would accommodate an addition and a handicapped ramp being added to Mr. Robinson's house, both of which are needed due to his declining health.

In addition to requiring the petitioner to pay the survey and legal fees, the Town has the right to sell the land for the assessed value. The 2016 tax assessment value for the land located at 350 Highland Road is \$110,700.00, which is approximately \$0.37 per square foot. The 25 feet x 138.52 feet portion of the property in question totals 3,463 square feet. Using the per square foot value of \$0.37, the land that Mr. A. Robinson would like to purchase has a value of \$1,281.31.

### **Attachments**

1. The aerial map
2. Letter of Intent
3. Ordinance

### **Alternatives**

1. Approve the purchase request.
2. Deny the purchase request.

### **Recommendations**

Conduct Public Hearing and motion to adopt Ordinance

Gearhart Park  
350 Highland Rd.

Marlou St.

222

Highland Rd.

-  Tax Map # 060.15-01-22; 350 Highland Road
-  Portion of property requesting to be purchased

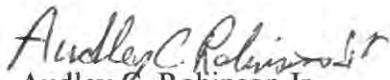
Audley C. Robinson, Jr.  
222 Highland Road  
Vinton, VA 24179  
October 12, 2016

Town of Vinton  
Attention: Town Council  
311 S. Pollard Street  
Vinton, VA 24179

Dear Sir:

This is a Letter of Intent subject to the approval from the Town Council. I respectfully request to purchase the 25 ft. x 138.52 ft. portion of what was formerly known as Glencoe Street located adjacent to my residence at 222 Highland Road. Your favorable consideration of this request will allow me to add an addition onto my current residence that will support and improve my mobility both within and outside my residence.

Respectively,

  
Audley C. Robinson Jr.



Gearhart Park  
350 Highland Rd.

Marlou St.

222

Highland Rd.

- Tax Map # 060.15-01-22; 350 Highland Road
- Portion of property requesting to be purchased
- 30 FT Addition

HANDICAPPED RAMP

**ORDINANCE NO.**

**AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, OCTOBER 18, 2016, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.**

**AN ORDINANCE TO ALLOW FOR THE SALE OF PUBLIC PROPERTY**

**WHEREAS,** the Town of Vinton was contacted in 1993 by Mr. Audley C. Robinson, Jr., who petitioned that the Town vacate the undeveloped Glencoe Street, a 50 feet by 138.52 feet right-of-way adjacent to his property, located at 222 Highland Road; and

**WHEREAS,** the Town vacated Glencoe Street by Ordinance No. 584 on April 6, 1993; and

**WHEREAS,** one-half of the vacated right-of-way was combined with Mr. Robinson's property located at 222 Highland Road and one-half of the vacated right-of-way was combined with the Town-owned property located at 350 Highland Road, Tax Map Number 060.15-01-22; and

**WHEREAS,** the Town has been contacted by Mr. Robinson regarding the prospective sale of the Town's portion of the former Glencoe Street; for the purpose of building an addition and a handicapped ramp onto his existing house due to his declining health, but cannot meet the setbacks; and

**WHEREAS,** the portion of Tax Map Number 060.15-01-22 that Mr. Robinson requests to purchase is 25 feet by 138.52 feet, which is a total of 3,463 square feet; and

**WHEREAS,** the 2016 tax assessment value for the land located at 350 Highland Road is \$110,700.00, which is approximately \$0.37 per square foot, and the portion that Mr. Robinson requests to purchase is valued at \$1,280.00; and

**WHEREAS,** Mr. Robinson has agreed to pay for the land, as well as the survey and all legal fees, including the cost of the legal advertisement; and

**WHEREAS,** on September 28, 2016, a letter was mailed to surrounding property owners notifying them of the request and informing them of the date and time of the public hearing of Town Council; and

**WHEREAS,** pursuant to the provisions of Section 15.2-2204 of the 1950 Code of Virginia, as amended, the legal notice for the public hearing has been advertised in The Vinton Messenger, the Town's social media pages and website, and on RVTV-3; and

**WHEREAS**, the Vinton Town Council held a public hearing on October 18, 2016.

**NOW, THEREFORE BE IT ORDAINED**, that the Town Council for the Town of Vinton does hereby authorize the Mayor to execute the necessary documents to convey the ownership of 3,463 square feet of tax map number 060.15-01-22 to Mr. Audley C. Robinson, Jr., following review and approval of the documents by the Town Attorney.

This Ordinance was adopted on motion 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**

October 18, 2016

### **Department**

Administration

### **Issue**

Consideration of public comments regarding a proposed ordinance to grant a fifteen (15) year Telecommunications Franchise to Lumos Networks, Inc. commencing on October 18, 2016.

### **Summary**

In October 1990, Lumos Networks, Inc., a Virginia Corporation, fka Roanoke & Botetourt Telephone Company was granted a telecommunications franchise in the Town of Vinton. This franchise has expired and they have requested that the franchise be renewed. The Franchise renewal period will be for fifteen (15) years from the effective date of the agreement. The franchise is not an exclusive franchise and does not prevent the Town from granting to any other person, firm or corporation the same or similar franchise rights and privileges to be exercised in or upon its streets. It gives Lumos the right to use the streets of the Town to operate and maintain a fiber optic telecommunication system within and along the streets of the Town.

Council was briefed on the proposed franchise agreement at their October 4, 2016 meeting.

### **Attachments**

Telecommunications Franchise Agreement  
Ordinance

### **Recommendations**

Conduct Public Hearing; motion to adopt Ordinance

## TELECOMMUNICATIONS FRANCHISE AGREEMENT

THIS AGREEMENT ("Agreement"), made and entered into this \_\_\_\_\_ day of October, 2016, by and between the TOWN OF VINTON, VIRGINIA, a Virginia municipal corporation ("Grantor"), and LUMOS NETWORKS, INC., a Virginia corporation ("Grantee").

**WHEREAS**, Grantee (fka Roanoke & Botetourt Telephone Company) was granted a telecommunications franchise in the Town of Vinton on October 16, 1990, which has expired; and

**WHEREAS**, Grantee has requested to renew or continue its franchise in the Town under the same conditions as the previous franchise; and

**WHEREAS**, Grantor has reviewed the proposal for a Telecommunications Franchise of Grantee; and

**WHEREAS**, Grantor, at a duly authorized and regular meeting of its Town Council, did vote to grant a renewal of the Telecommunications Franchise to Grantee pursuant to provisions of the State Code and Town Charter.

**NOW, THEREFORE**, in consideration of said grant of renewal of the Telecommunications Franchise, the parties agree as follows:

### **Section 1. Definitions.**

As used herein, the following words and phrases shall have the following meanings, unless a contrary intent appears from the context of the provision therein used:

- a. "Town" or "the town" means the Town of Vinton, Virginia.
- b. "Fiber optic equipment" includes fiber optic cable and associated equipment including poles, wires, cables, conduits and appurtenances necessary to the sale and distribution of telecommunication services in and along the streets, alleys and other public ways in the Town, identified and permitted under the provisions of this franchise and as permitted to be utilized by Grantee by the then existing rules, regulations and laws governing said telecommunication services.
- c. "Grantee" or "the grantee" means Lumos Networks, Inc.
- d. "Street" or "the streets" means the streets, alleys, avenues, highways, and/or other public ways owned by or subject to the control of the Town.
- e. "In the streets" shall be construed and understood to include "under, along or over the streets," when the physical situation so applies;
- f. The term "Services" is used in this Agreement in the sense of products or commodities furnished by Grantee and equipment, apparatus, and facilities devoted to the purposes in which Grantee is permitted to be engaged by the then existing regulations and laws governing telecommunication services, and in the manner and as permitted under the provisions of this franchise.

g. "Director of Public Works" means the Director of Public Works in the Town of Vinton or such other officer or official of Town government, or other person, charged by the Town Charter or Town Council with responsibility and authority over the maintenance of public streets and public property in the Town regardless of the title then assigned such person.

h. "Fiber Cable" means that plastic coated sheathing used to house optical glass fiber.

## **Section 2. Grant of Authority.**

Subject to the provisions, conditions and restrictions set forth in this Agreement or herein referred to, there is hereby granted to Lumos Networks, Inc., Grantee, for a period of fifteen (15) years from the effective date of this Agreement, the right to use the streets of the Town to operate and maintain a fiber optic telecommunication system within and along the streets of the Town, and, for these purposes, to construct, erect, maintain and use and, if now constructed, to continue to maintain and use and operate, its fiber optic equipment, including necessary manholes, in, under, across, over, and along the streets within the corporate limits of the Town.

Upon the expiration of the term for which this franchise is granted, or upon expiration of any renewal or extension of the original term hereof, or upon earlier termination as provided herein, the Grantee shall, upon receipt of the written request of the Town, at its own expense, remove all fiber optic equipment from all streets, public ways, within the Town and, should Grantee refuse or fail to comply with this provision, the Town shall have the right to remove said equipment at a cost to be borne by the Grantee and the Town shall not be liable to the Grantee for any damages resulting therefrom, except for damages that result from any negligent or willful act by the Town, its employees or agents.

## **Section 3. Territorial Area Involved.**

The franchise relates to the present territorial limits of the Town, and to any area henceforth added to the territorial limits of the Town during the term of this franchise, or any renewal or extension thereof.

## **Section 4. Use of Streets.**

a. General Control and Location of Lines and Conduit. The Grantee, in connection with any digging it shall make in the streets in the Town, shall be subject to the provisions of this franchise and to all applicable ordinances, laws, and regulations. All poles erected by the Grantee shall be neat and symmetrical and shall be so located as to in no way interfere with the safety or convenience of persons traveling on or over the streets and public places. The Town reserves the right at any time by resolution of Town Council or otherwise through proper representatives of the Town to further or specifically designate the locations of any poles, lines, cables, or conduits, with reference to other municipal facilities such as sewer and water mains, signal poles and lines, drainage facilities, and other services, or to other facilities such as gas lines, public electric utilities or railway message, telephone and telegraph lines, signal or power lines in such a manner as to promote the public safety and to protect public property. Failure by the Town to so designate shall not relieve the Grantee of responsibility in matters of public safety as

hereinbefore specified. Town further reserves the right to establish by ordinance or resolution, and Grantee hereby agrees to comply with any reasonable regulation for the convenience, safety, and protection of its citizens as now in effect or as may be adopted in the future, including, without limitation, requiring substitution of underground conduit for overhead cable or vice-versa, or requiring transfer of cable from the front or rear of property. At least thirty days prior to any installation, removal, or relocation, Grantee shall submit detailed plans of proposed action for approval by the Town Manager. An exception to this requirement for the submission of detailed plans shall be permitted in cases of repair of the fiber optic equipment or emergencies involving public safety. The Town Manager shall approve such plans or communicate reasons for disapproval within thirty days or earlier of submittal. The Grantee shall construct and locate poles, lines and conduits so as not to interfere with the construction, location and maintenance of sewer and water service lines or mains. The Town may restrict the location of service lines, appurtenances or facilities of the Grantee from parkways or parkway drive wherein such would conflict with appearance standards or may require, as an alternate thereto, the construction wholly or in part of underground conduit, appurtenances or facilities.

b. For the purpose of installing, operating and maintaining the wire, cables and appliances, fixtures and appurtenances necessary to the fiber optic telecommunication system, the Grantee shall be required, whenever reasonably possible, to use the poles and conduits of others. Others are defined as public utilities, including the Town, the electrical utility, and the telephone utility which have authority or a franchise to construct, install and maintain poles, towers and conduits within the Town. All underground facilities which are required to pass in or under portions of public rights-of-way including, but not limited to, easements, alleys, sidewalks, and streets, shall be housed in conduit of not less than two (2) inches in diameter. All underground cable installed in conduits or ducts shall be of the polyethylene jacketed type or an equivalent direct burial type.

c. Disturbance of Streets - Restoration.

(1) Written permits, in any or all cases shall be obtained by the Grantee from the Director of Public Works of the Town before and whenever it becomes necessary for the Grantee to excavate in the streets of the Town in order to install, repair, replace, construct or extend any of the fiber optic equipment or services therein or thereon. Such permits, further, shall state the particular part or point of the streets where said construction or excavation is to be made and the length of time in which such permits shall authorize such work to be done. An exception to this requirement for a permit or permits shall be permitted in cases of emergency repair of the fiber optic equipment or emergencies involving public safety. In all such cases, Grantee shall provide appropriate notice as soon as reasonably possible, and in any event no later than the close of business on the next Town working day.

(2) Immediately after fiber optic equipment is installed or repaired by Grantee, the incidental trenches or excavations shall be refilled by the Grantee in a manner acceptable to the Director of Public Works. Pavement, sidewalks, curbs, gutters or other portions of streets or public places destroyed, disturbed or damaged by such work shall be promptly restored and replaced with like materials to their former condition by the Grantee at its own expense; however, where it is necessary, and if expressly permitted by the Town, in order to

restore disturbed or damaged property to its former condition the Grantee may or shall use materials whose type, specifications or quantities exceed or are different than those used in the original construction or installation and the Grantee at its own expense shall provide such different materials. Where a cut or disturbance is made in a section of sidewalk paving, rather than replacing only the area actually cut, the Grantee shall replace the full width of the existing walk and the full length of the section or sections cut, a section being defined as that area marked by expansion joints or scoring. The Grantee shall, in any street, promptly remove or correct any obstruction or defect therein which may have been caused by the Grantee or its agents in the installation, operation or maintenance of the Grantee's facilities. Any such obstruction or defect which is not promptly removed, repaired or corrected by the Grantee after proper written notice, given by the Town to said Grantee at Grantee's principal place of business may be removed or corrected by the Town, and costs thereof shall be charged against the Grantee and may be enforced as a lien upon any of its properties or assets. Expenses of damage, relocation or replacement of Town utility lines, sanitary sewers, storm sewer, and storm drains, where such expenses results from construction or maintenance of the Grantee's lines or facilities, shall be borne by the Grantee and any expenses incurred in connection therewith by the Town shall be reimbursed by the Grantee.

(3) The Grantee shall not open, disturb or obstruct, at any one time, any more of such public streets than may, in the opinion of the Director of Public Works, be reasonably necessary to enable it to proceed in laying or repairing its fiber optic equipment. Neither shall the Grantee permit any such street, sidewalk or public place, so opened, disturbed or obstructed by it in the installation, construction or repair of its fiber optic equipment, to remain open or the public way disturbed or obstructed for a longer period of time than shall, in the opinion of the Director of Public Works, or other proper official of the Town, be reasonably necessary. In all cases where any street or public place shall be excavated, disturbed or obstructed by the Grantee, the Grantee shall take all precautions necessary or proper for the protection of the public, shall obtain all required permits and approvals and shall maintain adequate warning signs, barricades, signals and other devices necessary or proper to adequately give notice, protection and warning to the public of the existence of all actual conditions present.

(4) Whenever the Town shall widen, reconstruct, realign, pave or repave any street or public place, or shall change the grade or line of any street or public place or shall construct or reconstruct any conduit, water main, sewer or water connection, or other municipal works or utility, it shall be the duty of the Grantee, when so requested in writing by the Town, to change its lines, conduits, services and other property in the streets or public places, and/or areas adjacent thereto, at Grantee's sole expense so as to conform to the new widening, location, alignment or grade of such street or public place and so as not to interfere with the conduits, sewers and other mains as constructed or reconstructed. Upon written notice by the Town of its intended work, above specified, the Grantee shall within a reasonable period of time accomplish its obligation in accordance with and to conform to the plans of the Town for such construction, reconstruction or improvements. However, the Grantee shall not be required by the Town to relocate fiber optic lines, whether above or below the ground elevation, when the street or public ground in which they are located is vacated for the convenience of abutting property owners and not as an incident to a public improvement.

(5) The Town Council may require that written permits, in any or all cases, be obtained by the Grantee from the Director of Public Works before and whenever it becomes necessary for the Grantee to install, construct, extend any fiber optic lines, poles, towers or conduits or services on, over or under any bridges or viaducts which are part of the street system of the Town; provided, however, that exception to the requirement of permits shall be provided in cases of emergencies involving public safety. In all such cases, Grantee shall provide appropriate notice as soon as reasonably possible, and in any event no later than the close of business on the next Town working day. All provisions of this Agreement shall be applicable to said installation, construction, extension or repair on, over or under any such bridge or viaduct provided that the factors of appearance and achievement and maintenance of structural design requirements of the bridge or viaduct shall be assured.

**Section 5. Maps and Plats.**

The Grantee shall, upon written and reasonable request at any time from the Town Manager, or other official designated by the Town Manager, make available or furnish to the Town Manager, or other designated official, maps, plats or plans, or copies thereof; showing the location but not necessarily the use of any or all of its fiber optic equipment and other structures located in, under and along the streets and public places of the Town.

**Section 6. Taxes.**

Nothing in this Agreement shall be construed to prevent the Town, hereafter and from time to time, from levying any lawful tax on the properties of the said Grantee.

**Section 7. Safety Methods and Equipment.**

The Grantee will maintain all its property, equipment and facilities, including without limitations its poles, wires, conduits and fiber optic equipment within the Town in good and safe order and operating condition through the term of the franchise.

**Section 8. Tree Trimming.**

The Grantee shall comply with all applicable requirements and regulations of the Town prior to and while engaging in the removal, cutting or trimming of trees or vegetation in or along Town streets. All trimming by Grantee shall be performed in a safe and orderly manner and in compliance with the pruning standards of the National Arborists Association, as amended.

**Section 9. Liability.**

a. **Damage Claims.** Grantee shall indemnify and hold free and harmless the Town, its officials, officers, agents, and employees, from and against any and all loss, cost, or expense, including reasonable attorney's fees, resulting from any claim, whether or not reduced to judgment, and for any liability of any nature whatsoever including, without limitation, injury, death or damage to persons or property, that may arise out of or result from the presence,

construction, operation, maintenance or use by Grantee, its agents, employees, or invitees of the fiber optic equipment under the terms and conditions of this franchise or the exercise by Grantee of any right granted by or under this franchise.

b. Insurance. Grantee shall, at its expense, prior to any use or entry upon Town streets or property and at all times during the term of this franchise, maintain and provide the Town with suitable evidence of both (1) broad form contractual liability insurance coverage including the indemnification obligation set forth in Section 9.a. above, and (2) comprehensive general public liability insurance coverage including, but not limited to, motor vehicle liability coverage naming Grantee, its employees, affiliates, or contractors as insureds and naming the Town of Vinton, its officers, officials, agents and employees as additional insureds, insuring against on an occurrence basis all claims, loss, cost, damage, expense and liability from loss of life or damage or injury to persons or property arising out of Grantee's use of Town streets or property. Said policies shall have limits of not less than Two Million Dollars (\$2,000,000.00) combined single limit for loss of life or injury to one or more persons and for property damage as a result of one incident.

c. Grantee shall require substantially identical indemnification and insurance coverages as set forth in Sections 9.a. and 9.b. above in favor of the Town, its officials, officers, agents and employees, from any independent contractor or other entity working on its behalf in Town right-of-way.

#### **Section 10. Approval of Transfer.**

No sale, assignment or lease by the Grantee of the franchise or of the privileges granted hereunder shall be permitted or effective without prior approval by the Council of the Town. As a condition to consideration by the Council of a sale or assignment, the Grantee shall file with the Town Manager written notice of the proposed sale or assignment and the vendee or assignee shall similarly file an instrument, duly executed, reciting the fact of such proposed sale or assignment, offering to accept the terms of this franchise, and agreeing to perform all of the conditions thereof.

#### **Section 11. No Exclusive Franchise.**

The rights herein granted the Grantee to construct, maintain or operate its fiber optic telecommunication system in the Town, as set forth herein, or to perform any other act or exercise any other privilege granted or provided for in this franchise shall not be construed as exclusive or as preventing the Town from granting to any other person, firm or corporation the same or similar franchise rights and privileges, to be exercised in or upon its streets and such of the same and parts thereof as the Town may deem best or choose to allow, permit, give or grant.

#### **Section 12. Lien of Town.**

All debts, penalties, or forfeitures accruing to the Town under the terms of this Agreement shall constitute a lien upon the property and franchises of the said Grantee within the Town, subject, however, to then-existing prior liens.

**Section 13. Jurisdiction of Government Regulatory Commissions.**

Where any provision of this franchise is in conflict with any lawful rule of the State Corporation Commission of Virginia, or of any other duly constituted body or commission legally authorized to prescribe rules governing the conduct of the Grantee within the Town, so that the Grantee cannot reasonably comply with both the provisions of this franchise and the rule of such commission or body, then the Grantee shall comply with such specific rule instead of the conflicting specific and individual provisions of this franchise, but the Grantee shall comply with each and all of the provisions of this franchise where such can be done without violating valid statutes or rules of the said commission or body.

**Section 14. General Ordinances of the Town.**

The rights and privileges herein granted are expressly subject to the conditions, limitations and provisions contained in the general ordinances of the Town in force relative to the use of streets or public places of said Town, so far as they may be applicable, to the rights and privileges herein granted, and to any and all ordinances which may be hereafter passed by the Town applicable thereto in the exercise of the police power or any other power vested in the Town for the regulation of public service corporations using the streets of the Town; and the Town expressly reserves the right to pass all such reasonable ordinances for the regulation of the use of the streets and public ways and places, and for the exercise of the rights and privileges herein granted.

**Section 15. Costs of Advertisement.**

The successful bidder shall pay to the Town all costs for the advertisement for bids and of this Agreement.

**Section 16. Public Rights-of-Way Use Fee and Bond.**

Grantee acknowledges that the Town has adopted the public rights-of-way use fee authorized by Virginia Code § 56-481.1 and as set forth in the Vinton Town Code §§ 82-61, et seq. Grantee agrees to collect the fee from each end user of its services in the amount proscribed by statute and remit same to the Town Treasurer.

Grantee shall, upon the effective date of this franchise, deliver to Town and maintain during the term hereof a bond with approved corporate surety or an irrevocable letter of credit with Town as beneficiary in the amount of \$25,000.00 to insure Grantee's compliance with its obligations hereunder including, without limitation, the timeliness and quality of any required repair or restoration work, or removal of Grantee's lines upon expiration or termination of the franchise.

**Section 17. Effective Date.**

This Agreement shall be in force and effect upon passage and upon Grantee accepting the grant by execution in duplicate and delivery to the Town Clerk of the written acceptance set out in Section 21 hereof.

**Section 18. Termination and Forfeiture of Franchise.**

a. Upon the termination of this franchise and the rights granted hereunder, whether by expiration or forfeiture, Town Council may direct and require the Grantee to remove its fiber optic equipment from the streets and public ways within sixty (60) days. Should Grantee fail to comply with this provision, the Town shall have the right to remove said equipment at a cost to be borne by the Grantee and the Town shall not be liable to the Grantee for any damages resulting therefrom, except for damages that result from any negligent or willful act by the Town, its employees or agents.

b. In addition to all other rights and powers of the Town by virtue of this franchise or otherwise, the Town reserves the right to terminate and cancel this franchise and all rights and privileges of the Grantee hereunder in the event Grantee:

(1) Violates any provision of this franchise, except where such violation is without fault or through excusable neglect or is in compliance with a valid and enforceable rule, regulation, order or mandate of a State or Federal law or agency which preempts the Town's rule, order or determination.

(2) Becomes insolvent, unable or unwilling to pay its debts, or is adjudged a bankrupt.

(3) Attempts to evade any of the provisions of this franchise or practices any fraud or deceit upon the Town.

c. Upon the happening of an above described event, the Town shall send written notice to the Grantee at the last business address of said Grantee indicating the manner in which the forfeiture or violation has taken place. The notice shall also specify a time and place for a hearing at which the Grantee shall have the opportunity to show cause why said forfeiture or termination should not take place. After such hearing or opportunity for hearing, Town Council may, by resolution, either terminate this franchise or extend the same upon such conditions as it deems correct.

**Section 19. Notices**

All notices, requests and other communications hereunder shall be in writing and shall be deemed to have been duly given if delivered or mailed first-class, postage prepaid, by certified mail, return receipt requested, addressed to:

GRANTEE:  
Attn: Mary McDermott, Senior VP  
Legal & Regulatory Affairs  
Lumos Networks, Inc.  
One Lumos Plaza  
Waynesboro, VA 22980

TOWN:  
Attn: Town Manager  
Town of Vinton  
311 S. Pollard Street  
Vinton, Virginia 24179

**Section 20. Town Use of Grantee Facilities.**

When requested in writing by the Town, Grantee shall provide suitable space equivalent to one (1) crossarm (in vertical and horizontal spacing) on each pole erected, riser conduits, and control cabinets, equivalent to one (1) duct in each of the conduits constructed, and if direct burial is used shall provide one town cable or tubing, free of charge and for the purpose of carrying wires of the Town's telegraph, telephone, alarm, signal or radio system, provided the said wires are placed and maintained in such a manner as may be reasonably prescribed by the Grantee, and in no case used to carry electric light or high-tension currents. Whenever it becomes necessary for the Grantee to move the Town's said wires for the Grantee's own purposes, such removal shall be at the cost of the Grantee and under supervision of the Director of Public Works, and such wires shall be promptly replaced by the Grantee at its expense. In case of any emergency or public disaster, the Grantee shall, upon request of the Town, make available its facilities to the Town for emergency use at no cost to the Town. The Grantee further agrees to make available to the Town during the period of the emergency and without cost to the Town such personnel as may be required to operate the facilities whereby the Mayor or other authorized representative of the Town may communicate with the citizens of the Town.

**Section 21. Acceptance.**

The undersigned, Lumos Networks, Inc., hereby accepts the grant and each and all of the provisions, conditions, and limitations of this Agreement of the Town of Vinton, adopted by the Council of the Town of Vinton as Ordinance No. \_\_\_\_\_, on the 18th day of October, 2016, and hereby covenants and agrees that it will perform and discharge each and all of the duties and obligations imposed upon it as Grantee in and under said Agreement, and that it will be bound by each and all of the terms, conditions and provisions therein contained.

(Signature Page Follows)

IN WITNESS WHEREOF the Town of Vinton and Lumos Networks, Inc., has caused this Agreement and written acceptance of the franchise granted herein to be executed by their duly authorized representatives:

TOWN OF VINTON:

\_\_\_\_\_  
Barry W. Thompson, Town Manager

Date: \_\_\_\_\_

LUMOS NETWORKS, INC.

*Mary McDermott*  
\_\_\_\_\_  
Mary McDermott, Senior VP - Legal &  
Regulatory Affairs

Date: *Sept. 27, 2016*

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

**ORDINANCE NO.**

**AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, OCTOBER 18, 2016, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.**

**AN ORDINANCE** granting to Lumos Networks, Inc., the right, for the term and upon the conditions herein stated, to use the streets, alleys and public ways to erect, construct, operate, and maintain a fiber optic telecommunication system and to construct, install and maintain fiber optic cable and associated equipment, including poles, wires, cables, conduits, and appurtenances necessary to the sale and distribution of fiber optic telecommunication services in and along the streets, alleys, and other public ways in the Town of Vinton, Virginia; establishing conditions controlling the exercise of said franchise and regulating the manner of using the streets, alleys, and public ways.

**WHEREAS**, Lumos Networks, Inc., (fka Roanoke & Botetourt Telephone Company) was granted a telecommunications franchise in the Town of Vinton on October 16, 1990, which has expired; and

**WHEREAS**, Lumos Networks, Inc., has requested to renew or continue its franchise in the Town under the same conditions as the previous franchise; and

**WHEREAS**, a proposed ordinance entitled "An Ordinance granting to Lumos Networks, Inc., the right, for the term and upon the conditions herein stated, to use the streets, alleys, and public ways to erect, construct, operate, and maintain a fiber optic telecommunication system and to construct, install, and maintain fiber optic cable and associated equipment, including poles, wires, cables, conduits, and appurtenances necessary to the sale and distribution of fiber optic telecommunication services in and along the streets, alleys, and other public ways in the Town of Vinton, Virginia; establishing conditions controlling the exercise of said franchise and regulating the manner of using such streets, alleys, and public ways," was ordered to be advertised by the Council of the Town of Vinton, after its terms had been considered by the Mayor and Town Council members; and

**WHEREAS**, a descriptive notice of the proposed ordinance and an advertisement inviting bids for the franchise proposed in the ordinance were published pursuant to Virginia Code § 15.2-2101 in the Vinton Messenger, a newspaper published in the Town of Vinton and having general circulation in said Town of Vinton; and

**WHEREAS**, at the session of said Council to receive said bids, the presiding officer caused to be read aloud the bid(s) received, including the bid of Lumos Networks, Inc., received in writing dated September 14, 2015 requesting to continue its franchise in the Town of Vinton on the same terms as the original franchise; and

**WHEREAS**, inquiry was made by the presiding officer if any further bids were offered; and

**WHEREAS**, there were no further bids offered, and the presiding officer thereupon declared the bidding closed; and

**WHEREAS**, the said proposed ordinance and Lumos' bid were considered by the Council and Council was in favor of accepting said bid and adopting said ordinance and franchise agreement.

**THEREFORE, BE IT ORDAINED** by the Council of the Town of Vinton that the bid of Lumos Networks, Inc., is hereby ACCEPTED.

**BE IT FURTHER ORDAINED** by the Council of the Town of Vinton, Virginia that the Town Manager is hereby authorized, for and on behalf of the Town, to execute the Telecommunications Franchise Agreement, attached hereto and approved as to form by the Town Attorney, and any other necessary documents in furtherance of the same.

This Ordinance shall be in full force and effect on October 18, 2016.

This Ordinance 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**

October 18, 2016

### **Department**

Administration

### **Issue**

Briefing on the proposed Performance Agreement with Waukeshaw Development Inc., and the Roanoke County Economic Development Authority as part of a Economic Development Incentive Package to redevelopment of the former William Byrd High School.

### **Summary**

Waukeshaw Development Inc. has agreed on a purchase contract with Roanoke County and successfully received a rezoning to a Mixed-Use Development (MUD) for the former William Byrd High School property. The developer has also received a preliminary designation on the State and National Register of Historic Places. Old School Partners is expected to invest \$10 million towards redeveloping the property into 80 +/- apartments while also maintaining the historic character of the property.

The terms of Vinton's Economic Development Incentive Grant include the reimbursement of all applicable permitting fees, water and sewer connection fees and the property taxes collected on the property over a ten year period not to exceed \$30,000.

### **Attachments**

Draft Performance Agreement

### **Recommendations**

No action required

## PERFORMANCE AGREEMENT

**THIS PERFORMANCE AGREEMENT** (the "Agreement") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the **TOWN OF VINTON**, a political subdivision of the Commonwealth of Virginia, (hereafter, the "Town"), the **ECONOMIC DEVELOPMENT AUTHORITY OF ROANOKE COUNTY, VIRGINIA** (hereafter, the "Authority"), and **WAUKESHAW DEVELOPMENT, INC.**, a Virginia limited liability company (hereafter, the "Company").

### WITNESSETH

**WHEREAS**, the Town Council of the Town of Vinton and the Economic Development Authority of Roanoke County, Virginia, desire to promote and encourage the economic development and vitality of the Town of Vinton and Roanoke County through the redevelopment and preservation of historic property in order to provide for retained and increased employment and corporate investment in the Town of Vinton; and

**WHEREAS**, the Company desires to acquire the old William Byrd High School, located in the Town of Vinton, that will be redeveloped, restored, and converted into seventy (80+/-) apartments, while maintaining the historic character of the building and incorporating modern conveniences (the "Project") located at 100 Highland Ave, Vinton, VA (Tax Map #060.11-0420.00-0000) (the "Property"), and

**WHEREAS**, the Town and the Authority expect that the Project will promote economic development and generate new local tax revenues for the Town of Vinton; and

**WHEREAS**, this increased investment constitutes a valid public purpose for the expenditure of public funds.

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants contained herein, the parties agree to the following:

1. **Company's Performance Requirements.**

- a. The Company will cause this new Project in the Town of Vinton to be constructed and developed, subject to obtaining a rezoning of the Property by the Town, obtaining ordinary and necessary governmental approvals from the Town, obtaining the approval of historic tax credits, and meeting the applicable requirements of any other governmental agency.
- b. The Company shall cause the Property to be renovated, restored, and constructed into approximately eighty (+/-) apartments while maintaining the historic character of the building and incorporating modern conveniences. The estimated project cost (including but not limited to construction and related soft costs) is \$9.2 million. The renovation of the Property is scheduled to be completed by June 30, 2018.
- c. The Company agrees to provide the Town and the Authority with any and all documentation (provided that any personally identifiable, private, confidential, or other information that Company is required by law to keep private, shall be redacted) that

may be required to verify the Company's investment figures, during the period in which the Economic Development Incentive Grant ("Grant") payments are to be made pursuant to this Agreement.

- d. The Company agrees to acquire the property from Roanoke County for \$10.00, subject to the terms and conditions set out in a Purchase Agreement, which is available from Roanoke County and referenced in this Performance Agreement. The Company also agrees, at its cost and expense, to:
  - i. prepare a Historic Preservation Certification Application, and to prepare such other documents as may be necessary to seek the listing of the Property on the National Register of Historic Places for both Part 1-Evaluation of Significance and Part 2-Description of Rehabilitation;
  - ii. complete the steps required to rezone the property compatible for the proposed uses of this Project;
  - iii. complete an architectural review of the Property;
  - iv. prepare preliminary construction cost estimates;
  - v. explore financing opportunities;
  - vi. prepare monthly progress reports;
  - vii. provide copies of these documents to the Town.

## 2. **Economic Development Incentive Grant.**

- a. The Town shall appropriate annually to the Authority the funding for an Economic Development Incentive Grant for the benefit of the Company. The annual amount of the funding provided by the Town will be equal to the annual Town real estate taxes generated by the Project. The Town's funding of the Grant shall be provided for a total of ten (10) years or until the Town's total contribution reaches a maximum amount of Thirty Thousand Dollars (\$30,000). The Town's ten-year Grant funding period will commence on January 1, 2018.
- b. The Town also agrees to remit to the Authority an amount equal to all associated Town permitting fees and water and sewer connection fees ("Fees") paid by the Company to the Town for costs associated with the Project. Upon receipt of Company's proof of payment of the Fees to the Town, the Authority shall reimburse the Company for the Fees.
- c. The Town also agrees to only hold the Company responsible for improvements that fall within Project's limits by way of upgrading, repairing or replacing the existing infrastructure that is required by existing building codes, zoning requirements and those required to achieve and maintain the historic designation. The Town will not hold the Company responsible for new infrastructure that results as of the Project although that falls outside of the Project limits, to include but not limited to new sidewalks, streetlamps, curb and gutter, etc.
- d. Within sixty (60) days of the end of each calendar year beginning January 1, 2018 and until December 31, 2027, the Company shall provide such financial and tax data relating to the Project (provided that any personally identifiable, private, confidential, or other information Company is required by law to keep private, shall be redacted) as may be

reasonably required by the Authority so that the Authority may calculate the actual Grant payment. The Company hereby authorizes the Treasurer for the Town to release to the Authority the Company's tax information and data so that the Authority may calculate the actual reimbursement amounts. The Authority shall pay the annual Grant payment to the Company at an address designated by the Company within thirty (30) days after receipt by the Authority of the data.

- e. If the Company terminates this project or fails to complete the construction of this development by June 30, 2018, then the Authority and Town shall be relieved of any obligation to the Company for any Economic Development Incentive Grant.
  
- 3. The Company shall have the right to assign this Agreement provided that any such assignment shall not relieve the Company of its obligations herein.
  
- 4. If any party is unable to perform its commitments under this Agreement by reason of force majeure, then that party shall not be deemed to be in default of its obligations under this Agreement, and any deadlines for the performance of its obligations and, if applicable, the deadlines for the performance of the other party's obligations shall be extended for a time equal to the time period of the force majeure event, plus ten days. The term "force majeure" as used herein, shall include without limitation acts of God: hurricanes, floods, fire, tornadoes, earthquakes, storm; strikes or other industrial disturbances; acts of public enemy's; orders of governmental authorities; insurrections; riots; epidemics.
  
- 5. This agreement shall be governed by and all disputes related hereto shall be determined in accordance with the laws of the Commonwealth of Virginia.
  
- 6. This Agreement and any payments of public funds are subject to future appropriations by the Vinton Town Council to the Authority.

**IN WITNESS WHEREOF**, the undersigned have executed this Agreement the day and year first written.

**TOWN OF VINTON, VIRGINIA**

By: \_\_\_\_\_  
Barry W. Thompson  
Town Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Theresa J. Fontana, Town Attorney

**ECONOMIC DEVELOPMENT AUTHORITY OF  
ROANOKE COUNTY, VIRGINIA**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**WAUKESHAW DEVELOPMENT, INC.**

By: \_\_\_\_\_  
Title: \_\_\_\_\_



## **Town Council Agenda Summary**

### **Meeting Date**

October 18, 2016

### **Department**

Public Works

### **Issue**

Consider adoption of a Resolution to approve an application for an allocation of funds up to \$200,000 to be matched through the Virginia Department of Transportation Fiscal Year 2017-2018 Revenue Sharing Program

### **Summary**

There is now a requirement for all funding agreements to be accompanied by documentation for a local official (in most cases a County Administrator, Town or City Manager) to be authorized to execute agreements on behalf of the locality. This is being referred to as Signatory Authority. There is also a requirement for all agreements to be accompanied by a commitment of local funds for any PE, RW and CN phase costs over and above the available VDOT funding. This is being referred to as Budgetary Commitment. These two requirements are confirmation of the locality's commitment to the projects originally applied for in the various funding programs as well as confirmation of the local funds required to fully fund your projects.

Council was briefed on this item at their October 4, 2016 meeting. Staff recommends adopting the attached Resolution to satisfy the Revenue Sharing Program commitments on an annual basis. This resolution could be used as the yearly required Resolution to apply for the funds, as well as the authority for a local official to sign the agreements and as the locality's budgetary commitment.

### **Attachments**

Resolution

### **Recommendations**

Motion to adopt Resolution

**RESOLUTION NO.**

**AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, OCTOBER 18, 2016 AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA 24179.**

**WHEREAS,** the Vinton Town Council desires to submit an application for an allocation of funds up to \$200,000 to be matched through the Virginia Department of Transportation Fiscal Year 2017-2018 Revenue Sharing Program; and

**WHEREAS,** the Vinton Town Council hereby supports this application for an allocation of funds up to \$200,000 to be matched through the Virginia Department of Transportation Revenue Sharing Program; and

**NOW, THEREFORE, BE IT RESOLVED THAT:** The Vinton Town Council hereby agrees to commit to their share of the total cost for preliminary engineering, right-of-way and construction of the project(s) in accordance with the project financial documents.

**BE IT FURTHER RESOLVED THAT** the Vinton Town Council hereby grants authority for the Town Manager to execute project agreements for any approved revenue sharing projects for Fiscal Year 2017-2018.

This Resolution was adopted on motion 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**

October 18, 2016

### **Department**

Police

### **Issue**

Consider adoption of a Resolution appropriating funds in the amount of \$3,265.09 for the receipt of an insurance claim made on a Dodge Charger (Unit 1137) of the Police Department.

### **Summary**

On August 24, 2016, a Dodge Charger (Unit 1137) of the Police Department was struck by another vehicle, causing front end damage. The Town's insurance carrier, VML Insurance Programs has issued a check in the amount of \$3,265.09, 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, OCTOBER 18, 2016 AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA 24179.**

**WHEREAS,** while driving home from work on August 24, 2016, Unit 1137 was involved in an accident with another vehicle. The other vehicle pulled in front of the Officer, causing a motor vehicle accident; 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 \$3,265.09; and

**WHEREAS,** in order that Buddy’s Auto Body can be paid when the invoice is received for the work, 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:

<b>FROM:</b>	<b>200.1901.001</b>	<b>Recoveries and Rebates</b>	<b>\$3,265.09</b>
<b>TO:</b>	<b>200.3101.304</b>	<b>Maintenance and Repair of Equipment</b>	<b>\$3,265.09</b>

This Resolution was adopted on motion by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, with the following votes recorded:

AYES:

NAYS:

APPROVED:

\_\_\_\_\_  
Bradley E. Grose

ATTEST:

\_\_\_\_\_  
Susan N. Johnson, Town Clerk



## **Town Council Agenda Summary**

### **Meeting Date**

October 18, 2016

### **Department**

Police

### **Issue**

Consider adoption of a Resolution appropriating funds in the amount of \$44,582.00 for the purchase of a replacement vehicle in the Police Department.

### **Summary**

On July 15, 2015, a 2012 Dodge Charger, the K9 Vehicle, (Unit 1146) of the Police Department was damaged as a result of a vehicle accident. The insurance settlement payment from VML and ATF funds, were used to purchase an SUV Utility vehicle to replace the Chief of Police vehicle. This vehicle will be replacing Unit 1146.

The Police Department is requesting to use \$44,582.00 from ATF Forfeiture funds to purchase a police vehicle to replace Unit 1146.

### **Attachments**

Resolution

### **Recommendations**

Motion to adopt Resolution

**RESOLUTION NO.**

**AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, OCTOBER 18, 2016 AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA**

**WHEREAS,** the current condition of several older police vehicles are near the end of their life cycle, Unit 1146 needs to be replaced from an earlier accident where the Insurance funds were used toward the purchase of a Police Interceptor Utility Administrative vehicle; and

**WHEREAS,** the Police Department intends to purchase a 2017 Police Interceptor Utility Vehicle with ATF Forfeiture funds; and

**WHEREAS,** the Police Department is requesting funds in the amount of \$44,582.00.00 from the ATF-Recoveries (Asset Forfeiture) Revenue Account 200.2404.023 to the General fund to cover the expense of one vehicle and markings.

**NOW THEREFORE, BE IT RESOLVED,** that the Town Council of the Town of Vinton does hereby approve the following:

<b>FROM:</b>	<b>200.12100</b>	<b>ATF Forfeitures Fund</b>	<b>\$44,582.00</b>
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The source of funds for the foregoing appropriation is from the ATF Forfeiture Fund in the General Fund's reserved fund balance in the amount of \$44,582.00.

<b>TO:</b>	<b>200.3101.731</b>	<b>ATF Special Project</b>	<b>\$44,582.00</b>
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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