

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, DECEMBER 15, 2009 IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor
Robert R. Altice
Carolyn D. Fidler
William W. Nance

MEMBERS ABSENT: William E. Obenchain, Jr.

STAFF PRESENT: Chris Lawrence, Town Manager
Elizabeth Dillon, Town Attorney
Darleen Bailey, Town Clerk
Consuella Caudill, Asst. Town Manager
Herb Cooley, Police Chief
Mike Kennedy, Public Works Director
Barry Thompson, Finance Director/Treasurer
Ben Cook, Police Lieutenant
Greg Chieppa, Police Officer
Anna Wooten, MPO
Craig Frye, Police Detective
Mark Vaught, Police Lieutenant
Monica McCullough, Police Detective
April Alterio, Administrative Services Coordinator
Fabricio Drummond, Police Officer
Christopher Hays, Police Officer
Stephen Foutz, Police Officer
Carrie Eakin, Communications Officer
Erica Lloyd, Communications Officer

Agenda

- A. 7:00 P.M. – Roll Call and Establishment of a Quorum
- B. INVOCATION –
- C. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG
- D. CONSENT AGENDA
 - 1. Approval of Minutes for the Regular Meeting of November 17, 2009
- E. AWARDS, RECOGNITIONS, PRESENTATIONS
 - 1. Promotion Ceremony – Vinton Police Department
 - 2. Introduction of New Police Officers
 - 3. Recognize Public Works Employees – Motorist Assist
- F. CITIZENS' COMMENTS AND PETITIONS
- G. SPECIAL PRESENTATION
 - 1. Vinton Ford Feasibility Study

H. PUBLIC HEARING

1. Family Day Care Homes
 - a. Request to Amend Vinton Zoning Ordinance No. 634, Appendix B of the Vinton Town Code, ARTICLE IV. DISTRICT REGULATIONS – Ordinance No. 892
 - b. Request to Amend Vinton Zoning Ordinance No. 634, Appendix B of the Vinton Town Code, ARTICLE X. DEFINITIONS, Section 10-2, Words and Terms Defined (b) Certain Words and Terms Defined – Ordinance No. 893
2. Proposed Deed of Exchange between Town of Vinton and Billy E. and Betty Jean Chumbley (Vinton Scrap Metal), of an Undeveloped Portion of Daleton Ave. – Resolution No. 1850
3. Request to adopt fees and charges for water service and wastewater service pursuant to the Vinton Town Code, Chapter 94, Utilities, Section 94-22. Fees and charges for water service and Section 94-74. Fees and charges for wastewater service and to establish an effective date – Ordinance No. 894

I. TOWN ATTORNEY

J. TOWN MANAGER

1. Public Meeting – Consideration of the Memorandum of Understanding Regarding the Operation of a Merged Emergency Communications Center with Roanoke County

K. MAYOR

L. COUNCIL

M. ADJOURNMENT

WORK SESSION

1. New World Systems CAD and Records Management System Update

Mayor Grose called the regular meeting to order at 7:00 p.m. Following roll call Pastor Thomas Harper gave the invocation and Mr. Altice led the Pledge of Allegiance to the U.S. Flag.

Roll call, invocation and Pledge of Allegiance to U.S. Flag.

The Consent Agenda was unanimously approved by the four members present on motion by Mr. Nance and seconded by Ms. Fidler.

Mr. Nance read a letter from Police Chief Cooley recognizing Police Officers Paul Harris and James Hearn as Officers of the Month for the month of November.

Chief Cooley introduced two new Communication Officers, Carrie Eakin and Erica Lloyd. He also introduced two new Police Officers, Fabricio Drummond and Stephen Foutz. He noted that the third new Officer, Christopher Hayes, was not present as he was out with his trainer.

Following the introduction of the new employees, the Police Chief announced several

promotions in the Police Department and introduced them and their families:

Corey Reid was promoted to Master Police Officer
Gregory Chieppa was promoted to Master Police Officer
Anna Wooten was promoted to Sergeant
Glenn Austin was promoted to Lieutenant
Ben Cook was promoted to Captain

Mayor Grose complimented the Police Department for the great job they do on a daily basis and stated that he was very proud of all those who had earned promotions as well as the newly hired officers. Mr. Nance concurred with the Mayor's statements.

Mr. Lawrence recognized three Public Works employees, Crew Leader Walton Nash, Equipment Operator Richard Leftwich and Equipment Operator Jared Meadows, who had assisted a non-responsive accident victim until an emergency services team arrived and safely rescued her from her vehicle. Their action possibly prevented further injury to the person involved and to others in the area.

The Mayor asked the Public Works Director to pass along Council's appreciation to the three Public Works employees.

The Town Manager presented framed pictures of the Town Clock to each Town Council member on behalf of all the Town employees in commemoration of the Town's 125th anniversary. He went on to say that the employees wanted to thank Council for their support over the past year.

Each of the Council members expressed their appreciation for the framed picture.

Consuella Caudill reported that the Town had applied for and had been awarded, a planning grant offered through the Virginia Housing and Development Authority to fund a feasibility study for future use of the Vinton Ford property. She noted that the Town had also contributed funds toward the costs of the work for the Study. Ms. Caudill advised that it is hoped that the feasibility study will help to build more partnerships with the community, property owners and business owners in the development of the downtown area. She distributed copies of the entire report to Council and staff and advised that it would be available in the Town Clerk's office for anyone to review.

Presentation of feasibility study for Vinton Ford property.

The contract managers for the project, Tim Wagner from Wiley and Wilson, and Greg Webster and Evie Sloan from Hill Studio, gave a presentation on the feasibility study. Mr. Wagner pointed out that the location of the former Vinton Ford property and the old Cundiff's Drug Store building on the corner of Washington Avenue and Pollard Street, is a very strategic corner in setting the stage for the rest of the downtown redevelopment along Pollard Street and up Washington Avenue. He reported that one option would use existing buildings, and a second option would involve new construction on the entire two thirds of the block owned by Mr. Vinyard. Mr. Wagner

stated that a sub-option to the first option (Option A) would introduce some second story residential use to the existing buildings and would change the concept for the use of the former Vinton Motors dealership building from private to a public use.

The following is a brief description of each Option:

Option A

Mr. Wagner reported that because the suitability of renovating the existing structures for the addition of a second story was somewhat limited, this option would be focused on the existing buildings as single-story commercial structures and constructing a new two-story, mixed use building on the northeast corner of the site. He noted that this would create an inward looking site with a central courtyard with outdoor eating areas and a drive connecting Washington Avenue with Maple Street which would be constructed of cobble stone pavers in keeping with the theme of a "Classic European Sports Car Rental" as well as provide a subtle means of keeping driving speeds low. This option would also include a proposed fountain.

The existing structures would be renovated for new retail uses and the former dealership building would be converted to a classic car rental establishment. The former Parts portion of the building could be converted to a classic diner with a rear entrance to access the outdoor eating area located at the center of the site. The remaining office space and the Cundiff Drug building would be renovated for other retail uses.

The new structure is shown as a two-story with a sloped roof and a somewhat taller accent tower at the extreme northeast corner. The lower portion of the structure would contain parking for the residents and tenants and commercial space facing the streets. The upper floor would contain a mixture of one and two bedroom apartments with the sloped roof area providing space for the creation of lofts.

It was noted that the proposed new two-story building would be constructed on an existing vacant lot that fronts on Lee Avenue.

Option A-1

Since Option A leaves several issues in an unresolved state, a sub-alternate to Option A was created which would call for the demolition of the existing office portion of the dealership. This would allow for the creation of a pedestrian mall from Pollard street to the center of the site. By having a pedestrian mall, a link would be created with the Farmers Market to the west and the possibility of utilizing public parking near the market.

It was suggested that given its 1950's exterior façade, the former Cundiff Drug store be renovated into a classic diner. Since this building has a rear entrance, it would make connection to the proposed outdoor eating area very convenient.

Mr. Wagner reported that while the construction of most of the former automobile dealership makes the addition of a second story impractical, it would be possible that a second story could be added to the former parts space to be used as a residential space that would have access to the pedestrian access path. The exterior wall exposed to the pedestrian path could offer additional opportunities for subdividing the ground floor and adding retail tenants. The actual dealership would be configured into a public use space. It was noted in the initial meeting with the Town that the library might possibly be relocated. If so, the dealership could be renovated into a library.

Option A-1 also proposes the construction of a new two-story building upon an existing vacant lot fronting on Lee Avenue for retail uses.

Option B

It was reported that this option proposes a radical redevelopment for the site as all components of the existing dealership as well as the former Cundiff Drug would be removed and an entirely new building would be constructed. The new building would be two-story, mixed use with commercial on the lower floor and residential on the upper floor. The construction would be arranged around a central courtyard and would include parking for the tenants and residents. Access to the site would be provided by a drive connecting to Maple Street.

This option also proposes the construction of a new two-story building on an existing vacant site fronting on Lee Street that could be used for a variety of retail uses. A bed and breakfast was suggested as one use for the building.

In a discussion on cost estimates for the proposed options, Mr. Wagner advised that their estimates are based purely on concepts with a large contingency amount included as the design between concept and final design can change drastically. Depending on the design preferred by Mr. Vinyard, the costs could range from \$9,000,000 to \$12,000,000 which equates to \$180 to \$220 per square foot. He went on to say that because the project is a "downtown revitalization", there are some potential resources for funding available.

Ms. Sloan advised that they planned to work with the Town to find ways to help fund the project. She noted that most downtown projects are public-private partnerships and advised that one of the most significant tools used by communities is Historic Rehabilitation Tax Credits. Ms. Sloan stated that Vinton has not been designated as a Historic District but she felt that Vinton would have the potential to have this designation established as any building located in an historic district would qualify for up to 45% of the rehabilitation costs. She added that any building that is older than 50 years old can qualify for a 10% tax credit. These tax credits would drop the \$9,000,000 cost down to \$4,500,000.

Ms. Sloan advised that another funding option would be Community Development Block Grant funds, especially for public infrastructure.. Another funding option noted

was Transportation Enhancement Funds, a Business Improvement District that would allow the Town to collect additional taxes on businesses in that district and a Tax Increment Financing District that is available for large developments that provides revenue to the community.

At the conclusion of the report, the Mayor and Council thanked Mr. Wagner, Mr. Webster and Ms. Sloan for their very informative and exciting presentation.

The Mayor opened a public hearing to take comments and questions on residential daycare regulations. Ms. Turman presented the staff report. She advised that earlier in the year, a situation was brought to the Town's attention regarding a family day care home that was keeping more than the allowed five children. She noted that there is no provision in the Town Code that would allow for more than five children in a residential daycare home, and after researching other localities and their requirements for family daycare homes in residential districts, staff had presented the information to the Planning Commission at work sessions on July 9, 2009 and October 8, 2009. Staff had recommended to the Planning Commission that the care of 1-5 children be considered a home occupation (no business license would be required and would not be required to be certified by the state) and that a Special Use Permit be required for the care of six to nine children. Ms. MicMillan noted that staff recommendations would allow for no more than nine children in a home daycare with a Special Use Permit.

Public Hearing and adoption of Ordinance No. 892 and Ordinance No. 893 increasing the maximum number of children allowed in a home daycare with a Special Use Permit.

Ms. Turman advised that the State Code definition of a daycare home allows for up to 12 children to be cared for, however, the Town Attorney had advised that the Town Code would override the State Code on this issue so the Town could be more restrictive than the State Code. Staff's recommendation was that home daycare be allowed for six to nine children with a Special Use Permit.

It was noted that the Planning Commission held their public hearing on the issue on November 16, 2009 and recommended that a home daycare be allowed to care for 6 to 12 children with a special use permit.

Mr. Nance asked if Council could limit the number of children in a specific daycare home depending on impact to the neighborhood and Ms. Dillon advised that with special use permits, conditions can be added to limit the impact on the surrounding neighborhood. Mayor Grose questioned whether a neighborhood that already had two daycare homes with 12 children could limit a third applicant to fewer children in the same neighborhood. Ms. Dillon replied that the Town could limit the third applicant's number.

A discussion ensued regarding the handling of violations of the special use permit. Ms. Dillon pointed out that with a special use permit, the Town can take the revocation action if there is a violation, it would not have to go to court. Mr. Nance questioned how it would be handled if a violation was reported to the Town and Ms. Dillon reported that the Town would have to give notice and allow the person an opportunity to be heard. At that point, Council would determine whether or not to

revoke the permit.

Mr. Vincent Bennett of 303 Ashley Court, spoke in favor of the Planning Commission's recommendation to allow residential daycare homes to provide care for 6 to 12 children.

Ms. Fidler advised that she had no objections to setting the number of children at 6 to 12. The Mayor pointed out that if the two ordinances mentioned earlier are approved, the Bennetts would have to then apply for a special use permit to be voted on at a future Council meeting.

Ms. Harper of 119 Franklin Avenue, also spoke in favor of setting the limit at 12. After hearing Mr. Bennett's and Ms. Harpers comments on the regulations required by Social Services, Mr. Nance pointed out that the Town would be looking at a different set of priorities than Social Services. He advised that he was in support of the amendment and felt it was important to have an enforcement procedure in place not only for those who apply for the permit but also for those who provide daycare for more than five children and do not have a special use permit.

Mr. Altice stated that he is in favor of requiring a special use permit as it would be easier to enforce. Ms. Fidler and Mayor Grose agreed also.

Mayor Grose closed the public hearing at 8:40 p.m.

Ms. Dillon advised the Mayor that Council will need to amend Ordinance No. 893 by changing the number 10 to 13 relating to the number of children to be cared for in a residential daycare home with a special use permit.

Ms. Fidler moved to adopt proposed Ordinance No. 892 taking family day care homes out of Article IV, District Regulations of the Vinton Zoning Ordinance and moving it to Special Uses. The motion was seconded by Mr. Altice and passed unanimously on a roll call vote by the four members present.

Ms. Fidler moved to adopt proposed Ordinance 893, as amended, increasing the maximum number of children to be cared for in a residential daycare home with a Special Use Permit from less than 10 to less than 13. The motion was seconded by Mr. Altice and passed unanimously by the four members present.

Mayor Grose opened the next public hearing at 8:45 p.m. to consider the proposed deed of exchange between the Town and the owners of the property where Vinton Scrap Metal is located, Billy and Betty Chumbly.

Ms. Dillon reported that the issue had previously been discussed at a Council work session in the fall of 2006 in response to a variance request made by Vinton Scrap Metal by Mr. Chumbly and Jerry Harris to provide for space for a transitional yard between the properties where the business is located and the adjoining residential properties for a proposed 40' by 80' shelter building. She advised that it was

Adopted Resolution No. 1850 approving a deed exchange between Mr. and Mrs. Chumbly (owner's of Vinton Scrap Metal) and the Town of Vinton.

discovered at that time that the ownership of the land was in question which has since been worked out. She went on to say that Vinton Scrap Metal had been using property owned by the Town and the Town had been using property owned by Vinton Scrap Metal. She expressed hope that the proposed deed of exchange would remedy the issue so that everyone is using property that belongs to them. Ms. Dillon added that there is also a portion of the land that's located in the City of Roanoke which, by recordation of the plat, would dedicate that portion of the property to the City.

Following comments by Mr. Jerry Harris on the history of the issue, Mayor Grose closed the public hearing at 8:50.

After looking at a map of the property, Mr. Nance moved to adopt proposed Resolution No. 1850 authorizing the deed of exchange between Mr. and Mrs. Chumbly and the Town of Vinton. The motion was seconded by Mr. Altice and passed unanimously on a roll call vote.

Mayor Grose opened the third public hearing at 8:51 p.m. on proposed Ordinance No. 894 establishing fees and charges for water and wastewater services, system development fees and connection and inspection fees. Mr. Kennedy, Public Works Director, pointed out that the Town Code requires that these fees are to be reviewed annually. He noted that the matter was discussed in detail at a previous work session.

He advised that staff proposes system development fees to be increased by about 2%, the connection charges to be decreased by approximately 6% and the inspection charges to be increased between 5% and 8%. Meter setting fees would also increase due to the cost of materials. He recommended that Council adopt the new fees so that rates will reflect the value of the Town's system as well as recognize the Town's long-term future capital needs.

Mr. Altice asked if it was necessary to change the rates since the proposed increases were so small and Mr. Kennedy replied that he felt it is necessary to make the increases when they are needed so the rates would be kept current based on the methodology used every year. He pointed out that the Town's fees are less than the Water Authority's and substantially less than the State-wide average.

Mayor Grose pointed out that staff had kept Council updated and made annual recommendations as asked, but stated that even though the increases would be small, he was not sure this would be the best time for the Town to raise fees of any type due to the current economic climate.

Ms. Fidler stated that she felt it was appropriate at this time to make the increases since most citizens would not be impacted by it as only new construction cost would be affected. Mr. Nance stated that he did not want to make any increases that would affect any new development in the Town and that perhaps this was not the year to make increases, even small ones. He recommended waiting until a time when an

Public Hearing on proposed Ordinance No. 894 increasing fees and charges schedule for water and wastewater service (Ordinance did not pass, fees will remain at 2009 levels)

increase would not hurt new development so much. Mr. Altice felt that since the increase would be so small, Council should wait until later to increase the fees and charges. He expressed concern about how the public would view an increase at this time.

Mr. Lawrence advised that Mr. Kennedy had pointed out at the last two work sessions that there is a need for additional revenue. The Town Manager went on to explain that, according to the Town Attorney, though the Town is required to establish rates each year, it does not mean that the rates have to be changed. Ms. Dillon advised that if Council takes no action on the proposed resolution, Council would keep the 2009 rates and would be establishing rates by default.

Mayor Grose closed the public hearing at 9:05 p.m. Ms. Fidler moved to adopt proposed Ordinance No. 894 establishing a fee and charge schedule for water and wastewater services. As there was no second, the motion died for lack of a second.

The Town Manager reported that Town staff and Roanoke County staff has been working on a proposal to merge the Town's Emergency Communications Center with Roanoke County's Communications Center since last Spring. After introducing Bill Greaves, Roanoke County's Communications Information Technology Director, Mr. Lawrence explained that the purpose of the public meeting was to begin the formal process of consideration and adoption of a Memorandum of Understanding (MOU) regarding the proposed merge. In his comments, he advised Council that it can be shown that there would be significant savings for the Town and for the County. He went on to say that there would be immediate annual budget savings as well as a savings in cost avoidance because additional staff would not have to be hired to meet current and future needs. He further advised that the Town would be able to continue to provide services to Town residents who would also benefit from enhanced services that are currently being provided to other Roanoke County citizens.

Public meeting on proposed merger of Town of Vinton's Communications Center with Roanoke County

Mr. Lawrence reported that Roanoke County had voted earlier in the day to offer an invitation to the Town's Communications Center to join them and had scheduled a second reading for their January 26th meeting. He noted that the MOU would be placed on the January 5, 2010 meeting agenda for Vinton Town Council's consideration and vote.

Mr. Nance questioned how the Town would pay for the merger if the grant is not approved. Mr. Lawrence replied that the MOU would allow the Town to opt out with a 12 month notice if the grant is not approved or if the state cuts its communications funding. In response to a question from Mr. Altice as to when the merger would take place, Mr. Lawrence replied that the target date is July 1, 2010. He noted that on December 18th, the Town would be submitting a grant for \$300,000 to the E-911 Wireless Board for the first time, up-front expense. The Town Manager stated that if the grant is not approved, the Town would take one-half of the "up-front money" from the Wireless 911 account and the rest would be spread out over a several year period.

Mr. Nance asked if the Memorandum of Understanding would be perpetual and if the Town would have veto power for anyone else joining the agreement. Mr. Lawrence replied that the County would not be allowed to merge with another agency without the consent of the Town which gives the Town the opportunity to either withdraw from the agreement, say no, or renegotiate the Town's formula. Bill Greaves spoke up to say that everyone concerned felt that the Town and the County's close relationship has affected how well the group worked together. He stated that the merger would be a partnership.

Mayor Grose congratulated the staff on the very comprehensive presentation at the Joint Meeting on December 1st and noted that other localities in the state have successfully merged their communications centers. He felt the merger would be good for both localities.

Mr. Lawrence advised that staff would be working with local newspapers to assure that the citizens are made aware of the proposed merger.

Ms. Fidler stressed that the public needs to be assured that the merger would be seamless with the Town actually receiving enhanced services.

Mr. Nance commented that the Corridor Study meeting which had taken place a few days before had been very successful with good citizen turn-out and a report that looks very promising.

Following a report from Mr. Thompson on the Needy Family Program, Mr. Nance complimented those involved with the successful "Cops for Coats" program.

The Mayor and Council wished everyone a Merry Christmas and a Happy New Year.

Mayor Grose adjourned the regular meeting at 9:30 p.m.

WORK SESSION

1. New World System CAD and Records Management System Update

Mr. Lawrence reported that the Town's contract with Interact for CAD and records management systems software would expire in the near future and will need to be renewed or other vendors considered. He went on to say that if the Town does approve the communications merger, the Town would have to move forward with New World Systems because Roanoke County uses that system as its CAD and RMS. The New World System would cost \$153,000 but would save the Town approximately \$30,000 per year in maintenance fees. He also noted that the Town would contract with the County for the software and the County would hold the licenses for and maintain the New World system.

Mr. Lawrence stated that staff is hopeful that a Wireless 911 Communications Merger grant will cover most of the cost of the \$150,000 expense. He further stated that the Town needs to enter into a contract with New World at Council's January 5th meeting.

The work session adjourned at 9:56 p.m.

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Darleen R. Bailey, Town Clerk