

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, SEPTEMBER 1, 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
William E. Obenchain, Jr.

STAFF PRESENT: Chris Lawrence, Town Manager
Elizabeth Dillon, Town Attorney
Darleen Bailey, Town Clerk
Ben Cook, Police Lieutenant
Mike Kennedy, Public Works Director
Herb Cooley, Police Chief
Mary Beth Layman, Special Programs Coordinator
Beth Austin, Human Resources Manager
Barry Thompson, Finance Director/Treasurer
Joey Hiner, Assistant Public Works Director
Mark Vaught, Police Lieutenant

Agenda

- A. 6:15 P.M. – Roll Call and Establishment of a Quorum
- B. CLOSED MEETING
 - 1. Request to Convene in a Closed Meeting Pursuant to §2.2-3711 (A) 3 – Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body
- C. 7:00 P.M. Reconvene and Adopt Recertification of Closed Meeting
- D. INVOCATION
- E. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG
- F. CONSENT AGENDA
 - 1. Approval of Minutes - Regular Meeting of August 18, 2009
- G. AWARDS, RECOGNITIONS, PRESENTATIONS
 - 1. Officer of the Month for July, 2009 – MPO Anna Wooten
- H. CITIZENS' COMMENTS AND PETITIONS
- I. TOWN ATTORNEY
 - 1. Request to Establish a Multijurisdictional Family Violence Fatality Review Team – Resolution No. 1839
- J. TOWN MANAGER
 - 1. Request to Approve Vehicle Take-Home Policy
 - 2. Request to Allocate Funding for Chestnut Mountain Utility Improvements – Resolution No. 1840
- K. MAYOR

- L. COUNCIL
- M. ADJOURNMENT
- WORK SESSION
- 1. Special Events Policy
- 2. Septic System Study Update
- 3. System Wide Inflow and Infiltration Study Update
- 4. Update on Pump Stations

Mayor Grose called the regular meeting to order at 6:15 p.m. Following roll call, Ms. Fidler moved to convene in a closed meeting pursuant to § 2.2-3711 A (3) of the 1950 Code of Virginia for discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The motion was seconded by Mr. Obenchain and passed on a unanimous roll call vote. Following the vote to go into closed meeting, the Town Manager announced that the closed meeting would need to be rescheduled for the next regular meeting as he had been notified that the interested party was not able to attend as planned.

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

At 7:00 p.m., the Mayor reconvened the regular meeting. Mr. William Booth gave the invocation and Mr. Altice led the Pledge of Allegiance to the U.S. Flag.

The Consent Agenda was approved on a motion by Mr. Nance that was seconded by Ms. Fidler and approved with all in favor.

Approved Consent Agenda

Mr. Nance read a letter naming Master Police Officer Anna Wooten as Officer of the Month for the month of July, 2009.

Elizabeth Dillon, Town Attorney, reported on a request to establish a Multijurisdictional Family Violence Fatality Review Team. She advised that these teams are permitted by Virginia Code 32.1-283.3 and it has been proposed by the Vinton Police Department that the Town establish a team along with the Roanoke County and the Cities of Roanoke and Salem. She explained that the purpose of these teams is to examine incidents where fatalities and domestic violence occurs and to develop a body of information to help prevent them from happening in the future.

Adopted Resolution No. 1839 establishing a Multi-jurisdictional Family Violence Fatality Review Team

Mr. Obenchain moved to adopt proposed Resolution No. 1839 approving the establishment of a Multijurisdictional Family Violence Fatality Review Team. The motion was seconded by Ms. Fidler and unanimously approved on a roll call vote.

The Town Manager reported on a request to approve a Vehicle Take-Home Policy. He advised that the Public Safety Committee had reviewed the policy and that Council had been briefed on the issue at their last work session.

Adopted Vehicle Take-Home Policy

Lt. Ben Cook gave a brief over-view of the policy. During his report, he noted that the policy will result in one third less costs for the Town than if the Department maintained a fleet of vehicles.

Mr. Nance questioned whether the change in radius for take home vehicles from a 20 mile radius down to a 15 mile radius was based on concerns of Council members or if it was a compromise suggested by the Police Department. Lt. Cook replied that the radius was changed to realign the Town with departments from other localities in the area. Mr. Lawrence pointed out that the Police Department has four officers that lived outside the 20-mile radius when the policy was instituted a year ago and they had been grandfathered. He added that if the new policy is adopted that has a 15-mile radius, the number of officers living outside the radius would go up to five officers. It was noted that the new policy contains the grandfather clause, however, if an officer moves after the new policy is adopted, he/she has to move within the 15 mile radius or give up their take-home vehicle.

Ms. Fidler asked if it was appropriate for her to offer an amendment to the policy at the present time. Mayor Grose responded that the normal procedure for an item of importance is to discuss it during the work session, but he advised that Ms. Fidler could offer an amendment to the policy. He noted that if an amendment is made, the issue may have to be referred back to the Safety Committee before it can be adopted by Council. Ms. Fidler stated that she believes the take-home policy is a huge benefit for the Town and felt it was important for the police vehicles to be seen in the Town's neighborhoods but she was also concerned about the cost to the Town and the image of the preference given to the officers who live outside the 15 mile radius. Ms. Fidler moved that the following amendment be made to the proposed Take-Home Vehicle policy:

1. On Page one under Procedures, A. Eligibility and Issuance, Item 3, third line: strike all language beginning with "All Officers" to the end of the paragraph.
2. Under Item 5, strike the language on the first line from the word "and" through Chief of Police.

Ms. Fidler stated that her proposed amendment would discontinue the grandfather clause in the take-home policy. She noted that one officer lives in Pulaski which is 61 miles from the Vinton. Under the old policy, it would be 41 miles each way or 82 miles a day, and 405 miles per week for the vehicle. She stated her feelings that allowing this officer have a take-home vehicle would be a costly benefit and wondered if it would be taxable income for the employee under the IRS Code. She expressed concern that it would also be costly for the Police Department's budget. Mr. Altice seconded Ms. Fidler's motion to strike the grandfather clause from the language in the Take-Home Vehicle Policy.

Mr. Obenchain asked if the individual referred to by Ms. Fidler was an investigator. Mr. Altice stated that he did not feel they should be talking about individual employees when discussing the policy. Mr. Obenchain pointed out that investigators

were on call 24 hours a day, 7 days a week, 365 days a year and very much needed a take-home vehicle to be able to successfully perform their job. Mr. Nance stated the cost to hire and train new officers would cost much more than the take-home vehicle would cost. He went on to say that if Ms. Fidler's amendment is passed, the Town might have to replace the five officers who live outside the 15 mile radius if they decided to leave because of the changed policy. Ms. Fidler replied that she understood that but she did not feel it was fair to the other members of the Police Department. Mr. Altice added that he felt it was unfair to the tax payers for an employee who lives that far away to have a tax free Town vehicle to drive home without having to pay a gas or vehicle tax. Mayor Grose agreed that it was a benefit but it was a benefit that he agreed with, because experienced police officers are valuable to the Town.

Ms. Fidler felt that if an officer is that valuable to the Town he/she should get a pay raise to compensate them rather than allowing them to have a take-home vehicle. Chief Cooley commented that three of the four officers live no more than four miles outside the recommended radius and he felt they deserved to have a take-home vehicle because of the number of hours they work.

Ms. Fidler reported that she has spoken to a number of people who are not happy about the policy. Mayor Grose responded that if any of those people had to replace a valuable employee, especially in a small organization, they would realize how inexpensive it is to offer a fringe benefit such as a take-home vehicle compared to having to hire a new police officer. He felt it was a good investment for the Town.

Mr. Obenchain inquired as to whether an officer is required to drive to the Municipal Building to get a police car and then drive to Salem if they have to appear in court. Chief Cooley replied that they would. Ms. Fidler asked why the officer could not drive their personal vehicle to court and get paid mileage. The Chief replied that it could place the officer in danger if a defendant sees a tag number on an officer's personal vehicle and finds out where that officer lives.

Mayor Grose called for a vote on Ms. Fidler's motion to amend the proposed Vehicle Take-home Policy by striking the language pertaining to the grandfather clause. The motion failed by the following 3-2 vote:

Mr. Altice	Yes
Ms. Fidler	Yes
Mr. Nance	No
Mr. Obenchain	No
Mayor Grose	No

Mr. Obenchain moved to adopt the proposed Vehicle Take-Home Policy as included in the Council Packet and Mr. Nance seconded the motion.

Before voting on the issue, Mr. Nance questioned whether the radius be moved back to 20 miles as reflected in the original policy. Ms. Fidler stated that she did not have

a problem with the 20 mile radius. Mr. Obenchain advised that he had spoken with the Police Chief about keeping it at 20 miles, he had been informed that most of the local jurisdictions have set the mileage at 15 miles. Mr. Altice stated that the only problem he had with the policy was the grandfather clause, he had no concerns about the radius mileage. Ms. Fidler concurred with Mr. Altice's comment and stated that, "otherwise, I endorse the policy wholeheartedly".

Mr. Obenchain's earlier motion to approve the proposed policy passed with the following 3-2 vote.

Mr. Altice	No
Ms. Fidler	No
Mr. Nance	Yes
Mr. Obenchain	Yes
Mayor Grose	Yes

Mr. Lawrence pointed out that the policy will now go into the Police Department's Policy and Operations Manual.

Mr. Lawrence assured Council of staff's intent to inform them of any updates on issues discussed at Council's sub-committees.

Mr. Lawrence reported on a request to allocate funding for the Chestnut Mountain Utility Improvements on Chestnut Mountain Road. He noted that Council had been briefed on the Roanoke County road improvement project at a prior Council meeting. He went on to say that in order for VDOT to improve the road and build a cul-de-sac where there is now a graveled dead-end street, the water and sewer lines need to be lowered to meet the design depth standards for the project that will cost Roanoke County \$35,000. Mr. Lawrence advised that the County has asked the Town to participate in the project since the Town owns the water and sewer lines.

Adopted Resolution No. 1840 allocating funding for the Chestnut Mountain Utility Improvements

The Town Manager noted that the County has agreed to meet the following two conditions before the Town invests any funds into the project:

1. The Town will reimburse the County \$15,000 of related expenses once the water and sewer line construction has been completed.
2. The Town will continue to own the water and sewer lines.

He noted that the \$15,000 is not a budgeted item and would have to come out of the Utility Unencumbered Fund Balance.

Mr. Altice asked about the Utility Fund balance and was advised by Mr. Lawrence that there is currently a little over \$1,000,000 in the fund.

Ms. Fidler moved to adopt proposed Resolution No. 1840 approving a request from Roanoke County to help fund Chestnut Mountain Utility Improvements. The motion

was seconded by Mr. Altice and passed unanimously on a roll call vote.

Mr. Lawrence acknowledged that the *Vinton Voice*, which is a new newspaper in Town, has offered to give the Town space to put public information. He advised Council to advise staff if they have ideas on information that should go into the space.

The Mayor congratulated Chris Manning, the editor of the *Vinton Voice*, and stated that he felt the newspaper will be a great addition to the community. Mayor Grose mentioned a Downtown Revitalization Committee trip scheduled for September 9th to travel to Galax and Floyd and invited anyone who is interested to go along on the trip.

Everyone was reminded that the Vinton Vision Committee continues to work on the veterans monument and that construction has begun. He advised that it's not too late to participate if anyone cares to donate to the project or to purchase a brick. He noted that fund raising has gone well but the Committee needs at least \$90,000 more to complete the project as well as money to maintain the monument after it's finished.

Mary Beth Layman pointed out that the Vision Committee needs help to verify the names of those killed in action from World War II forward who were residents of Vinton or Roanoke County.

Ms. Fidler briefly discussed in the Downtown Revitalization trip to Lynchburg and Altavista in August.

Mayor Grose adjourned the regular meeting at 7:45 p.m.

WORK SESSION

1. Special Events Policy

At 8:00 p.m., Mayor Grose opened the work session to discuss the Town's Special Events Policy. Mr. Lawrence explained that a team was organized and charged with putting together an alcohol policy for outdoor events at the Farmer's Market. He went on to say that the team has determined they needed to expand the policy to cover all events, not just those events that serve alcohol.

Mary Beth Layman advised that the proposed policy will give guidance to event organizers when planning an event. She noted that the major areas covered were, (1) instructions in planning an event, (2) the areas that need to be looked at, (3) alcohol beverages at special events, (4) staffing and volunteer staffing of events. She also noted that the development of the policy was based on observations at local events, policies of other communities and other event organizations. During her report, she advised that anyone planning an event would have to submit a completed permit at least 90 days prior to the planned event. She further advised that the team set different levels of permits based on size, from a Class A permit to a Class D, with a Class A permit involving 5,000 or more people within a consecutive 24-hour time period; a Class B permit that would draw between 2,501 and

5,000 people; a Class C permit that would draw between 2,001 and 2,500; and a Class D permit that would draw 2,000 or less people.

Ms. Layman advised that, based on the demand for services, there would be the potential for the Town to be reimbursed for some of the services. She pointed out all the criteria, issues and requirements included in the special event permit and explained that recognized Town sponsored special events would be exempt from fees after an initial permit has been submitted and a one-time processing fee is paid.

Following Ms. Layman's report, Mayor Grose asked for clarification as to why Town sponsored events were required to pay a one-time processing fee and was advised by Ms. Layman that there would be staff time involved that needs to be compensated when preparing for events. Mr. Kennedy added that the processing fee would be only \$25.00 and would be paid only once unless there are substantive changes in the following years' events. Mr. Lawrence noted that the processing fee for all Town sponsored events is only \$175.00 total. Mr. Nance questioned the idea of charging for an event that is partially paid for by the Town.

Mr. Obenchain asked about the expense of the required liability insurance as he did not want to make the process too expensive for the events such as the Gladetown Reunion or the neighborhood block parties that are held every year. Mr. Lawrence commented that it might not be realistic to require a block party to obtain liability insurance and pointed out that the policy being discussed is a draft and the issues in question can be addressed, if needed. Mr. Nance inquired about the Town sponsored events that are currently required to obtain liability insurance. Ms. Layman replied that the Fourth of July celebration obtains liability insurance and the Chamber of Commerce has liability insurance for all of their events.

The Mayor questioned the 90 day notice requirement for events and Ms. Layman explained that the 90 days would give an organization time to adequately plan for an event. She went on to say that there might be situations where staff may have to look at it on a case by case situation.

Ms. Layman reviewed the criteria for any special event where beer and wine would be allowed to be served. She listed the following appropriate public areas where alcohol could be served at an event in the Town:

- Farmer's Market
- Downtown streets including and limited to
 - Lee Street
 - Portions of Walnut Avenue
 - North and South Pollard Street
 - Portions of Maple Street
 - Portions of Washington Avenue

Mr. Nance noted that, according to Section I of the policy, beer and wine gardens would be restricted to the Farmers Market but according to Addendum 2, other areas where alcohol

could be served, are listed. He wanted to know if this was an inconsistency in the policy. Mr. Kennedy recalled that the Committee's recommendation to Council was to restrict beer and wine gardens to the Farmer's Market. Mr. Nance stated that he felt the policy should have enough flexibility to allow Council to decide where an event can be held. Mr. Lawrence questioned whether Council would want to be in a position where they would have to consider each individual alcohol event request. He noted that the proposed policy currently restricts these events to certain locations, but if a request is submitted to hold an event at a location other than the ones listed in the policy, it would have to come before Council. Mr. Kennedy pointed out that the policy did not cover events at the War Memorial or the Senior Center since these two venues already have their own policies. He suggested that language be added to the proposed policy indicating that these two locations are to be addressed separately. Mr. Lawrence questioned whether the War Memorial's policy included outdoor events and stated that staff would have to look into that issue.

Mr. Kennedy recommended that the policy state whether both private and public events would be allowed. Regarding events held at the War Memorial, Mr. Nance asked for clarification as to whether Council needs to restrict the areas where alcohol will be allowed or to expand the definition of the beer and wine garden location.

Hal Mabe pointed out that whether or not the War Memorial is included in the policy, he felt that it was very important to the Town that the lawn area be available for events that would draw people to the Town.

Tommy Wood commented that he was concerned that the number of churches in the Farmer's Market area might have a negative affect on events that serve alcohol. Mr. Obenchain advised the he feels the War Memorial, the War Memorial grounds, the Senior Center, the Senior Center grounds and the Farmer's Market all should be covered under the Special Events policy with Council having the flexibility to approve other locations. He did not want Council to have to consider every request for an alcohol event. Mr. Nance stated that maybe a public (outdoor) alcohol event on the War Memorial lawn should be brought to Council. Mr. Obenchain responded that if the organization meets the criteria stated in the policy, they should not have to come to Council for approval. Mayor Grose felt that if the policy is properly crafted, maybe it should be a function of staff to make those decisions. Mr. Lawrence advised that if staff is going to make those decisions, the policy needs to be very specific and if the event is outside the parameters stated in the policy, Council would need to decide whether to allow the event or not.

Mayor Grose advised that after further refinement of the policy, it would be discussed at another work session before it is adopted by Council. He asked if the Town Clerk had received any calls from the public and she advised that she had not. Mr. Lawrence pointed out to Council that staff did attempt to reach out to those who have expressed opposition to serving alcohol at outdoor events on Town property.

Ms. Fidler announced that a "Big Band Event" would take place at the War Memorial in November. She also pointed out an informative video that has been shown on public TV several times regarding water and sewer issues that would be of interest to Council and staff.

2. Septic System Study Update

Mr. Kennedy reported on a septic system survey that was funded mostly by a grant for \$20,000 from the Department of Housing and Community Development (DHCD). He further reported that the purpose of the study was to identify those properties within the Town's service area that are not presently being serviced by the public sewer, what it would cost to serve them and their interest in connecting to the public system. He went on to say that the Town's Utility Service area has 372 properties that are not served by public sewer with 290 of the 372 located in Roanoke County, 2 in Bedford County and 69 in the Town. Mr. Kennedy stated that most of the Roanoke County addresses are in the Falling Creek area.

Mr. Obenchain asked if the Town would be notified by the Department of Health if other applications are approved for a septic system within the Town's service area and Mr. Kennedy replied he is planning to work out something with the agency to ensure that the Town is notified when an application is approved.

Mr. Kennedy advised Council that he had sent out a survey to everyone on a septic system, along with a cover letter explaining what the Town was doing and why. He went on to say that the survey was sent out because DHCD requires it and also to identify potential low income areas that might qualify for construction grants to enable those on a septic system to connect to public sewer. Mr. Kennedy commented that not enough of the lower income property owners were interested in connecting to the public sewer to support a grant application. He added that a large part of the Town's service area is located in the County and are above the required median income level. He pointed out that most of the survey respondents who were below the income threshold, did not fill out the section asking for income information and those respondents who were above it, did give the requested information.

Mr. Kennedy reported that there was a 41% response to the survey and 95% of the 41% reported no problems with their septic system; 55% have had their system serviced within the last five years and 21% of the respondents did not know when their system was last serviced. He further reported that he got a response rate of 58% for households of 2 or more with a median income of \$38,500 or more per year and for those below \$38,500, he received 13 responses or a 45% response rate.

The Public Works Director stated that only 15% of the responders were willing to pay a one-time cost to connect to the Town's system. He added that an over-whelming majority of the people responding to the survey indicated satisfaction with their septic system and had very little interest in connecting to the Town's sewer system.

Mr. Kennedy advised that it would cost approximately \$5.6 million to connect all of the properties to the Town's sewer with the customer paying about \$1.4 million of that cost. He further advised that if the septic systems begin to fail, the Town will have to come up with a way of paying for the connections. He stated that they did identify some properties whose

owners seemed to indicate they would like to connect to the sewer system and he would be following up on them in the months ahead.

Mr. Kennedy informed Council that the Town does have a policy in the Town Code that requires mandatory connections generally but the Code section is a little vague and probably unenforceable. He recommended re-defining the Town Code on mandatory connections.

Mayor Grose questioned how the people who are near the Town's sewer system ended up with septic systems. Mr. Kennedy replied that he did not know the answer to that question.

3. System Wide Inflow and Infiltration Study Update

Mr. Kennedy reported that the purpose of this update is to look at the capacity of the system as well as the structural condition. He further reported that Anderson and Associates would be assisting the Town on the study to identify the boundaries of the Town's waste water collection basins and what the biggest problems are. He noted that this information will help staff make better decisions about prioritizing where improvements are most needed, and will provide data that will help provide better mapping than is now available. Mr. Kennedy advised that this study will be a multi-year effort and will probably take five to ten years to complete.

4. Update on Pump Stations

Mr. Kennedy reported that the upgrading of the Niagara Road and Third Street Pump Stations was one of the capital projects included in the bond issue two years ago. He noted that the bid opening took place at the end of May and all the bids had come in over \$900,000, the amount that was budgeted for both pump stations. He went on to say that the low bid for the 2 projects was \$1.35 million.

The Public Works Director reported that staff had looked at ways to reduce costs and had gone back to the bidders for suggestions of ways to bring the costs down. He stressed that because this work needs to be done, the projects had been rebid. The bids would be due on September 10th. Mr. Kennedy advised that this time, they had bid the two projects separately. He stated his hopes of picking up approximately \$200,000 in savings on the new bids and depending on how the bids come in, he would go ahead with the Niagara Road pump station and then figure out what to do about the Third Street project.

Mr. Kennedy reported that, as of last week, the Melissa Well was back in service. He went on to say that they had been running it 24 hours a day, seven days a week and is now beginning to recharge. He went on to say that if something is not done to fix the problem, the same situation could reoccur again in the near future. He advised that he was going to let the well run for a month or so and then if it fails to recharge, it will be taken out of service again and, if possible, he would have it redrilled.

The Public Works Director advised that he had gotten a call earlier in the day from the Virginia Department of Health Office of Drinking Water who reported that the Office of

Ground Water Characterization had called to say that they are very interested in doing a geological survey of the Town's Bush 2 well as it is a granite well and is the best producing well in his region. Mr. Kennedy advised that there would be a small charge to the Town for the service but would ultimately be worth \$15,000 to \$20,000 to the Town.

In response to a question from Ms. Fidler, Mr. Kennedy briefly reported on the possible testing of the Town's landfill for Methane gas.

Mayor Grose asked about the quality of water in Falling Creek now that it is connected to the main system. Mr. Kennedy reported that he had gotten a comment from a customer who had advised that the quality was much better. He went on to say that since the Town begun its chlorine program the odor complaints had dropped dramatically. He noted that he is still getting calls about chlorine odor and discoloration of the water which should clear up in time.

The work session adjourned at 10:00 p.m.

APPROVED:

Bradley E. Grose, Mayor

ATTEST"

Darleen R. Bailey, Town Clerk