

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, JULY 20, 2010, 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  
Matthew S. Hare  
William W. Nance

STAFF PRESENT: Consuella Caudill, Acting Town Manager  
Darleen Bailey, Town Clerk  
Adam Swann, Acting Town Attorney  
Barry Thompson, Finance Director/Treasurer  
Herbert Cooley, Police Chief  
Ben Cook, Police Captain

Agenda

- A. 7:00 P.M. – Roll Call and Establishment of a Quorum
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG
- E. CONSENT AGENDA
  - 1. Request to Approve Minutes for Regular Meeting of June 1, 2010
  - 2. Re-Appoint Robert R. Altice to Highway Safety Commission – Resolution No. 1883
- F. AWARDS, RECOGNITIONS, PRESENTATIONS
- G. CITIZENS' COMMENTS AND PETITIONS
- H. TOWN ATTORNEY
  - 1. Adopt Ordinance Changing Late Filing Penalty from 30 Days to 60 Days – Ordinance No. 902
- I. TOWN MANAGER
  - 1. Request to Appropriate Funding for the Purchase of a Complete Bar Coding System and the Merging of Records from the Interact Records to the New World Records System – Resolution No. 1884
  - 2. Request to Appropriate Funding for the Purchase of 17 Digital Cameras and Accessories for each Police Vehicle – Resolution No. 1885
- J. MAYOR
- K. COUNCIL
- L. ADJOURNMENT

WORK SESSION

- 1. Proposal to Purchase Leaf Vacuum from Roanoke City
- 2. Report on Public Meeting - Request to Vacate a Portion of Spruce Street

Mayor Grose called the regular meeting to order at 7:00 p.m. Following roll call, Bill Booth gave the invocation and Councilman 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 approved on a motion by Mr. Nance and seconded by Ms. Fidler. The motion passed with all in favor

Approved consent agenda

Mayor Grose presented Councilmen Hare and Altice with a framed copy of their Certificate of Election to Vinton Town Council.

Charlie Drewery who lives at 454 Tinker Avenue, complained that weeds need to be mowed on the lot adjacent to his house where the Town planted trees to form a riparian buffer. Council advised that they would have staff take a look at the lot and get back to him.

Roger Overstreet reported that he had been advised by the Town Manager that his problems with the Planning and Zoning Department would be straightened out and for him to come into the Planning Office to obtain a Zoning Permit that he needed in order to get his license from the DMV. He stated that when he spoke to Ms. Turman earlier in the day she had advised him that his property would have to be inspected again before she could issue the zoning permit. He went on to say that she had inspected his business a couple of weeks ago and had said it was okay. He stated that she had indicated that she would come by his business sometime during the day but never showed up. Mr. Overstreet commented that he felt he needed to follow up on his complaint since he knew the Town Manager would be out of town for two weeks. Mayor Grose advised Mr. Overstreet that he would refer his comments to the Town Manager and ask him to review the issue.

Barry Thompson reported that in 2007, Council adopted Ordinance No. 811, authorizing a VLF fee. He went on to say that there was a conflict within the ordinance regarding a 30-day filing time period and a 60-day filing time period that needed to be cleared up. He asked that Council approve proposed Ordinance No. 902 amending Section 84-54, Returns, of Division 3, Personal Property Taxes, of Chapter 86, Taxation, of the Vinton Town Code with regard to the time period in which to file a personal property tax return for motor vehicles and trailers when situs is acquired or title transferred.

Adopted Ordinance No. 902 regarding time period for filing personal property and VLF fees

He explained that the intent of Ordinance No. 811 was to set both the filing for personal property and the VLF at 60 days but instead, had set the time period for filing the VLF fees at 60 days and the filing for personal property at 30 days. He noted that proposed Ordinance No. 902 would set both the filing for personal property and the VLF at 60 days. Mr. Thompson stated that the proposed amendment would assist the Commissioner of the Revenue's office in setting the late

filing fees for personal property and would make it consistent with the VLF fees.

Ms. Fidler moved to adopt proposed Ordinance No. 902 setting the time period for filing for personal property and VLF fees at 60 days. The motion was seconded by Mr. Altice and passed unanimously with a roll call vote.

Police Captain Ben Cook reported on a request to appropriate grant funding for a Bar Coding System that is an element of their new records management system. He further advised that the Police Department was able to secure funding for the bar coding system through a DCJS Grant in the amount of \$31,030 with a \$25% match. He requested that the \$7,757 match be transferred from the Wireless 911 expenditure account to the DCJS Systems Improvement Grant account and that the \$23,273 grant funds be transferred from Other Police Grants account to the DCJS Systems Improvement Grant account.

Passed Resolution No. 1884 transferring grant funds for a bar coding system

Mr. Hare questioned why this transfer had to come before Council since the funds are in the budget. Mr. Thompson replied that any transfer of funds over \$5,000 has to be approved by Town Council. Mr. Hare asked if any Town funds would be used to make this purchase and was advised that the match amount would come out of the Town's Wireless 911 grant funding and does not impact the Town's budget in any way.

Mr. Altice moved to adopt proposed Resolution No. 1884 transferring grant funds to purchase a bar coding system. The motion was seconded by Mr. Nance and passed unanimously on a roll call vote.

Captain Cook reported on a request to appropriate funding to secure 17 digital cameras for each of the Town's Police vehicles. He advised that the funds to purchase the cameras were provided by the Byrne Justice Assistance Grant.

Adopted Resolution No. 1885 appropriating grant funding for the purchase of digital cameras

Mr. Nance moved to adopt proposed Resolution No. 1885 appropriating funding to purchase 17 digital cameras for the Police Department vehicles. The motion was seconded by Ms. Fidler and passed unanimously on a roll call vote.

The Mayor commented on the success of recent Farmers Market activities. He thanked the Chamber of Commerce for their part of the Channel 10 "Our Town" segment.

Ms. Fidler commended Mary Beth Layman for the success of the most recent Friday night and Saturday events at the Farmers Market. She then read a letter from Gloria Vaughn thanking employees in the

Finance Department for their efforts in solving a water problem.

Ms. Fidler gave a brief report on an Explore meeting that had taken place earlier in the day.

Mr. Altice moved to appoint Bill Booth to serve as a member of the Vinton Planning Commission. The motion was seconded by Ms. Fidler and passed unanimously on a roll call vote. It was noted that Mr. Booth would have to go through the Planning Commission Certification Program. The Mayor questioned whether or not Mr. Booth would have to take the certification class since he had been a certified member of the Board of Zoning Appeals. Ms. Caudill advised that she would check with the Planning Director to see if he does need to take the Planning Commission Certification class.

It was the consensus of Council that one of the current alternate members of the Board of Zoning Appeals be given the opportunity to replace Mr. Booth on the Board of Zoning Appeals before considering someone new.

Mr. Hare thanked Mr. Booth for performing the invocation at Council meetings. He inquired as to when the commercial truck issue would be brought back to Council and was advised by Ms. Caudill that she would let him know after the Town Manager returns from out of town.

Mr. Hare read a letter from Lieutenant Vaught who was responding to an inquiry from a Council member regarding commercial trucks using East Augusta Avenue as a short cut and also speeding vehicles on that street. In his letter, Lt. Vault had noted the steps taken by the Police Department to determine the number of speeding vehicles on that street and had advised that a speed survey was taken using the speed trailer with the following results:

1. There were 990 vehicles traveling on Augusta Avenue between June 16, 2010 and June 17, 2010 with the average speed being 23 mph.
2. The highest speed recorded was a single vehicle at 40 mph.
3. There were only five of the 990 vehicles traveling over the speed limit and those five vehicles were traveling between 10 and 15 mph over the posted speed limit.

According to Mr. Hare, Lt. Vaught had advised in his letter that another speed survey would be conducted at a later date. He also reported that Lt. Vaught had received assurances from businesses currently using East Augusta Avenue as a short cut, would no longer do so.

Mr. Hare commented that he wanted citizens to know that staff is

looking into the problem and are serious about making sure neighborhoods are safe.

Ms. Fidler noted that when the speed wagon is in place on a street, people automatically slow down. She felt that this would not give a true picture of how many vehicles regularly travel over the speed limit on that street, and requested to have a survey done without using the speed wagon. Lt. Cook assured her that he would conduct another survey and not use the speed wagon. Chief Cooley pointed out that the speed wagon records a vehicles speed before it comes into view of the driver. Ms. Fidler commented that she did not feel residents were always wrong (when they report speeding vehicles).

Mayor Grose adjourned the regular meeting at 7:41 p.m.

## **WORK SESSION**

### **1. Proposal to Purchase Leaf Vacuum System from Roanoke City**

Mike Kennedy reported on a proposal to purchase a leaf vacuum system from Roanoke City. He noted that if his department is going to continue picking up loose leaves, the Town would need to purchase a new leaf vacuum system. He further noted that this service is highly valued by the Town's citizens and is used very extensively. He advised that the old leaf vacuum was a 1989 model that is no longer reliable. He went on to say that if Council agrees to allocate funding to purchase the leaf vacuum system from Roanoke City, he planned to keep the old unit to be used as a backup. Mr. Kennedy noted that there were no excess funds in his budget for the purchase; the money would have to come out of the Town's fund balance.

It was Mr. Kennedy's recommendation that the Town stop collecting loose leaves if his request to purchase the leaf vacuum is not approved. He advised that the cost of the used leaf vacuum would be \$6,000. Following his report, Mr. Kennedy pointed out that the unit did require some minor repair work but was in good condition.

Mr. Hare questioned why the City was getting rid of all their leaf vacuums. Mr. Kennedy replied that the City had decided to discontinue that service as a cost cutting measure. Mr. Hare expressed concern with having to take the funds out of the surplus fund balance to pay for the leaf vacuum system, especially this early in the budget year. He asked that staff make every effort to find funds in the current budget to make the purchase.

It was the consensus of Council that the purchase of the leaf vacuum be placed on the August 17<sup>th</sup> Council agenda.

Mr. Nance asked for Mr. Kennedy's perspective on Mr. Drewrey's concerns with mowing the area near his house where the Town had planted trees. Mr.

Kennedy replied that the trees planted at PFG and the trees planted in the riparian buffer could not be compared, as Mr. Drewery had suggested, because the trees planted at PFG did not have a particular purpose. He went on to say that the trees planted as a part of the riparian buffer were the result of a grant received by the Town and was intended to protect the stream bed from pollutants and contaminants. He explained that the riparian buffer would return the stream bank to its natural condition which requires the planting of trees and shrubs native to Virginia and any grasses or weeds that may grow there. Mr. Kennedy pointed out that he had been advised the area would no longer be considered a riparian buffer if the grass is cut between the trees. During his discussion, Mr. Kennedy commented that he did not recall whether the issue of cutting the grass was mentioned at the neighborhood meeting that he attended. He pointed out that it would take a considerable amount of work by his employees if they have to mow between the trees. He also pointed out that if the Town does cut the grass, there could be a problem with a number of environmental groups, especially since the trees were purchased with grant funds that were provided for that specific purpose. Ms. Fidler recalled that it had been mentioned at the neighborhood meeting, that the grass would not be cut.

Mr. Hare recommended that a follow-up letter from staff be sent to residents of that area to educate them on the purpose of the riparian buffer and why the grass should not be cut.

## **2. Report on Public Meeting – Request to Vacate a Portion of Spruce Street**

Mayor Grose advised that he would not make comments on the request to vacate a portion of Spruce Street since he owned a piece of property located adjacent to the street in question.

Ms. Caudill gave the staff report on a public meeting that was held on July 13<sup>th</sup> regarding a request from Mr. Tony Montuori, to vacate a portion of Spruce Street. She noted that approximately 30 people were in attendance at the meeting. Ms. Caudill pointed out that staff had received letters from residents who opposed vacating that portion of Spruce Street, two letters in support of the vacation and two letters that expressed no opinion on the proposed street vacation. She stated that she received several phone calls in opposition to the vacation as well as a petition with 211 signatures from Ms. Claudine Ellis opposing the street vacation.

Ms. Caudill reported that the following concerns were brought up at the meeting:

1. The street is used by a number of pedestrians from the neighborhood who need to get to Lake Drive Plaza to shop
2. Closing the street would increase traffic on other neighborhood streets
3. Spruce Street provides a safe route for citizens and school buses to get out of the neighborhoods during inclement weather

4. The safety of the intersection at Hardy Road and Spruce Street with regard to visibility

Ms. Caudil reported that the Police Department had advised her that there had never been any recorded accidents on the Spruce Street side of the intersection. She added that between 2005 and 2010, a number of accidents had occurred on the other side of the street at the EZN exit. Ms. Caudill pointed out that the perception that the intersection is dangerous may lead drivers to be more cautious there.

Ms. Caudill reported that several citizens had expressed concern about the legality of Mr. Montuori's offer to allow traffic to use the old Tires for Less parking lot as a way to gain access to Old Virginia Avenue if that portion of Spruce Street is vacated. She went on to say that after checking with the Police Department on this concern, she had been advised by Lt. Austin that it would not be illegal.

Ms. Caudill pointed out that the Town had been advised by legal counsel that the requested vacation must go through a review by the Planning Commission since the street is a publicly used street. Ms Caudill reported that she had passed this information on to the Planning Director and was advised by Ms. McMillan that the Planning Commission would probably want to have additional traffic information on the intersection of Hardy Road and Spruce Street.

It was noted that if Mr. Montuori wishes to go forward with his request, the Town's engineers, Mattern and Craig, would conduct a traffic study at the petitioner's expense. She discussed some of Mr. Montuori's options depending on the results of the traffic study.

Mr. Nance questioned the purpose of Ms. Caudill's report on the public meeting. Ms. Caudill advised that staff would like to know whether Council is interested in getting more information before scheduling a public hearing and if there is enough interest in the request to move forward. She advised that staff would work with the Planning Commission to get a public hearing scheduled.

Mr. Al Fulton questioned whether the street vacation would benefit the Town in any way. Ms. Caudill responded that the Town could place a price on the property and can also impose conditions, if that is Council's wish.

Ms. Helen Fulton expressed concern that pedestrians would have difficulty in accessing Hardy Road if Spruce Street is vacated, especially in inclement weather. Mr. Raymond Clark felt that the street should remain as it is. Claudine Ellis stated that she understood that a portion of the street in question is not a street but is actually an alley. Ms. Caudill stated that staff initially thought that section was an alley but after investigating the matter, they found that it is definitely a part of Spruce Street.

Roger Overstreet questioned whether Mr. Montuori's offer to allow traffic to use the old Tires for Less property to access Hardy Road would cause the same traffic safety issues that occur at EZN. He also thought that vacating the street would make it very difficult for senior pedestrians.

Galan Conner spoke out saying that if Mr. Montuori is able to consolidate the Tires for Less property with property he currently owns, it would give the Town a viable piece of property for future development. He asked Council to consider the future when considering Mr. Montuori's request.

At this point in the meeting, Mr. Montuori rescinded his request for the Town to vacate a portion of Spruce Street and stated that he would make a decision the following morning as to whether or not he would purchase the old Tires for Less property. He commented that perhaps people in the neighborhood might see the situation differently in the future. Mr. Montuori offered to pay for any costs that the Town might have been incurred at this point.

Ms. Fidler thanked Mr. Montuori for coming to Council with his plans and showing them the property's potential. She also thanked the citizens from the neighborhood for their input. Mayor Grose concurred with Ms. Fidler's comments.

Mr. Hare commended Mr. Montuori for what he is doing in the Town and thanked him for re-investing in the Town. He also expressed his appreciation to those citizens from the neighborhood that spoke in opposition to the street vacation. Mr. Hare stated that the Town is going to have difficult challenges in the near future and as a Town, must be willing to consider those issues that are uncomfortable and to be prepared to make sacrifices.

Mr. Nance recommended that Mr. Montuori go ahead with his purchase of the property. He noted that he felt Mr. Montuori would be successful with whatever he does with the property.

The work session adjourned at 8:58 p.m.

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Darleen R. Bailey, Town Clerk