

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, MARCH 1, 2011, 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: Chris Lawrence, Town Manager  
Theresa Fontana, Acting Town Attorney  
Darleen Bailey, Town Clerk  
Michael Kennedy, Public Works Director  
Stephanie Dearing, Human Resources Manager  
Herb Cooley, Police Chief  
Mary Beth Layman, Special Programs Manager  
Anita McMillan, Planning Director  
Barry Thompson, Finance Director/Treasurer  
Karla Turman, Associate Planner  
Ben Cook, Police Captain  
Joey Hiner, Assistant Public Works Director  
Steve Doyle, Vinton Police Department

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. Request to Approve Minutes for February 1, 2011 Regular Meeting
  - E. AWARDS, RECOGNITIONS, PRESENTATIONS
  - F. CITIZENS’ COMMENTS AND PETITIONS -This section is reserved for comments and questions for issues not listed on the agenda
  - G. TOWN ATTORNEY
  - H. TOWN MANAGER
    - 1. Request to Allocate Revenue Funds to Public Works Expenditure Account – Resolution No. 1906
  - I. MAYOR
  - J. COUNCIL
  - K. ADJOURNMENT
- WORK SESSION
- 1. Discussion – Urban Chickens
  - 2. Proposed Zoning Ordinance Amendments
    - a. Temporary Family Health Care Structures

- b. Definition of "Act of God"
- c. Authority of Zoning Administrator
- d. Documents for Variances or Special Exceptions
- e. Definition of a Group Home
- 3. Town of Vinton Community Development Block Grant Business District Revitalization Grant Proposals
- 4. Discussion - Personal Property Tax Rate and Real Estate Tax Rate
- 5. Water and Sewer Rates Discussion

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

Approved Consent Agenda

Karla Turman reported that the Vinton Relay for Life is scheduled for April 15<sup>th</sup> and 16<sup>th</sup> at William Byrd High School. She noted that she would be replacing Laura Reilly this year as team leader for the Town of Vinton's team, The Strong Striders. She reviewed the planned fund raising events for this year. Mr. Lawrence thanked Ms. Turman for stepping up as team leader. Ms. Turman advised that the goal for the Town's team this year is \$4,500 and the goal for the entire event is \$100,000.

Brenda Barbour reported a traffic issue near her home at 234 Cedar Avenue. Sherecommended extending "No Parking" signs down to the stop sign on Third Street near Manna Ministries. She explained that people who are going into the Manna Ministries building, park on both sides of the street and block a portion of the roadway which is a safety concern, especially because of vehicles that speed down that road. Police Officer Dalton spoke in support of Ms. Barbour's comments.

Mr. Lawrence advised that he would have staff take a look at the situation and have the Highway Safety Commission look at it to see if they can come up with a solution to the problem. It was noted that a Highway Safety Commission meeting has been scheduled for March 19<sup>th</sup>. The Town Manager asked Ms. Barbour to leave her phone number with the Town Clerk and someone would get in touch with her to let her know when and where the Highway Safety Commission meeting would take place.

Mayor Grose noted that the Town Attorney, Elizabeth Dillon was unable to attend and welcomed the acting Town Attorney, Theresa Fontana.

Mr. Lawrence reported on a request to appropriate funds to repair a Public Works pick-up truck that was damaged by a Town citizen. He noted that this request was a necessary accounting action. He went on to say that the Town had received an insurance payment to pay for the truck repair which needs to be allocated to an expense account.

Adopt Resolution No. 1906 appropriating revenue funds to pay costs to have vehicle repaired.

Mr. Nance moved to adopt proposed Resolution No. 1906 appropriating revenue funds to a Public Works expense account to have a vehicle repaired. The motion was seconded by Mr. Altice and passed unanimously on a roll call vote.

Mr. Lawrence reported that staff is holding several public hearing information meetings that are required by the State in order to qualify for grant funding for the Vinton Community Development Block Grant Business District Revitalization Grant proposals. He further reported that the second meeting was scheduled for Thursday, March 10<sup>th</sup>, at 5:30 p.m. in Council Chambers to present the proposed projects to the public and answer any questions that may come up. Mr. Lawrence went on to say that Council will be voting on a request to submit a \$700,000 grant application to revitalize downtown, at their next meeting on March 15, 2011.

The Town Manager announced ribbon cuttings that had been scheduled in the next couple of weeks and two after-hours events.

Mayor Grose thanked the Vinton Area Chamber of Commerce for their efforts to move the Town forward.

Ms. Fidler commented that it was very disappointing that very few people showed up at the Downtown Revitalization Meeting that had taken place the preceding Thursday evening. Mayor Grose pointed out that there have been changes in the original concept and encouraged everyone to attend the next public meeting to see what those changes are.

Mayor Grose adjourned the regular meeting at 7:30 p.m.

## WORK SESSION

### 1. Discussion – Urban Chickens

The Town Manager acknowledged a letter from Dave Jones on the issue of urban chickens. Ms. McMillan reported that the Planning Commission discussed the issue at a work session on February 8<sup>th</sup> and recommended that the proposal be forwarded on to Town Council with some minor changes. She noted that the Planning Commission was not required to hold a public hearing on the issue as it would be regulated by the Animal Control Ordinance and not the Zoning Ordinance or Comprehensive Plan.

Ms. McMillan report on Planning Commission comments regarding urban chickens at the work session and noted that staff is recommending the following:

1. Allowing no more than four chickens
2. A one-acre lot requirement

3. .A 25' setback from adjoining property lines for a permanent chicken coop and 50' from any residential structure.
4. For portable chicken tractors, staff recommends a setback of 20' and 10' from adjoining property.
5. Roosters would not be permitted.

Ms. McMillan reported that a section of the proposed ordinance that required the removal of chicken feed after the chickens have been fed, was deleted because they eat continuously.

The Mayor noted that the proposed ordinance would not allow chicken coops to be located in front yards and commented that coops should not be allowed in side-yards either. Ms. McMillan replied that the only side yard requirements would be a 25' setback and the requirement that the coops are at least 50' from any structure.

Ms. Fidler reported on information that Dave Jones had gotten from Mr. Paul Russler who is with the Virginia Tech Science Department. He recommended allowing Ms. Michelsen and Ms. Scheidbe allowed to keep chickens on a trial basis to see what occurs. After an appointed time period, the process could be evaluated and ended if more problems arose than were anticipated.

Ms. McMillan recommended staying with the requirements in the current proposed ordinance. She noted that the Planning Commissioners felt that the Town should "at least give it a try".

Bruce Mayor stated that he felt that the two square feet per bird requirement for the chicken coops should be four feet. He also felt the Town should have a maximum size requirement. He disagreed with lot size requirement of 1 acre and felt it should be less.

Mr. Nance stated that he supported the concept and felt property owners should be able to do what they want on their own property as long as it does not unduly harm their neighbors. He recommended allowing four to eight chickens but felt that the 10 foot setback for the portable coops was too close and suggested that it be doubled to 20 feet.

Ms. Fidler spoke in favor of the requested ordinance. Mayor Grose expressed concerns about allowing chickens to be kept within the Town limits as well as the 10 foot setback for portable coops and fact that chicken coops could be located in side yards.

Mr. Mayer spoke in favor of allowing the chickens and pointed out that it is something that retired people want to do.

Mr. Lawrence stated that a public hearing would be scheduled for April if Council wants to move forward with approving the proposed ordinance.

Mick Michelsen and Billy Booth both felt the Planning Commission supported the ordinance. Mr. Nance stated that he felt it was time for Council to advise staff of any changes to the proposed ordinance and to schedule a public hearing. He added that he felt the number of chickens allowed should be increased to six and that there should be a maximum limit on the size of the coop. Mr. Nance also felt that portable coops should be at least 20 feet from the property line.

Janet Scheid stated that she had no problems with any of the suggested requirements but questioned the Mayor's concerns with allowing coops to be located in the side yard. She pointed out that doghouses can be kept within three feet of a property line. She also questioned construction requirements for chicken coops.

There was a consensus of Council that staff be instructed to amend the proposed ordinance with the addition of Mr. Nance's recommendations that are listed above and to schedule a public hearing for April 5, 2011.

## 2. Proposed Zoning Ordinance Amendments

The Town Manager pointed out that the proposed amendments to the Town's Zoning Ordinance are State generated and requires that the Town Code conform. If not, the Town would very likely lose control of the issues which would revert to the State.

### Item a. - Temporary Health Care Structures

Karla Turman reported that as of July 1, 2010, the Code of Virginia requires that localities allow temporary health care structures, referred to as med cottages, in residential districts. She noted that the cottages are designed to be temporary and can be leased or purchased for someone who needs constant care.

Ms. Turman reported that the State Code allows the Town to charge a permit fee and conduct an inspection each year or to require the property owner to submit a letter to the Planning Office stating that the med cottage continues to be needed.

Brief discussion took place regarding the length of time a property owner has to remove the med cottage after it is no longer needed and how the unit would be hooked up to water and sewer.

Ms. Turman commented that she does not anticipate the Town having a problem with the med cottages. However, she felt it

would be wise for the Town to prepare for them in order to have some control over when they are installed and when they are removed.

Ms. Turnan reported on work session items b., c., d., and e., listed under "Proposed Zoning Ordinance Changes" which are also a result of recent changes in the Code of Virginia:

- Item b. Under Article IV, Nonconforming Uses and Features, Damage to non-conforming buildings and uses, the proposed amendments are related to the definition of an "act of God" and the addition of "accidental" fire.
- Item c. Under Article VII, Administration and Enforcement, the proposed amendments are related to the authority of the zoning administrator and the period for which approved site plan is valid.
- Item d. Under Article IX, Board of Zoning Appeals, Expiration of variance or special exception, the proposed amendments are related to documents provided to keep the variance or special exception valid. Currently, the zoning ordinance has both variance and special exception together in the same section. Staff is proposing that they be separated because the documents which would keep them valid are different. A variance requires that a site plan be submitted with a year, whereas a site plan submittal is not required for a special exception.
- Item e. Under Article X Definitions, the proposed amendment is related to the definition of a group home. The change is required due to a change in the state's definition.

Mr. Lawrence advised that a public hearing would be scheduled for the April 5 Council meeting to take comments and questions on the five items.

3. Town of Vinton Community Development Block Grant Business District Revitalization

Mr. Lawrence reported that the application for the \$700,000 Community Development Block Grant for The Town of Vinton Downtown Business District Revitalization was due March 30<sup>th</sup>. He went on to say that the Town would be notified in July as to whether or not it is approved.

Ms. McMillan stated that she had met with the Department of Community Development staff in Richmond who recommended that the Town apply for the

grant. She noted that during her discussion, she had been advised to extend the proposed project's boundaries to include the Dunman Floral building and the former Vinton Ford building.

Ms. McMillan briefly discussed the advertising process which included two public informational meetings.

Ms. Fidler asked that as many business owners as possible be notified by email of the upcoming public meeting. The Town Manager noted that information on the proposed Downtown Business District Revitalization project can be found on the Town's Facebook Page, on Twitter and the Town's website. Mary Beth Layman added that the Vinton Chamber of Commerce was including it in its news-letter as well.

Staff and Council briefly discussed some of the properties that could be involved in the proposed revitalization project.

#### 4. Discussion – Personal Property Tax Rate and Real Estate Tax Rate

Mr. Lawrence stated that he wanted to get Council's comments on whether they wish to keep the Personal Property Tax Rate and Real Estate Tax rates the same. He noted that staff recommends leaving the real estate rate at \$.03 per \$100 of assessed value and the personal property tax rate at \$1.00 per \$100 of assessed value.

Mr. Thompson advised that this year's real estate assessment increase was 0.29% over last year's assessment. He pointed out that each penny on the tax rate generates approximately \$46,998.

Following a brief discussion on the two tax rates as well as the Personal Property Tax Rate Adjustment (PPTRA), staff was instructed to advertise for a public hearing on the real estate and personal property tax rates to be held on March 15, 2011.

#### 5. Water and Sewer Rates Discussion

Mr. Lawrence reported on two options to improve the Utility Fund Account that is currently \$125,000 in the "red" and will be \$308,000 further in the red by the end of June, 2011, if staff does nothing. He discussed the possibility of deferring two capital projects and a proposed 15% rate increase in water and wastewater service to help bring the Utility Account into balance.

Following questions from Council on how the increased rate would affect water/sewer bills, Mr. Thompson showed examples of how it would affect minimum, average, high use and business customers. Mr. Nance inquired as to when rates would have to be raised again if Council approves the 15% increase. Mr. Kennedy replied that it would be raised again on January 1, 2012 and every January

afterwards until the Utility Fund is stable. He then showed Council a comparison of the Town's rate with those of the Western Virginia Water Authority and other area providers.

Mr. Thompson advised that staff has discussed the possibility of sending out bills on a monthly basis rather than by-monthly.

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

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Darleen R. Bailey, Town Clerk