

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 1st, but the VRS is allowing localities to ask for an extension to November 1st. 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 3rd 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 3rd 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 3rd Street first and we need back up for the wells too.

Mr. Woodson next presented three options as recommendations from staff. Option 1 would be to purchase a 100 KW permanent mounted generator for the 3rd 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 3rd 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 3rd 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

the City of Roanoke. He had chickens in the City and was not aware that you had to have a permit to have chickens in the Town until last week when the Animal Control Officer came to his property and gave him a warning.

Mr. Marshall further commented that he has since found out that the Town Code requires an acre of land to get a permit to have chickens and he only has a little over half an acre. He showed Council pictures of his property and also presented a letter from Ashley Thomasson, his next door neighbor, who supports his having the chickens on his property. John Pritchard, Jr. and Bud Atkinson were also present in support of Mr. Marshall.

Mr. Marshall indicated that he wants to do whatever is necessary to keep his chickens and to pay the fee. Other than meeting the acreage requirements, everything else is in compliance according to the Animal Control Officer. The Town Manager stated that Council would have to amend the Town Code which now states that the minimum requirement is an acre. John Pritchard, Jr. made comments in support of Mr. Marshall having the chickens.

Anita McMillan commented that the code section regarding the chickens is not in the Zoning Ordinance, so a citizen cannot apply for a variance. However, when the requirement of an acre was put into place, there was discussion about reviewing the code after a year to see if Council wanted to reduce the size or not.

The Town Manager suggested that staff review the issue, compile a report and give to Council and Council can decide what direction they want to go. Mr. Marshall's attendance at the meeting will serve as his request for Council to consider amending the current acre requirement in the Code.

Vice Mayor Nance commented that he feels that Council cannot do a special exception because there has to be some objective criteria. Also, he indicated he would not want to immediately go down to one-half an acre because you would go from 20 individual lots to many eligible lots in the Town.

The Mayor thanked Mr. Marshall for his attendance and indicated that they would consider his request. The Town Manager commented that staff will put together a report for Council and Council will make the ultimate decision. Mr. Hare asked if the current request would put a hold on his current violation. The Town Manager responded that as with other complaint-related items that would possibly require a code change, special use permit or a variance, until the formal request is resolved, the Town will stay

enforcement of any violations.

In response to a question regarding the Animal Control Officer monitoring the properties that have chickens, Ms. McMillan stated that currently there are three permit holders. The Officer goes to each property that puts in a request for a permit to be sure they comply with the code or when there are complaints.

Roger Overstreet of 709 South Pollard Street made a complaint again about Mr. Gross' sign and the sight distance coming up the alley. He also commented about a letter from Planning regarding his banners. He bought two temporary permits to use them for so many days and then he removed them. He stated he would have to apply for another permit to use them again. Mr. Overstreet then commented that there are other businesses in the Town that have banners and nothing is being done about them. He provided pictures to Council of those banners.

Mr. Adams commented that he did go up the alley where the sign in question is located and he agreed with Mr. Overstreet that there is still a sight distance problem.

The Mayor asked that the issue regarding other banners in the Town be referred to Code Enforcement.

Barry Overstreet of 809 South Pollard Street made a complaint that he was told by Code Enforcement that if a customer has a vehicle they want to sell or if they have a personal vehicle they want to sell, they cannot sell them from their lot. However, Mr. Gross has a vehicle for sale on his lot and Code Enforcement has not done anything about it. In response, the Mayor commented that the Town does not single anyone out and if there is an illegal vehicle for sale, this will also be referred to Code Enforcement.

Mr. Hare made comments about Code Enforcement being complaint based and asked what constitutes an official complaint. The Town Manager responded that it can be a verbal complaint, a writing or email which gets recorded and then Code Enforcement goes through the process to see if it is a legitimate complaint and handles any enforcement.

Mr. Overstreet then asked if when Code Enforcement goes out to investigate a complaint, are they supposed to tell the person who made the complaint while they are there and the response from the Town Manager was no. Mr. Overstreet then commented that he has a recorded conversation between Barry Overstreet and Mr. Gross and Mr. Gross stated that Code Enforcement told him who complained against him.

The next item on the agenda was to consider adoption of a Resolution authorizing the Town Manager to execute a License Agreement between Ardith R. Overbay and Anne Huffman-Overbay and the Town to allow access over the undeveloped public right-of-way known as Daleview Drive, subject to the covenants and conditions therein.

The Town Attorney recommended that Council move to postpone this issue indefinitely. Vice Mayor Nance made the motion as suggested; the motion was seconded by Mr. Adams and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

The next item on the agenda was to consider adoption of a Resolution approving Post Issuance Tax Compliance Procedures for Tax-Exempt Bonds.

Barry Thompson commented that the Internal Revenue Services has announced that it intends to give certain issuers of tax-exempt bonds more favorable treatment in resolving compliance problems that arise with their bonds. The preferred issuers are those that adopt these procedures. These procedures have been developed by the Finance Director/Treasurer and the Town's bond counsel, Webster Day and the Finance Committee has reviewed them. Mr. Hare made a motion that the Resolution be adopted as presented; the motion was seconded by Mr. Altice and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

Adopted Resolution No. 2031 approving Post Issuance Tax Compliance Procedures for Tax-Exempt Bonds

The next item was to consider adoption of a Resolution authorizing the Town Manager to execute six (6) contracts with Architectural and Engineering firms (A/E) for on-call term contracts for various projects throughout the Town of Vinton.

Ryan Spitzer commented that the initial terms of these contracts will be for two years with the option to renew for an additional three years. This allows the Town to contact any of these firms and get quotes for specific projects or contact them regarding any engineering questions we might have. We will not have to out for bids each time which will make the process more efficient and less expensive. There were 14 firms that responded to the RFP and then a committee went through a competitive scoring process to select the six. Six firms were selected because each offers a different service and we projected out five years the types of services we may need.

After Mr. Spitzer made brief comments on each of the firms selected, Mr. Altice made a motion that the Resolution be

Adopted Resolution No. 2032 authorizing the Town Manager to execute six (6) contracts with

adopted as presented; the motion was seconded by Vice Mayor Nance and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

Under update on old business, the Town Manager commented on the creation of the Western Virginia Industrial Facility Authority. The item will be on an upcoming agenda for formal action and there has been a request for the seven localities to have another joint meeting to officially and ceremoniously approve the Authority.

The Mayor expressed thanks for the invitation to the Gladetown Reunion and commented on the success of the National Night Out and expressed his appreciation to those who participate in the Neighborhood Watch Groups. He also commented on the recent public meeting on the new branch of the Vinton Library.

Mr. Hare made brief comments on the financial reports for May and June 2013. The Finance Committee met last Monday and reviewed the May and June reports. The June report shows that we came within \$14,000 of the General Fund revenue target. Expenditures were down by \$466,573 with \$293,000 of that being from savings in wages and salaries and all the related benefits, mostly in the Police Department. The total General Fund report was favorable and it is contributed to the great work by staff controlling the costs but continuing to maintain the same level of service that we would expect with less employees. On the Utility Fund side the revenue target was missed by about \$149,277, but expenditures were down.

Mr. Hare moved that Council approve the May and June 2013 financial reports; the motion was seconded by Vice Mayor Nance and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Altice, Adams, Hare, Nance, Grose; Nays (0).

Mr. Hare commented that the Finance Committee also discussed a change to the current procurement policy that will be brought to Council for action at an upcoming meeting. Barry Thompson announced that Lijah Robinson, the Accounting Manager, announced his resignation and will be leaving the Town mid-September and his position has been advertised. The Town Manager commented that Lijah has been a huge asset in helping to bring the Finance Department forward over the past two years.

Comments from Council: Mr. Hare commented that a citizen has made several requests on-line regarding the crosswalk from Thrasher to the Library and he wanted staff

Architectural and Engineering firms (A/E) for on-call term contracts for various projects throughout the Town of Vinton

Approved May and June 2013 financial reports

to follow up on the request. Vice Mayor Nance commented on the Gladetown Reunion, National Night Out and the continued excitement over the new library. Mr. Altice and Mr. Adams also made additional comments on the Gladetown Reunion, National Night Out and the library.

Mr. Adams asked about the issue of having enough power to the Chestnut Mountain Water Tower where the Rescue Squad has their antenna to keep a heater running all winter long. He would also like to see Council consider a timer to limit the amount of time that we allow speakers to have the floor and asked staff to see what is available.

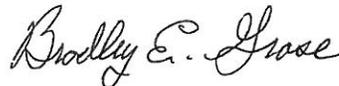
The Mayor stated that there have been a lot of comments in the Town regarding some type of a downtown park area and Council would like to ask staff to do a study and prepare a report. The Town Manager commented that the leadership team has already met in a smaller subgroup and has put together some very preliminary scope of work options. After further discussion and comments, the Town Manager indicated that staff will bring their report back to Council.

Gary Woodson mentioned that Angelo's is currently closed due to health issues.

Mr. Hare asked what the park study would look like and the Town Manager responded that we would have to hire someone because we do not have the expertise. Staff can bring back some options such as the scope of work and type of features that Council might be looking for. Mr. Adams commented that he understood we were going to contact Roanoke County Parks and Recreation to see what their suggestions might be for the areas we have and the Town Manager said we can definitely do that.

Mr. Hare made a motion to adjourn the meeting; the motion was seconded by Vice Mayor Nance and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None. The meeting was adjourned at 9:10 p.m.

APPROVED:



Bradley E. Grose, Mayor

ATTEST:


Susan N. Johnson, Town Clerk