

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 6:30 P.M. ON TUESDAY, DECEMBER 3, 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  
Anita McMillan, Planning & Zoning Director  
Barry Thompson, Finance Director/Treasurer  
Candace Poling, Accounting Manager  
Joey Hiner, Assistant Public Works Director

**The Mayor called the regular meeting to order at 6:30 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.

Roll Call

**Vice Mayor Nance made a motion that Council go into a Closed Meeting** pursuant to § 2.2-3711 A (7) of the 1950 Code of Virginia, as amended, for consultation with legal counsel regarding possible disposition of real property. The motion was seconded by Mr. Hare and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None. Council went into Closed Meeting at 6:35 p.m.

At 7:16 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Mr. Hare, 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.

Certification of Closed Meeting

After a Moment of Silence, Mr. Adams led the Pledge of Allegiance to the U.S. Flag.

**Under upcoming community events/ announcements,** Vice Mayor Nance reminded everyone that tickets are still available for the Lions Club Spaghetti Dinner this Thursday, prior to the Christmas Parade. The Mayor reminded everyone that also on Thursday will be the launch of the demo of the building on the property of the new Vinton Branch Library at 10:30 a.m. The tree lighting ceremony will be that evening at 6:30 p.m. and the parade will begin at 7:00 p.m. The annual Chamber of Commerce Membership Meeting and State of the Town

address will be on December 10<sup>th</sup> and on December 7<sup>th</sup> the Vinton Museum will have their holiday open house from 10:00 a.m. to 2:00 p.m.

**Mr. Adams made a motion that the consent agenda be approved as presented; the motion was seconded by Mr. Altice and carried by the following 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 a presentation of the June 30, 2013 Comprehensive Annual Financial Report by Brown Edwards & Company, LLP and consider adoption of a Resolution approving and accepting said Report.**

Mr. Thompson commented that Section 15.2-2511 of the 1950 Code of Virginia, as amended, requires that the Town issue annually a report on its financial accounts and records by a third party certified public accountant. The Finance Department as well as the Town Manager's Office has worked with the accounting firm of Brown Edwards & Company over the past few months. John Aldridge of that firm has provided the 2013 audit and their opinion letter stating that the financial statements present fairly, in all material respects, the financial position of the Town as of June 30, 2013 and the results of the Town's operations and cash flows of proprietary fund types for the year ending June 30, 2013 is in conformity with generally accepted accounting principles. Mr. Thompson then turned the meeting over to John Aldridge for his comments.

Mr. Aldridge first commented that he had met with the Finance Committee last night and reviewed the audit in detail. The Town received an unmodified opinion which is the highest level of assurance they will put on financial statements and this is a clean opinion.

On page 14 of the Financial Statement, he commented that the General Fund had assets of \$4.4 million, liabilities of \$1.3 million and a fund balance of \$3.1 million. Last year's fund balance was \$2.6 million, which shows an increase of approximately \$300,000 this year. The expenditures on page 16 were very consistent with last year. The difference between the Capital projects amounts from 2012 and 2013 is that the 2013 amount includes the nine police vehicles and a tractor that were purchased this year.

On page 19 in the Water and Sewer Fund, there are cash and cash equivalents restricted of \$1.8 million. This includes the bond money issued for specific projects. The increase in the liabilities relates to the debt.

Approved minutes of the Joint Council/ Planning Commission Board of Zoning Appeals meeting of October 29, 2013 and regular Council meeting of November 5, 2013

Mr. Aldridge commented that the Water and Sewer Fund should run like a business and generate enough revenues to cover the costs. Total operating revenues were \$3 million; expenses were \$2.7 million and some interest expense of \$207,160. This fund showed an income of \$70,782 so it carried its costs for this past year.

On page 55, Mr. Aldridge also commented on the changes in fund balances over a 10 year cycle.

In the management letter, there are some bullet points under Segregation of Duties in areas where some improvements can be made. One of these areas deals with the relationship between Finance and the Human Resources Department and how employees are set up. In proper segregation, the Human Resources Department would set the employees up in the system and Finance would process the payroll, but right now there is some overlap. We suggest that this area be looked at. Another area was audit adjustments which related to debt that was refunded this year and how it was recorded.

Another area that has to be monitored is budget compliance to make sure the budget is not overspent. When the police cars were purchased, a capital lease was used for that in the amount of \$313,000. That transaction needed to be recorded as an expenditure of \$313,000 and revenue of \$313,000. When the budget was set only the payment on the lease was set up. When that entry was made, it showed that you went over your budget.

In the Financial Analysis, the graph on page 11 shows over the past five years in the Water and Sewer Fund, how much we got back on every dollar spent. This past year we got \$1.02 for every dollar spent.

Mr. Hare then commented that overall the results were favorable for the year. He directed a comment to the Town Manager that he was surprised there is still a deficiency with employee set up and maintenance. This was discussed last year and it was asked that it be corrected. Mr. Hare said that a very conscious effort needs to be made to correct this. Mr. Hare also commented that the good report in the Water and Sewer Fund is not from revenues, but from costs control which comes from hard work by the employees.

Mr. Thompson next introduced the Resolution that would adopt the audit for June 30, 2013. Mr. Altice made a motion to adopt the Resolution as presented; the motion was seconded by Mr. Hare 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. 2045  
approving the June 30, 2013  
Audit Report

**The next item on the agenda was to consider adoption of a Resolution authorizing the transferring of funds in the amount of \$7,250.00 to pay the Berkley Group for the development of a park master plan.**

The Town Manager began by commenting that at an earlier Council meeting staff had furnished an asset evaluation of properties that the Town owns in the downtown area, made some recommendations and Council gave staff some direction. We now have a proposal from The Berkley Group which includes public engagement and the master planning process for both a skate park and children's oriented small pocket park. They have proposed a series of public meetings and a workshop with the two projects fairly blended to take advantage of the consultant's time from a cost standpoint. Then the consultant would do their work with some programmatic issues, schematic designs and cost evaluations to produce two master plan documents.

This proposal keeps the two projects together, but based on discussion with some of you earlier today, perhaps the two projects need to be independent of each other and proceed on their own schedules. However, it will change the scope and costs if we separate the two. Staff could possibly facilitate the children's pocket park and go back to the Lions Club who really came up with the idea and work with them to host a public meeting and take on more of the leadership role.

The goal for tonight is for Council to approve the transfer of the funds to move forward with the proposal at hand. If Council wants to separate the two projects, the Town Manager indicated he would have to check with the consultant on how to separate the two and bring a new proposal back to Council. Regarding the children's park, staff has met with Roanoke County and with Playtime, a vendor that sells the equipment for such a park.

Both of these projects have the potential for outside funding so we are not using taxpayer money for the bulk of the costs. The better we can develop the proposals, the feasibility and the actual design part of the projects, the more successful we will be when we seek private, corporate or non-profit donations.

Mr. Hare asked if any of this would qualify for our revitalization grant funds since it is in the grant area. The response was it may be possible, but if we do something different than what was originally proposed, we will have to get it approved. Ms. McMillan commented that we had \$90,000 in original costs when we demolished the former Steve's Garage. We put in the grant application that this site would be used as pervious-type parking and we got credit

because of greening up the space. The Town Manager then commented that one way or another we are going to have to make sure that the Steve's Garage site is safe and reasonable for people to use if we do not proceed with a skate park.

Vice Mayor Nance commented that he has a lot of interest in both of the projects. However he thinks handling them jointly creates some problems because they are very different and are in different stages. His main concern with the pocket park (or playground) is that we already have a non-governmental entity that is showing some interest in partnering with the Town. The proposal presented to us tonight goes through the Town-initiated public input process to help put focus on what this playground should be. Mr. Nance believes the Lions Club needs to spearhead this process as opposed to the Town so the Club and the community can come together and let the Town know what they are willing to help fundraise for and the Town can then perhaps produce the location for those meetings and also provide the land in question. There are some tax targets not yet being reached and we have to make sure that the core services of the Town are met first. One of those services is the potential for 24 hour fire service and even though it will be a service divided between us and the County, we have to have the flexibility to absorb some of those costs.

Regarding the skate park, Mr. Nance said we have a great potential location for this park, but one of the first things he did as a Council Member was to vote to close the old one down. We had a great idea, but it worked for a very short period of time because people not associated with the proper use of that park began to abuse it. Town money, time and resources were used time and time again to fix the graffiti and the damage being caused at that point. He is very hesitant to spend any further taxpayer money on a skate park. Unlike the playground with potential interests from citizens, we do not have individuals or non-government agencies indicating that they will help raise the money for this project. Because this is a much slower process, he does not want it tied to the pocket park.

Mr. Altice commented that we need to make sure the public wants these projects and have an interest in them. Mr. Adams commented that there is a lot of community support through several Lions Clubs and we should work with them to bring a park downtown close to the library. He would hate to see it held up by the skate park. Although there are revenue streams around the country to work with the skate parks, we have to find the right one.

The Mayor commented that all aspects of these parks have to be considered. He then asked if the consultant's report

would give possible sources of financing or revenue for the skate park and the response was yes. There would be a summary for funding sources for both parks. The Mayor asked Council if it would be appropriate for staff to bring back another proposal with the two projects separated with an estimate for the consultant's costs.

Mr. Hare commented that we have to do something with the former Steve's Garage property if it is not developed into a skate park. It may be turning it into a parking lot, but he is concerned with the current risks and Vice Mayor Nance commented that we need to rectify the situation there at least in a semi-permanent state to avoid these risks.

The Mayor further commented that if the consultant did the work, then we would have something we could show to individuals that perhaps may be willing to provide some funding. He thinks that a master plan is needed. The Town Manager then commented that we need to start with the public engagement interest level to help us judge if we need to keep pursuing the projects diligently or if we stop the process.

Regarding the skate park, our office has received several calls from the Valley Skateboard Advocacy Group that is interested and Mr. Spitzer has received a call from a company in California that is interested in helping to build it. The industry is out there, but is there an interest in Vinton and is that the priority that we want go after.

In summary, the Town Manager said he would bring the proposal back with the two projects separated. There is some value in the consultant helping with the pocket park, but focus on the skate park separately and allow the two to run independent of each other. Mr. Nance said that he would like to invite some members of the Lions Club to attend the next meeting to hear about this proposal.

**The next item on the agenda was a briefing on an application by adjoining property owners for abandonment, vacation and deeding of undeveloped right-of-way known as Daleview Drive.** Ms. McMillan referred Council to the staff report that was included with the agenda package. In May there was a request from Mr. Overbay to vacate the right-of-way, but at the Planning Commission Public Hearing, it was requested that the matter be continued. Before Council had their Public Hearing, the attorney for Mr. Overbay requested that the application be withdrawn. Since that time, Mr. Overbay has worked with the Town Attorney and staff to come up with a license agreement. The license agreement as drafted by the Town Attorney was not accepted by the Overbays.

The Quams and the Slighs submitted a request to vacate Daleview Drive in September and have submitted a plat prepared by their surveyor of the portion to be vacated. The request has been advertised and the adjoining property owners have been notified along with Mr. Overbay's attorney. The Planning Commission Public Hearing will be on December 10<sup>th</sup> and the Council Public Hearing will be on December 17<sup>th</sup>.

**The next item on the agenda was a briefing on the final draft of Town of Vinton/Roanoke County Stormwater Management Ordinance as required under the Virginia Stormwater Management Program (VSMP) Permit Regulations and the Virginia Stormwater Management Act § 62.1-44.15:27 of the Code of VA, as amended.** Ms. McMillan began by commenting that a final draft of the Ordinance was to be submitted to the DEQ by December 15<sup>th</sup>. However, since they are still changing the requirements, they have postponed the date to January 15<sup>th</sup>. By way of background we have been an MS-4 locality since 2003 and one of the requirements in 2007 was to adopt a Stormwater Ordinance which staff worked on regionally.

Ms. McMillan next commented on some of the required changes in the Ordinance. She also reminded Council that starting July 1, 2014, the Town has to start accepting the permit applications that the State was handling. We will now be required to process, review and issue what is called a Stormwater Pollution Prevention Permit. She reminded Council of the two MOUs they approved in August with Roanoke County, one of which is to allow the County to do our inspections. Also, we were told in the past that the State would do all of the input on the computer when an application is submitted, but now the localities are going to be required to do this as well.

We are still working with the consultant that the County hired to review the draft ordinance to be sure that we are meeting the requirements. The major item that we still have an issue with relates to the grandfather requirement and what we call the common plan development when there is an acre or more, for example, someone dividing 25 acres into one-acre lots. When the original plan was approved, they did not have any E&S or stormwater requirements. Now, an individual property owner that buys one of the one-acre lots to develop will have to submit another permit. This has not been resolved with DEQ. Another issue related to the County attorney having reservations about saying that anyone of us have the right to go onto people's property to inspect their stormwater facility. The State is trying to encourage rain gardens on individual lots to handle stormwater. If they are not maintained, we are supposed to go on their property. We do not have an answer yet.

We hope to have these sections completed in early January for the final draft due January 15th. But the Ordinance has to be adopted by April of 2014.

We learned at a meeting yesterday that the State will not have the on-line E Permitting in place not until April when they will start with pilot localities. We do not believe there will be any locality from the Roanoke Valley, probably just Richmond and Northern Virginia. For all of the new requirements, they are using the Chesapeake Bay model which is our concern from this part of Virginia.

Ms. McMillan commented that not only do we have to provide this draft Ordinance, we also have to show the State that we have the staff and the funding to handle this new requirement for accepting the permits. We submitted that we are trying to use existing staff and she is glad that Roanoke County has agreed to handle at least two of those requirements, the review and the inspection.

The Town Manager summarized that we will have to bring the final draft model Ordinance back to Council between now and January 15<sup>th</sup> before it is sent to the State. Ms. McMillan said that she is proposing that we just adopt whatever the County approves by reference to make it easier since they are reviewing and approving the plans for us and also since the Town is a part of Roanoke County and the Town's property owners pay a certain amount of their taxes to the County. The house-keeping and record-keeping part of this process is going to be a nightmare.

**Under update on old business, was the consideration** of a request for transfer of ownership to the Town of a 2002 Ford Crown Vic previously transferred to the Volunteer First Aid Crew in 2012.

The Town Manager gave the history of the vehicle. The Town owned the vehicle and decided it was out of its useful life and would surplus it. The Volunteer First Aid Crew decided they would like to have the vehicle, so a basic agreement was signed that they would take it with no costs to the Town. They have operated it for a year and a half and one of the things learned through that process was that all the vehicles that the First Aid Crew owns are either titled to the Town or Roanoke County. So they are maintained by the government and are insured by the government. When the Crew went to get insurance, it presented a problem since 40 people in a non-profit agency would like to drive the vehicle. They were able to provide insurance, but there are only four members authorized to use the vehicle.

Chief Philpott came back to the town and we took it before the Public Safety Committee. A cost evaluation was done

and it basically has averaged a cost of \$1,200 per year over the past ten years which includes maintenance, fuel and insurance. Three options are provided in the agenda report--the town take the vehicle back and cover the costs, the town take the vehicle back and charge the First Aid Crew for the costs or leave the vehicle with the First Aid Crew. The recommendation from the Public Safety Committee was to accept the vehicle back into the public fleet, pay the costs, but agree if any major mechanical failure occurs, the vehicle would be placed out of service and not repaired.

The First Aid Crew used the vehicle approximately 50 times a year for out-of-town training and meetings rather than having to drive an ambulance to a meeting which is more expensive and takes that ambulance out of service.

The Town Manager clarified that the vehicle would continue to be used by the Crew only, not other town employees. This does not require any budget adjustment, but it will be added to our insurance and become a town asset, so some type of Council action would be necessary to accept it back. We will then formally, as part of the next budget process, make any necessary adjustments to cover the maintenance costs.

Mr. Adams made a correction to a prior statement that an ambulance is not taken to meetings or training, but the emergency response car is taken. The Crown Vic allows them to take a non-emergency vehicle instead. The benefit of having the vehicle outweighs the costs of keeping it running. The Mayor responded that this does allow an emergency vehicle to remain in service.

Vice Mayor Nance said he supports option one and the request of the Crew is very reasonable. However, Council was first told that the vehicle was going to be surplus and we made policy decisions based on the fact that it would be gone and off of our inventory. Then there was a way for it to be reused and repurposed without any financial issues to the town. Now it is back and on our budget.

Mr. Nance further commented that one of revenue streams, the cigarette tax, is not meeting the marks of the increased amount or even the amounts from the previous year. We need to watch future use of our monies very closely and make sure our fleet does not grow any more without a serious discussion about the impact it will have on us. The Mayor commented that originally this vehicle was seen as a cost savings measure and we expected the car to disappear, although what has presented tonight makes sense.

Mr. Adams made a motion that we accept the 2002 Ford Crown Vic back into inventory under Option 1; the motion was seconded by Mr. Hare and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) –

Accepted 2002 Ford Crown Vic  
back into the Town's inventory

Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

**The Mayor expressed thanks to the Police Department** for the invitation to their annual awards banquet.

**Before reviewing the Financial Report for October 2013**, Mr. Hare made on further comment concerning the audit previously approved. There has been a change in the accounting rules and in 2015, we will have to recognize our funded liability for pensions, which currently stands at over \$3 million. Not only will we have to recognize this on our balance sheet, but it could impact our bond rating especially if we start applying this liability to the two funds, so all of a sudden the utility fund goes negative and has more debt than assets. We will be in position where we will have to have some plan to correct being unfunded by \$3 million. We are currently funding it, but not at the level that it needs to be funded.

The Finance Committee spent a lot of time reviewing the revenues in the October report. As Vice Mayor Nance mentioned earlier, the cigarette tax is the area of most concern. The meals tax and sales tax in this report look like they are off, but accruals will fix those. But we are currently \$63,000 behind in the cigarette tax year-to-date. This time last year we were off the mark by \$7,000. The increase did not help us and it looks like we are losing business. Because of this, the Finance Committee is recommending that the Town Manager meet with department heads and reprioritize the CIP list and bring it back to Council. If this trend does not improve, we will need to stop spending. He suggested that Council review this again at the first meeting in January. Vice Mayor Nance then commented that when you look at the summary report, we are in the range of where we anticipated, but because of this particular line item, we need to at least have alternatives built in or on our radar screen.

Mr. Hare continued by stating that on the utility side it is close and it probably also needs to be looked at and see that we are being cautious and mindful of the spending.

The Mayor asked if there were any other factors causing the cigarette tax to be behind and Mr. Hare responded that we saw an acceleration when the businesses bought a lot of stickers before the rate went up. Mr. Nance said we were behind \$7,000 before the rate increase was even discussed and put into effect.

Mr. Hare next commented that on the expenditure side, the salaries are off everywhere because they are spread out throughout the year, but that is not always how they come in.

One area of concern is that the Police Department is in a pretty big hole, which we knew about because we entered the year overstaffed. Now we are one down and it should correct itself. One other large expense was the purchase of ammo, but we are watching this budget. The Mayor commented that the reason we were one over is because we had two people return from the military.

Mr. Hare commented that on the General Fund year-to-date, we are at 97% of our target, off about \$54,000. On the expenditure side we are underspending our budget at about 89% of where we thought we would be at this point. On the utility side, we are at 97% of target, off about \$34,000. This is with the rate increase. The spending is at 74% or down by \$322,000. We continue to control spending. Mr. Hare made a motion that the October 2013 financial report be accepted, 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.

Accepted and approved  
October 2013 Financial Report

**Comments from Council Members: Mr. Hare stated that** every time we get to this time of the year, he is always reminded that he did not get to be a member of this Council on his own, but it was because of the loss of Billy Obenchain. He gets a little overwhelmed to think that there is never a way to fill his shoes. These last four years have been quite a ride and he went from knowing nothing about government to maybe more than he ever desired to know. It has been fun, it has had its ups and downs and he has gotten to meet a lot of great people and to do some really neat things. He is proud of the work Council has done and he thinks his service and time he has spent with this current Council and with former member Carolyn Fidler has been beneficial to him. He is optimistic about the future and without making this too political, he announced that he will be seeking re-election in 2014.

Vice Mayor Nance said he will make comments at the next meeting on Vice Mayor Obenchain who he considered sort of a mentor. He commented to Mr. Hare that he would never fill his shoes, but he does not have to. He has been a great Council member and that is all that is expected of him.

Mr. Adams commented that it is a pleasure and privilege to be on this Council. He has been in town government for a long time, on the other side and he would not trade the last year and a half for anything. He was in the First Aid Crew with Mr. Obenchain and knew him for a lot years and he changed this town in a lot of positive ways.

The Mayor also commented that we all have more than just fond memories of Mr. Obenchain, but he was an inspiration

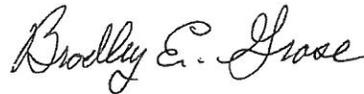
to many of us. He also commented that he was glad to hear that Mr. Hare will seek re-election because he has done a wonderful job and is quite an addition to this Council. He further commented that by being on Council he has had an opportunity to get to know staff and to realize that they are hardworking and do a good job.

The Mayor mentioned again the State of the Town address on December 10<sup>th</sup>.

The Town Clerk commented that the final proof of the 2014 Town Calendar was approved today and it should be printed and delivered to the Committee the first of next week. They should be ready for delivery to the residents soon after that.

Vice Mayor Nance made a motion that the meeting be adjourned, 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. The meeting was adjourned at 9:05 p.m.

APPROVED:



Bradley E. Grose, Mayor

ATTEST:

  
Susan N. Johnson, Town Clerk

**AT A CLOSED MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, DECEMBER 3, 2013, AT 6:30 P.M. IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.**

**CERTIFICATION THAT A CLOSED MEETING WAS HELD  
IN CONFORMITY WITH THE CODE OF VIRGINIA**

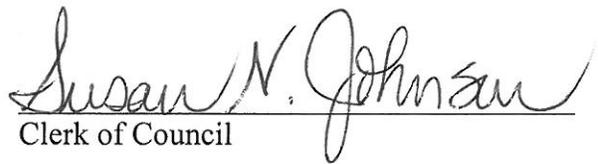
**WHEREAS,** the Town Council of the Town of Vinton, Virginia has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

**WHEREAS,** Section 2.2-3712 of the Code of Virginia requires a certification by the Vinton Town Council that such closed meeting was conducted in conformity with Virginia Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Vinton Town Council hereby certifies that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from opening meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies; and
2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

Motion made by Council Member Hare, and seconded by Vice Mayor Nance, with all in favor.

  
Clerk of Council