

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 6:00 P.M. ON TUESDAY, SEPTEMBER 1, 2015, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

MEMBERS PRESENT: Bradley E. Grose, Mayor  
Matthew S. Hare, Vice Mayor  
Sabrina McCarty  
Janet Scheid

MEMBERS ABSENT: I. Douglas Adams, Jr.

STAFF PRESENT: Christopher S. Lawrence, Town Manager  
Theresa Fontana, Town Attorney  
Donna Collins, Human Resources Director  
Anita McMillan, Planning and Zoning Director  
Karla Turman, Associate Planner/Code Enforcement Officer  
Chad Helms, Lieutenant-Fire  
Joey Hiner, Assistant Public Works Director

**The Mayor called the work session to order at 6:00**

p.m. The first item was a briefing on Spot Blight Abatement Plans for: 123 Gus Nicks Boulevard, Tax Map Number 60.16-1-3, Zoned CB Central Business District; 830 S. Pollard Street, Tax Map Number 60.19-4-4, Zoned R-2 Residential District; and 308-B 9th Street, Tax Map Number 60.10-4-27. Zoned R-2 Residential District. Karla Turman began by commenting that after the Spot Blight Abatement Ordinance was passed last year, a team was put together and five properties were reviewed. In August of last year, letters were sent to all of the property owners outlining the blight on their properties and giving them 30 days to respond with a plan. With regard to the property located at 1323 Hardy Road, it has been demolished by the property owner. The property at 530 North Blair Street has changed hands several times and the newest owner acquired the property in January of this year. He has started doing some work on the property and has submitted a letter indicating he will continue to make improvements.

Ms. Turman next commented on 123 Gus Nicks Boulevard. After the notification letter was sent in August of 2014 to the property owner, he left a message in November that he had made arrangements to demolish the house. A dumpster was placed on the property at that time, but nothing has been done. Also, there has been no further contact with the property owner. She then showed and commented on a series of pictures of the property.

Council Member Scheid asked if a title search was done and Ms. Turman responded yes. Ms. Scheid

then asked the purpose of the title search and Ms. Turman commented to make sure that we notify the right property owner or owners. All the taxes on the property are up to date and he did pay for the title search.

The next property was 830 South Pollard Street which has been vacant since 2009. The owner is listed as Mary Banks, but the title search revealed that she never had the deed put in her name. The son was responsible for the property, but is elderly and no longer able to take care of it. Since 2012 the Town has been mowing the grass when it is in violation. A letter was sent to Mr. Banks as the responsible party. However, the title search revealed nine additional potential heirs and the Town Attorney suggested that we send them a letter as well. There was no response from any of them including Mr. Banks. Council Member Scheid asked if a lien is placed on the property when it is mowed by the Town. Ms. Turman commented that as soon as the mowing contractor is paid, the Finance Department puts a lien on the property.

Ms. Turman next commented on a series of pictures of the house. There is a gentleman that lives beside the property who has inquired about it and said he would be willing to purchase the property to demolish the house and clean it up. However, he cannot get a clear title. In response to a question regarding the title search, Ms. Turman commented that the title search has not been paid for and is a lien on the property.

The last property was 308B 9<sup>th</sup> Street in the Midway community which is on a lot in the alley between 8<sup>th</sup> Street and 9<sup>th</sup> Street and the house consumes the entire lot. It has been vacant at least since 2005. The property owner submitted a remediation plan which was approved in November 2014 and was given 90 days to complete the work. In April of 2015 she was contacted concerning the work and indicated she had decided not to fix the house. This was due to a communication between her and the Building Commissioner as to whether or not an asbestos study had to be done. The Commissioner said it was recommended, but not required and she took that as being required and was not going to do it. There has been no further contact with the property owner since April. Ms. Turman then commented and showed a series of pictures of the house.

The house is currently non-conforming and she would have to be able to spend 50% or less of its value to fix it. However, there is a provision in the zoning

ordinance that was passed two years ago that the house could be brought up to Code as long as it was not expanded. The property owner owns a duplex, a mobile home, this house and the one in front of it. The Town has to maintain the grass on this property as well as some of her other properties.

Ms. Turman next commented that there are two new properties the team has looked at this year. One is 35 Cedar Avenue and she showed a picture. The property owners are deceased and their son lives in Florida. Galen Conner of Olde Colony Realty is managing the property for them and there have been some inquiries from demolition companies. All of the properties in the triangle are owned by this person except the car lot. Mr. Conner indicated to staff last week that he had a potential buyer for all of the properties in this triangle except the car lot.

The house is boarded up, but not secure enough to keep people out. A door on the back of the property has been pried open to allow entrance into the house. There is an out building that is almost covered in overgrowth which the Fire Marshal has indicated is a fire hazard. There are holes in the foundation and the crawl space is not enclosed. In response to a question, Ms. Turman commented that staff makes the initial determination that property is blighted and a letter is sent out to the property owner. Then Council has to make the final determination that the property is blighted and that we can move forward with abating it.

The second property is 826 East Cleveland Avenue, which has been vacant for a long time. In 2001, the Building Commission at that time, Joel Baker, condemned it and it was posted on the property because there are no sewage facilities in the house. Several years ago the sign was removed, but there is a "No Trespassing" sign on the property. There is an opening in the roof and they have received complaints about the house. The owner of the property lives in Salem and she also owns the house to the right of this one. She has not made any contact since she received our letter that was sent approximately three weeks ago.

The Town Manager commented that the last two properties are just for information at this point. With regard to the first three and according to the policy, staff would need direction from Council that any of the three or all of them should officially be directed to the Planning Commission to schedule a Public Hearing. After their Public Hearing, we would schedule a Public Hearing for the second meeting in October.

There was a concern that if we put a lien on the property we would not be able to collect on that lien if the property went to tax sale. There are legal costs that the County incurs to have a tax sale which always get paid first. In the past the County paid their liens first and we received what funds were left over, if any. Barry Thompson and our Town Attorney have met with the Roanoke County Treasurer and we now have a verbal agreement that there will be an appropriate distribution of a pro-rata share of the remaining funds. However, it is fair to expect that the Town may not get anything back.

The taxes are fully paid on the 123 Gus Nicks Boulevard property, so there is no legal trigger to force the sale of the property. The taxes would have to be three years behind before forcing a tax sale. Council Member Scheid asked if the other two properties were up to date on the taxes. Ms. Turman commented that she felt the taxes on 308B 9<sup>th</sup> Street were probably up to date. Ms. Scheid then commented that the only property we would possibly be able to sell is the one at 830 South Pollard.

The Town Manager next commented that if the heirs to a piece of property are in conflict regarding who owns the property, there is a legal way that they can force a sale of property through the Court to get a clear title for a new owner.

Council Member McCarty asked how much it would cost to demolish the properties. Ms. Turman responded that earlier this year she received quotes and by adding 20% to the median price to demolish the house and clear the property it would be around \$29,000. For 830 South Pollard Street, the estimate is about \$18,000 in addition to the \$2,500 that is already owed in taxes, liens and the title search.

Vice Mayor Hare commented that we can go through the process to have it legally torn down and then we have a flat piece of land that the Town will have to pay to have mowed for the next 70 years and the lien continues to grow. It is not in the best interest of the citizens to continue to invest in that property. He wondered if there would be another solution such as eminent domain.

Council Member McCarty commented on a community outreach that Valley Bank did where certain houses were chosen for improvements. She did not know if the property owners do not have the funds to make the improvements. The Town Manager commented that as we go through our assessment process, perhaps

there will be some properties that the community can assist with.

Vice Mayor Hare next asked if we could offer to purchase the property at Gus Nicks and then the Town can tear it down and sell it. We might be putting more up front, but we would have more of a chance of getting some money back. The Town Manager commented that the Town can decide to buy property and go through the real estate process and make an offer. Vice Mayor Hare commented that the properties should go through this process, but perhaps before we condemn them, could we make a proposal.

The Town Attorney commented that if a property owner is delinquent on their taxes, the best solution would be a tax sale because that clears up the title to the property. Otherwise, you would have to get releases from all the lienholders.

Council Member Scheid commented that she would be in favor of scheduling the Public Hearing on the three subject properties. She then asked if there would be more properties in the future and Ms. Turman responded that right now these are the three that are most hazardous to the community.

Anita McMillan commented that in early 2000 after notice was given of a Public Hearing to demolish three houses, the property owners decided to demolish them. Once they saw that the Town was serious, they decided to take action. So, we need to at least move it through the process so that hopefully something will be done.

The Mayor commented he has been in support of moving ahead with this process for quite some time, but it is a difficult process. Vice Mayor Hare has raised the thought of purchasing these properties; however, he asked if we can or should we approach individuals about buying their property holding over their head the fact that it is going to be condemned. The Town Attorney responded that this has come up in another locality and she advised against it. However, there may be an instance that if the property owner approached the Town it may be considered.

The Mayor then asked if this is a plan that we are going to pursue, do we go the route of the Public Hearing now or wait. Ms. Turman commented that the original notification states the Town may abate the violation by demolition of the property. The property owner of 123 Gus Nicks Boulevard has been mailed a copy of the recommendation by staff for Council to

approve to abate the property. The Town Manager commented that the Public Hearings can still be held. They are designed to meet a legal process to gain input from the public. After the Public Hearings, staff can be directed to do something further before action is taken.

The Town Attorney next commented that the property can be demolished and if it goes to a tax sale, the Town can be a bidder at the sale. Council may not want to set a precedent that we are offering individuals' money to buy their derelict properties.

After further comments from Vice Mayor Hare concerning the taxes being up to date and not being able to force a tax sale, the Town Attorney commented that a tax sale can be forced to satisfy the lien. The lien for the demolition becomes parity with the taxes. The Town Manager commented that staff has always understood that only real estate taxes are a trigger for a government tax sale. The Town Attorney indicated she can provide the citations in the Code and there are enforcement procedures. If the government spends money and tears the property down, we can go and collect the money. She will provide Council with a written legal opinion.

Council gave their consensus to direct the Planning Commission to schedule their Public Hearing.

**In lieu of time, the next item on the work session** relating to the briefing on the petition of Ms. Zizi LoFaro, dba Healing Solutions, LLC, the Petitioner for a Special Use Permit (SUP) to operate a counseling services office at 36 W. Cleveland Avenue, zoned GB General Business District was moved to the regular meeting under the Town Manager's section.

**The Mayor called the regular meeting to order at 7:10 p.m.** The Town Clerk called the roll with Council Member McCarty, Council Member Scheid, Vice Mayor Hare and Mayor Grose present. Council Member Adams was absent. After a Moment of Silence, Council Member McCarty led the Pledge of Allegiance to the U.S. Flag.

Roll call

**Under upcoming community events, Council Member McCarty announced the upcoming Mingle at the Market on September 12<sup>th</sup>.** The Mayor announced the Vietnam Veterans Traveling Memorial Wall will be at the VA Hospital in Salem on September 16<sup>th</sup> through 20<sup>th</sup>.

**Vice Mayor Hare made a motion to approve the** Consent Agenda as presented; the motion was seconded by Council Member Scheid and carried by the following vote, with all members voting: Vote 4-0; Yeas (4) – McCarty, Scheid, Hare, Grose; Nays (0) – None; Absent (1) - Adams.

Approved minutes for the regular meeting of August 18, 2015

**Under awards, recognitions and presentations,** Vice Mayor Hare read a Proclamation declaring September as National Preparedness Month.

**The next item on the agenda to consider** adoption of a Resolution authorizing the Town Manager to execute an Agreement with the Commonwealth of Virginia, Office of Intermodal Planning and Investment for the Urban Development Areas (UDA) Planning Grant. The Town Manager began by commenting that he had provided Council with a Memo summarizing the requirements of the grant. The grant is for \$65,000 and is connection with the State's new effort through a number of policies and programs to realign all the transportation funding processes. They started with a Vision Plan of 2040 to be implemented through House Bill 2 which is now the structure for how projects will be funded.

An example of their new goal is the Walnut Avenue project, which was one big project from downtown to the Town/City line. We were on the six-year plan, had a couple of million dollars in the bank ready to go and we realized with VDOT that it would not be enough. So, we just did the bridge. It will take many years before we get the next sections funded, under the old model. The new model is that if a project is chosen based on all of the criteria and formula, it will be fully funded and guaranteed that it will be completed. This is the good side, but the downside is a project may not get funded for a long time because the competition for funds will be with projects all over the State based on the five scoring factors.

There will still be a six-year improvement plan for the State as well as House Bill 1887 which is the actual budget to appropriate \$25 billion over the next six years.

VDOT has established and fully funded this grant and if Council chooses to go forward, we have already been assigned a consultant. This will be a citizen-driven, Council-directed process for the Town to identify land use vision and issues, transportation and how to we want to redevelop. The grant requires that we amend our Comprehensive Plan and Zoning and Subdivision Ordinance within one year of the

completion of the study which is estimated to take ten months. We will decide what the amendment to our Comprehensive Plan will be based on the principles of a traditional neighborhood development. He and staff have a telephone conference scheduled for Thursday to get the process started.

The Mayor asked if some of these funds could be used for the expense of the community meeting. Anita McMillan responded the \$65,000 will be paid to the planning consultant for their services.

Council Member Scheid asked if we know anything about the consultant being assigned to us. Ms. McMillan responded that this same consultant is working with the City of Salem. Also, they have worked with the Town of Blacksburg and some localities in the Southwest. This is the second round of this planning process.

Vice Mayor Hare expressed concern that if we declare an urban development area it would force development in certain areas and require the Town to make dramatic changes that may not be the wishes of the citizens, but those in Richmond and Washington that feel we need to be more integrated economically and socially. The Town Manager responded that an urban development area, based on what he has read, is fundamentally focusing on transportation demands at they work through VDOT. It is more of an urban mixed-use traditional neighborhood with interconnected roads, sidewalks with homes that are possibly less than one acre. It is a planning tool and if we have the designation it will help with scoring for VDOT projects. If we do not, it means we may not score as high. It can be a designation that includes the entire Town or just include certain areas, but it will be up to us.

Roanoke County did not receive a grant because they have their own planners to do the work, but they are defining their urban growth areas for approval by the Planning Commission and ultimately the Board to be everything outside of the Town boundary to the Bedford County line

Council Member Scheid made a motion to adopt the Resolution as presented; the motion was seconded by Council Member McCarty and carried by the following roll call vote, with all members voting: Vote 4-0; Yeas (4) – McCarty, Scheid, Hare, Grose; Nays (0) – None; Absent (1) - Adams.

Adopted Resolution No. 2116 authorizing the Town Manager to execute an Agreement with the Commonwealth of Virginia, Office of Intermodal Planning and Investment for the Urban Development Areas (UDA) Planning Grant

The Town Manager next commented that at the September 15<sup>th</sup> Council meeting, a Council Member needs to be appointed to serve on the UDA Grant Committee.

**The next item, which was moved from the work session,** related to the briefing on the petition of Ms. Zizi LoFaro, dba Healing Solutions, LLC, the Petitioner for a Special Use Permit (SUP) to operate a counseling services office at 36 W. Cleveland Avenue, zoned GB General Business District. Anita McMillan commented on the staff report that was provided with the agenda package. The Planning Commission was briefed at their August 6, 2015 work session and a Public Hearing has been scheduled for September 3, 2015. The Council Public Hearing will be on September 15, 2015.

The property is zoned General Business and the surrounding properties are zoned either General Business or Commercial Business except for one property that is developed and still used a single family. On August 18, 2015, the adjoining property owners were mailed letters notifying them of the request and the Public Hearing to be held. To date they have not received any inquiries or objections, but they do have the right to attend either of the schedule Public Hearings.

The property was used as a real estate office and the Building Commissioner has indicated that a change of use will not be required.

Ms. McMillan next commented that the petitioner will be doing the counseling, but in the future she may add two additional staff. The hours of operation were also provided in the staff report.

The petitioner did not submit any proffered conditions, but during the Public Hearing the Planning Commission and/or Council can impose conditions that can be accepted or rejected by the petitioner.

Vice Mayor Hare asked what type of counseling services would be provided and Ms. McMillan responded the petitioner indicated it would be all types. Council Member Scheid asked if she was a licensed counselor and Ms. McMillan responded they did not ask, but she will inquire.

The Mayor asked if there would be any overnight patients and Ms. McMillan responded no based on what was submitted and the structure does not have accommodations. If she is to have overnight patients,

the Building Commissioner would have to be notified. She has indicated that it will be for an office-type use.

Council Member McCarty commented that when the Chamber started Mingle at the Market, the Church on the corner was offering AA meetings and they had an issue with the alcohol being served so close to the Church. She assumed this would not be a problem with the counseling service since it is also close to the Farmers' Market. Ms. McMillan responded that she would contact her about the event.

Vice Mayor Hare commented that he had concerns that this could turn into a drug-rehabilitation type of counseling. He did not know how counseling would be defined, but he would not want it to grow into something that we did not anticipate. Ms. McMillan responded that she would refer this question to the Town Attorney because the definition of "counseling service" in our Zoning Ordinance is very broad and general.

**The Mayor commented on the curb and gutter work** that the Public Works Department has been doing in Town. The Mayor next read a written statement with his comments concerning two recent events--the recent marriage ceremony of Council Member McCarty and Chris McCarty and the tragedy in which Alison Parker and Adam Ward of WDBJ7 were killed and Vicki Gardner of the Smith Mountain Lake Chamber of Commerce was injured.

**The next item on the agenda was to consider** cancellation of the October 1, 2015 Council meeting to allow Council and Staff to attend the VML Annual Meeting in Richmond, Virginia from October 4-7, 2015. Council Member McCarty made a motion to cancel the October 1, 2015 Council meeting; the motion was seconded by Vice Mayor Hare and carried by the following vote, with all members voting: Vote 4-0; Yeas (4) – McCarty, Scheid, Hare, Grose; Nays (0) – None; Absent (1) - Adams.

Approved cancellation of October 1, 2015 Council meeting

**The next item on the agenda was a report from the** Public Safety Committee. In the absence of Council Member Adams, the Town Manager commented that the minutes of the August 24<sup>th</sup> meeting were included in the agenda package. He then made brief comments on the Regional DUI Task Force matter and indicated that Chief Cook recommended that due to staffing levels in the department, they would not participate. With regard to the replacement of the K-9 police car that was totaled in an accident, the matter will be referred to the Finance Committee for review and a recommendation.

The transition to 24-hour fire service has been completed and career staff and volunteers are working very well together. With regard to the renovations to the fire house, there have been some issues, but all have been handled through the normal chain of command. A final project for the Fire/Rescue Building is to install a new electronic lock system at a cost of \$30,685.00. The Town and Roanoke County have partnered to fund the new system with Roanoke County contributing \$15,000. Council will be requested at a future meeting to approve the Town's portion.

The Town Manager next commented on the new ambulance grant to replace unit 23. We did not receive the grant that was applied for in the Spring. A new grant application will be submitted this Fall for a career replacement ambulance. If this grant is not approved, we will re-evaluate and bring the matter back to the Committee. This is a partnership with Roanoke County as well. Also, the format of the monthly reports showing call volume and response time for the volunteer fire, first aid crew and career staff that are furnished to Council will be changed to more accurately reflect a breakdown for the career staff and volunteers.

With regard to the item in the minutes concerning the K-9 unit, Council Member Scheid asked what would happen to the dog and if it was purchased by the Town. The Town Manager responded that he was purchased using Asset Forfeiture Funds. We are trying to evaluate if there is someone who can step into that position since Officer Froeschl has resigned as the K-9 Officer to go back to patrol. If not, an evaluation and decision will have to be made.

Council Member Scheid next asked if the compensation study was going forward and was it budgeted. The Town Manager responded it is not budgeted, but he and the Human Resources Director are evaluating the best way to accomplish it. Ms. Scheid asked if there was a problem with doing the study and proving the point that there are gaps in compensation if there is not money in the budget to correct those gaps. The Town Manager commented that if we do the study we are going to have to be able to respond to it in a reasonable amount of time.

**Vice Mayor Hare made a motion that Council go** into a Closed Meeting pursuant to § 2.2-3711 A of the 1950 Code of Virginia, as amended, for discussion regarding appointments to boards and commissions as authorized by subsection 1. The motion was seconded

by Council Member Scheid and carried by the following vote, with all members voting: Vote 4-0; Yeas (4) – McCarty, Scheid, Hare, Grose; Nays (0) – None; Absent (1) - Adams. Council went into Closed Meeting at 8:15 p.m.

Certification of Closed Meeting

At 9:01 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 Vice Mayor Hare; seconded by Council Member McCarty and carried by the following roll call vote, with all members voting: Vote 4-0; Yeas (4) – McCarty, Scheid, Hare, Grose; Nays (0) – None; Absent (1) - Adams.

**Vice Mayor Hare made a motion to adjourn the meeting;** the motion was seconded by Council Member Scheid and carried by the following vote, with all members voting: Vote 4-0; Yeas (4) – McCarty, Scheid, Hare, Grose; Nays (0) – None; Absent (1) - Adams. The meeting was adjourned at 9:07 p.m.

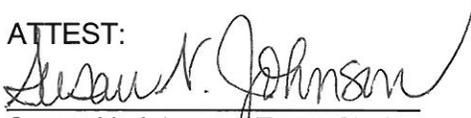
Meeting adjourned

APPROVED:



Bradley E. Grose, Mayor

ATTEST:

  
Susan N. Johnson, Town Clerk

**AT A CLOSED MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, SEPTEMBER 1, 2015, AT 7:00 P.M. IN THE IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 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 Vice Mayor Hare, and seconded by Council Member McCarty, with all in favor.

  
Clerk of Council