

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, APRIL 5, 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
Elizabeth Dillon, Town Attorney
Darleen R. Bailey, Town Clerk
Michael Kennedy, Public Works Director
Stephanie Dearing, Human Resources Manager
Herb Cooley, Police Chief
Anita McMillan, Planning Director
Ben Cook, Police Captain
Joey Hiner, Assistant Public Works Director
Karla Turman, Associate Planner

Agenda

- A. 7:00 P.M. –Roll Call and Establishment of a Quorum
- B. INVOCATION –Eric Slusher, Youth Minister at Lynn Haven Baptist Church
- C. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG
- D. CONSENT AGENDA
 - 1. Request to Approve Minutes for March 1, 2011 Regular Meeting
- E. AWARDS, RECOGNITIONS, PRESENTATIONS
 - 1. Recognize Public Works Crew Leader Gary Hodges on his Retirement – Resolution No. 1910
 - 2. Recognize Sergeant Greg Jones' Service in the U. S. Army Reserve – Resolution No. 1911
 - 3. Arbor Day Proclamation
 - 4. Proposed Roanoke Valley Resource Authority Budget – Dan Miles
- F. CITIZENS' COMMENTS AND PETITIONS -This section is reserved for comments and questions for issues not listed on the agenda
- G. PUBLIC HEARING
 - 1. Article V, Supplementary Regulations, Division 4 Accessory Buildings and Temporary Buildings, Sections 5-15 through 5-17.2. The proposed amendments are related to the allowance of temporary family health care structures in single-family residential districts. – Ordinance No. 908
 - 2. Article VI, Nonconforming Uses and Features, Section 6-7, Damage to nonconforming buildings and uses. The proposed amendments are related to the definition of an "act of God", as well as the addition of accidental fire. – Ordinance No. 909
 - 3. Article VII, Administration and Enforcement, Division 1, Zoning Administrator, Section 7-2, Duties of the zoning administrator, and Division 3, Site Plan Review, Section 7-25, Expiration of approved site plan The proposed amendments are

- related to the authority of the zoning administrator and the period for which an approved site plan is valid. – Ordinance No. 910
4. Article IX, Board of Zoning Appeals, Section 9-14, Expiration of variance or special exception. The proposed amendments are related to documents provided to keep the variance or special exception valid. – Ordinance No. 911
 5. Proposed amendment to Article X, Definitions, Section 10-2 is related to the definition of a group home. The change is per a change in the state’s definition Ordinance No. 912
- H. TOWN ATTORNEY
1. Tinker Creek Boat Ramp Agreement
- I. TOWN MANAGER
1. Request to Approve Annual Contract for Employee Health Insurance – Resolution No. 1912
 2. Consider Proposed Ordinance No. 913 Allowing Urban Chickens
- J. MAYOR
- K. COUNCIL
- L. ADJOURNMENT

WORK SESSION

1. Update on SPCA Regional Center for Animal Control and Protection

<p>Mayor Grose called the regular meeting to order at 7:00 p.m. Following roll call, Rev. Reuben Coles, Pastor of First Baptist Church, gave the invocation and Mr. Altice led the Pledge of Allegiance to the U.S. Flag.</p>	<p>Roll call, invocation and Pledge of Allegiance to U.S. Flag.</p>
<p>The Consent Agenda was approved on motion by Vice Mayor Fidler and seconded by Mr. Nance. The motion passed with all in favor.</p>	<p>Approved Consent Agenda</p>
<p>Mr. Nance read Resolution No. 1910 recognizing Gary Hodges on his retirement from the Town after 31 years of service. It was noted that Mr. Hodges worked as a Crew Leader in the Public Works Department. Mr. Nance extended congratulations to Mr. Hodges on behalf of Vinton Town Council and thanked him for his years of service.</p>	<p>Adopted Resolution No. 1910 recognizing Gary Hodges on his retirement</p>
<p>Ms. Fidler moved to adopt proposed Resolution No. 1910 recognizing Mr. Hodges on his retirement from the Town. The motion was seconded by Mr. Altice and passed unanimously on a roll call vote.</p>	
<p>Mr. Hare read Resolution No. 1911 recognizing Sgt. Greg Jones who is being deployed to serve in an Army Reserve Unit in Afghanistan.</p>	<p>Passed Resolution No. 1911 recognizing Greg Jones</p>
<p>Mr. Altice moved to adopt proposed Resolution No. 1911 recognizing Mr. Jones for his military service in Afghanistan. The motion was seconded by Mr. Nance and passed unanimously on a roll call vote.</p>	
<p>Captain Ben Cook advised that the Police Department had planned a cookout for Saturday evening in honor of Sgt. Jones.</p>	

Ms. Fidler read a proclamation proclaiming April 21, 2011 as Arbor Day in the Town of Vinton. Mr. Nance moved to support the Arbor Day Proclamation. Mr. Hare seconded the motion that passed with all in favor.

Mr. Dan Miles, Chief Executive Officer of the Roanoke Valley Resource Authority (RVRA), provided an annual report and presented the proposed 2011/2012 RVRA Budget. Mr. Miles also provided Council with a history of the Resource Authority since its inception and tracked costs and rates through the fiscal year 2011/2012 budget as well as information on interest income.

Mr. Miles advised that the Resource Authority does anticipate an increase in tipping fees at some point but felt the increase would not dramatically impact the local governments involved.

Mr. Miles briefly highlighted the proposed budget for 2011/2012. He reported that the total proposed budget is \$9,470,887 which represents a 3.6% decrease from the current year's budget. He noted that this is on top of the 5.6% reduction this fiscal year from last year's budget. He reported that the primary reductions are in the form of contributions to their reserves and that most of their operating budgets have been fairly stable. He reported that work was done to extend the life of the landfill by two and a half years which resulted in a reduction to contributions to the closure fund.

Mr. Miles pointed out that the proposed budget does not provide for employee raises for the third straight year. He discussed other operating cost increases and rate fee increases (tipping fees will not increase).

Mr. Miles reported that the Resource Authority Board has scheduled a public hearing for June 22, 2011 and would have a public comment period at 7:00 p.m. on June 15th at the Tinker Creek Transfer Station.

Mayor Grose commented that he felt everyone at the Resource Authority has done a great job and their rates reflect that.

Mr. Lawrence reported that Council will be asked to consider the proposed RVRA budget at their April 19th meeting. He acknowledged Mike Kennedy's role on the RVRA Board and that he also serves on the Board's Finance Committee.

Ms. Helen Butler, Executive Director of Brain Injury Services, gave a presentation on the work done at her agency and requested a donation of \$500.00 from the Town of Vinton for the upcoming fiscal year.

Mayor Grose opened the public hearing at 7:54 p.m. to take comments and questions regarding amendments to the Vinton Zoning Ordinance. Ms. Turman reported that the majority of the Zoning Ordinance amendments are the result of changes made by the 2010 General Assembly. The requested amendments are listed below:

Public Hearing on five requested Zoning Ordinance amendments – Ordinances 908 through 912

A Amendment to Article V, Supplementary Regulation, Division 4 Accessory Buildings and Temporary Buildings. Sections 5 – 15 through 5-17.2., relating to the allowance of temporary family health care structures in single-family residential districts – Ordinance No. 908.

Ms. Turman described the health care structures as being less than 300 square feet in size. She noted that state legislation requires the Town to allow structures in residential districts for the purpose of taking care of a family member who is ill and under doctor's orders. She reviewed the ordinance's required criteria for the structures. Mr. Altice asked if the structures would be tax exempt and if they were government funded. Ms. Turman responded that she did not know whether they were tax exempt or not but did know that the structures would be privately funded. Ms. Dillon advised that the statute did not provide for tax exemption.

B. Amendments to Article VI, Nonconforming Uses and Features, Section 6-7, Damage to nonconforming buildings and uses – Ordinance No. 909

For this item, Ms. Turman advised that the proposed amendments are related to the definition of an "Act of God" as well as the addition of accidental fire. She pointed out that the amendments would go into effect as of July 1, 2011.

C. Amendments to Article VII, Administration and Enforcement, Division 1, Zoning Administrator, Section 7-2, Duties of the zoning administrator, and Division 3, Site Plan Review, Section 7-25, Expiration of approved site plan – Ordinance No. 910

Ms. Turman reported that the proposed amendments are related to the authority of the zoning administrator and the period for which an approved site plan is valid. Regarding the section having to do with the Zoning Administrator, the text has been changed to read "zoning administrator or his or her authorized employee". For site plan review, Ms. Turman reported that the section regulating approved site plans was changed to require that a site plan be valid for five years. Mr. Hare asked if the site plan requirement was retroactive and was advised by Ms. McMillan that it was retroactive from July 1st. Mr. Lawrence explained that the amendment gives vested rights for five years even if the Town changes the ordinance.

D. Amendments to Article IX, Board of Zoning Appeals, Section 9-14, Expiration of variance or special exception – Ordinance No. 911

Ms. Turman advised that the proposed amendments are related to documents provided to keep a variance or special exception valid. She explained that currently, the zoning ordinance has both variance and special exception together in the same section and staff has proposed that they be separated because the documents that keep them valid are different. Ms. Turman added that a variance requires that a site plan be submitted within a year, whereas a site plan submittal is not required for a special exception. Mr. Hare commented that he was glad to see the 'business friendly' amendments. Mayor Grose agreed with Mr. Hare's comments.

E. Amendment to Vinton Zoning Ordinance No. 634 dated December 19, 1995, Appendix B. of the Vinton Town Code, Article X, Definitions, Section 10-2 – (Group Home) - Ordinance No. 912

Ms. Turman explained that the proposed amendment is related to the definition of a group home and the requested amendment is needed because of a change in the state's definition. She advised that the section originally limited a group home to a residential facility with no more than 8 residents with a mental illness or developmental disability. The proposed ordinance adds the aged and infirm to the group home definition.

Mayor Grose closed the public hearing at 8:14 p.m.

Mr. Atlice moved to adopt proposed Ordinance No. 908 amending the Zoning Ordinance to allow med cottages. The motion was seconded by Ms. Fidler and passed unanimously on a roll call vote.

Mr. Nance moved to adopt proposed Ordinance No. 909 amending the Zoning Ordinance regarding damage to nonconforming buildings and uses concerning accidental fire and an act of god. The motion was seconded by Mr. Hare and passed unanimously on a roll call vote.

Mr. Nance moved to adopt proposed Ordinance No. 910 regarding the duties of a zoning administrator and site plan expiration. The motion was seconded by Ms. Fidler and passed unanimously on a roll call vote.

Mr. Hare moved to adopt proposed Ordinance No. 911 relating to documents provided to keep variances and special exceptions valid. The motion was seconded by Mr. Nance and passed unanimously on a roll call vote.

Mr. Nance moved to adopt proposed Ordinance No. 912 amending the Zoning Ordinance's definition of a Group Home. The motion was seconded by Ms. Fidler and passed unanimously on a

roll call vote.

The Town Attorney, Elizabeth Dillon, reported that Kinder Morgan Southeast Terminals had asked for access to a ramp owned by the Town into Tinker Creek near the Public Works facility on Third Street during emergency situations such as a spill or some other emergency at their facility. Ms. Dillon advised that she had drafted a license agreement allowing Kinder Morgan to enter the Town's property to access the ramp in an emergency provided they have insurance and would agree to indemnify the Town for any damage. Ms. Dillon reported that the agreement would be for a five year term and would include a modest fee to cover staff's work on the agreement and a yearly fee to cover maintenance on the ramp.

Authorized staff to negotiate with Kinder Morgan to use Town's boat ramp into Tinker Creek in an emergency situation.

Ms. Dillon requested authorization from Council for staff to enter into contract negotiations with Kinder Morgan. Following further discussion, it was the consensus of Council that staff negotiate an agreement with Kinder Morgan to use the boat ramp into Tinker Creek. Ms. Dillon noted that the Council will be asked to consider approval of the contract at a future meeting.

Mr. Hare asked if the Town had other agreements allowing use of the boat ramp and was advised by Ms. Dillon that she was not aware of any other agreements. She added that the proposed Morgan Kinder agreement is a non-exclusive agreement.

Stephanie Dearing, H R. Manager, reported on a request to authorize the Town Manager to sign a contract with Local Choice for employee health insurance. She noted that the Town had been covered under Local Choice since 1990. She pointed out that the only changes in the contract this year were those that were required by the federal Health Care Initiative. Ms. Dearing advised that there were no increases in the rates this year. She reported that employees have voiced strong support for the plan and are very pleased with the services provided.

Adopted Resolution No. 1912 authorizing health insurance contract

In response to a question from Mr. Hare on the plans offered, Ms. Dearing advised that the Town will continue to offer the same two plans as in the past. She also advised that when Council receives their budget information on Friday, April 15th, it will include the Town Manager's recommendation with regard as to how the premiums would be split between the Town and the employees.

Mr. Altice moved to adopt proposed Resolution No. 1912 authorizing the Town Manager to sign the contract with Local Choice for employee health insurance. The motion was seconded by Ms. Fidler and passed unanimously on a roll call vote.

Anita McMillan asked Council to consider proposed Ordinance No. 913 allowing chickens to be kept within the Town of Vinton. She reported that this issue had been discussed by Town Council on September 16th, and December 15th of last year and on March 1st of this year and by the

Adopted Ordinance No. 813 allowing the keeping of chickens within the Town

Planning Commission during a work session held on February 8, 2011. When the issue was discussed at the March 1st Council meeting, it was recommended that the proposed ordinance be amended to include the following:

- The number of chicken hens allowed was increased from four to six (no roosters).
- An acre lot would be required
- Movable/portable coops and chicken tractors must be at least four square feet per bird (changed from two square feet) and the maximum size for enclosed coops is not to exceed 64 square feet.
- All enclosed permanent henhouses/coops shall not be located in the required front yard, required street side yard (added) and side yard (added)
- Secure portable/movable coops and chicken tractors must be located at least 20 feet (changed from 10 feet) from the adjoining property lines and no closer than 25 feet (changed from 20 feet) from any adjacent residential dwelling other than that of the owner of the chicken hens.

A property owner at 543 Tinker Avenue spoke in favor of allowing the keeping of chickens in the Town. Mr. Hare asked him if his property was at least an acre in size and if he was aware of all the requirements and was advised by the property owner that his property was over an acre in size and that he would comply with all of the Town's requirements.

Mr. Nance asked if staff anticipated a budgetary impact if Council approves the request to allow the keeping of chickens and was advised by the Town Manager that he did not anticipate any budget impact. Mr. Nance advised that everyone needs to be aware as to how any issue being discussed or considered would negatively impact the Town's budget.

The Mayor noted that Mr. Hale sent him an email in support of urban chickens. The Mayor went on to say that he supports the request to allow chickens in the Town and had given the issue a great amount of careful consideration before making that decision because Vinton is very urbanized and densely populated. He added that Council has to be assured that any decisions made does not have a negative impact on neighborhoods.

Mr. Nance moved to adopt proposed Ordinance 913 allowing for the keeping of chickens within the Town of Vinton. The motion was seconded by Ms. Fidler and passed with the following 5-1 vote:

Mr. Altice	No
Ms. Fidler	Yes
Mr. Hare	Yes
Mr. Nance	Yes
Mayor Grose	Yes

The Mayor thanked staff for work they did on the request and thanked the citizens for their patience.

Mayor Grose reminded everyone that the Relay for Life would take place on April 15th and 16th and urged everyone to take part in the event.

Mr. Hare thanked staff for replacing a sign at the end of Virginia Avenue. Mr. Nance thanked Eric Slusher for giving the invocation and congratulated Gary Hodges for his years of service to the Town. He also thanked Sgt. Jones for his service in the Army Reserve.

Mayor Grose adjourned the regular meeting at 8:45 p.m.

WORK SESSION

1. Update on SPCA Regional Center for Animal Control and Protection

Mr. Lawrence reported on a Channel 10 news show broadcast regarding the SPCA Regional Center for Animal Control and Protection that stirred up animal rights groups and filled Roanoke City's Council Chambers at their meeting on the previous evening. He advised that the Town is a member of the SPCA along with Roanoke City, Roanoke County and Botetourt County. The Town Manager reviewed the process for any animals taken to the Regional Center for Animal Control and Protection and noted that the agency is an intake center and not an adoption agency. He pointed out that the SPCA which is on the other side of the building is a separate agency that rescues at-risk animals and attempts to put them with families who want to adopt them.

Mr. Lawrence noted that a reporter on a Channel 10 News broadcast had reported that only 8 dogs had been adopted out of the pound in 2010 which he felt was misleading because the pound is an intake center and does not ordinarily adopt out animals. He noted that the goal of participating localities is to get all of the animals adopted if possible.

Mr. Lawrence advised that Managers and Administrators met last week with the agency's Director to get better educated on the issue and plan to set up another meeting without the Director to assure that everyone is in agreement with the direction they are going. He noted that after the second meeting, everyone will again meet with the Director to advise him of how they want him to proceed in the future.

Mr. Nance questioned the cost to the Town for the facility and advised against any changes in policy that would increase costs. Regarding a related issue, Mr. Hare questioned how chickens would be handled if someone in the Town had chickens and then decided they did not want them any longer. Mr. Lawrence replied that they would be handled the same way wild animals are handled.

Mr. Lawrence touched on ways to bring down the number of stray animals and felt that the most successful and humane method was increased spaying and neutering. He noted that there are plans to increase the number of spaying and neutering clinics. Mr.

Hare recommended raising the cost of tags for unaltered animals to a point where people would rather pay to have their animals spayed or neutered than pay the increased permit fee.

The work session was adjourned at 9:20 p.m.

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Darleen R. Bailey, Town Clerk