

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, FEBRUARY 2, 2010, 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  
                                  Darleen Bailey, Town Clerk  
                                  Mary Beth Layman, Special Programs Coordinator  
                                  Anita McMillan, Planning Director

### Agenda

- A.    7:00 P.M. – Roll Call and Establishment of a Quorum
- B.    INVOCATION
- C.    PLEDGE OF ALLEGIANCE TO THE U. S. FLAG
- D.    CONSENT AGENDA
  - 1.    Approval of Minutes: Regular Meeting of December 15, 2009
- E.    AWARDS, RECOGNITIONS, PRESENTATIONS
- F.    CITIZENS' COMMENTS AND PETITIONS
- G.    TOWN ATTORNEY
- H.    TOWN MANAGER
- I.    MAYOR
- J.    COUNCIL
- K.    ADJOURNMENT

### WORK SESSION

- 1.    Petition of William Walker for a request to rezone the property located at 602 3<sup>rd</sup> Street, tax map number 60.15-5-1, from R-B Residential Business District to GB General Business District.
- 2.    Petition of Jeanie Harper for a Special Use Permit (SUP) to operate a Family Day Care Home, located at 119 Franklin Avenue, tax map number 60.19-5-10.
- 3.    Petition of Evette Bennett for a Special Use Permit (SUP) to operate a Family Day Care Home, located at 303 Ashley Court, tax map number 61.13-1-33.03.
- 4.    The proposed amendment to the Town of Vinton Comprehensive Plan to incorporate the Vinton Area Corridors Plan.
- 5.    Special Events Policy

Mayor Grose called the regular meeting to order at 7:00 p.m. Following roll call, William Booth gave the invocation and Mr. Altice led the Pledge of Allegiance to the U.S. Flag.

Roll call, invocation and Pledge of Allegiance to U.S. Flag.

The Consent Agenda was approved on motion by Mr. Nance and seconded by Ms. Fidler, with all in favor. Mayor Grose welcomed the new Council Member, Matt Hare and commented that he would be a great asset to Town Council.

Mayor Grose thanked the Public Works Department for the great job they did removing snow from the Town's streets and buildings during the previous weekend's snow storm.

Mr. Altice commented that the construction of the Veterans Monument seemed to be going well. Mary Beth Layman gave a brief construction update.

Mayor Grose adjourned the regular meeting at 7:15 p.m.

## WORK SESSION

1. Proposed Amendment to the Town of Vinton Comprehensive Plan to Incorporate the Vinton Area Corridors Plan (work session agenda amended to move item number 4 to item number 1)

Lindsey Blankenship with Roanoke County Community Development and the Project Manager, gave a presentation on a proposed amendment to the Town's Comprehensive Plan to Incorporate the Vinton Area Corridors Plan (VACP). She advised that the VACP is a joint effort of the Roanoke County Planning Staff, Vinton Staff, the Roanoke Valley Alleghany Regional Commission and the Virginia Department of Transportation Salem District staff.

Ms. Blankenship gave a brief overview of the process that began in the fall of 2008:

1. A community survey was completed from the middle of January 2009 through the end of February 2009
2. One-on-one business owner interviews took place from December 2008 through the end of February 2009 and Town of Vinton staff gave a presentation to the Vinton Area Chamber of Commerce during their annual meeting
3. Town community meetings were held on January 20 and June 18, 2009
4. Several stakeholders meetings took place in the Vinton Community including Vinton Public works Department, Roanoke County Fire Marshal's Office, paid and volunteer personnel of the Vinton EMS, VDOT and the Blue Ridge Parkway

5. Four work sessions were held with the Planning Commissioners and a joint staff-led tour of the Vinton study corridors took place to familiarize the Planning Commissioners with potential issues and opportunities during staff's inventory of the existing conditions.

A copy of Ms. Blankenship's Powerpoint Presentation is attached as a part of the work session minutes.

Ms. Fidler thanked Ms. Blankenship for her excellent presentation as well as all the other agencies that participated in the study. The other Council members echoed Ms. Fidler's comments.

Phillip Thompson, with Roanoke County Economic Development, recommended that the County and the Town meet three or four times a year to determine what the priorities for the corridors should be and where to spend time and effort. Ms. Fidler asked him if staff would be adding information to the report that might come out of the meetings and Mr. Thompson replied that they would.

Mr. Lawrence pointed out that all of the work done for the Corridor Study was done in-house by Town staff, Roanoke County staff and the Regional Commission. He noted that their work indicates how very bright and talented these employees are and because they did the work themselves, they will have a vested interest in its implementation.

#### Upcoming Public Hearings

- a. Petition of William Walker for a request to rezone Property located at 602 Third Street, Tax Map Number 60.15-5-1, from R-B Residential Business to GB General Business
- b. Petition of Jeanie Harper for a Special Use Permit (SUP) to operate a Family Day Care Home, located at 119 Franklin Avenue, Tax Map Number 60.19-5-10
- c. Petition of Evette Bennett for a Special Use Permit to Operate a Family Day Care Home, located at 303 Ashley Court, Tax Map Number 61.13-1-33.03

Ms. McMillan reported that the Planning Commission held a public hearing on all of the issues on Wednesday, January 27, 2010. She noted that she and her staff had been working on the Family Day Care Ordinance since June of last year and it was adopted by Town Council in November.

Ms. McMillan noted that her office had sent out letters to surrounding property owners for both Special Use Permit requests and the only response received was from Mr. Kasey and Mr. Banks who had advised that they are in favor of Ms. Harper's request. Ms. McMillan noted that she had also received a petition from Mr. Bennett's neighbors who advised that they have no objections to his request.

Ms. McMillan pointed out to Council that, currently, day care homes in a residential district are allowed to care for from one to five children as a use by right and that a special use permit is required for day care homes with six to twelve children. She further pointed out that Ms. Harper cares for nine children and the Bennett's care for twelve children.

Regarding the rezoning request, she advised that Mr. Walker had submitted several proffered conditions before the Planning Commissions public hearing. She went on to say that the Planning Commissioners felt that some of Mr. Walker's proffered conditions would put too many limitations on the property for any future businesses that might locate there. As a result, Mr. Walker amended his list of proffered conditions for uses that would not be allowed for the property.

Ms. McMillan reported that Mr. Willie Leffell, owner of Temp-O-Matic, had informed the Planning Commission that he is in favor of Mr. Walker's requested rezoning and is very pleased with improvements made by Mr. Walker. She further reported that the requested rezoning would allow Patty Kiser, owner of "Two Peas in a Pod" to expand her business so that she will can remain in Vinton.

Mr. Nance asked about the list of allowed uses for the GB General Business District compared with Mr. Walker's list of proffers. Ms. McMillan replied that there are 43 items listed as uses by right for General Business Districts. Mr. Nance asked if the staff knew of any additional limits needed for the property and Ms. McMillan replied that staff feels that the proffered conditions are sufficient. Mr. Nance commented that he would like to see as many uses for the property as possible but at the same time, since there are residential properties very close to Mr. Walker's business, he wanted to be assured that any uses would be conducive to the neighborhood.

The Planning Director stated that her office did not receive any responses to the letters sent out to surrounding property owners.

The Mayor thanked staff for encouraging Mr. Walker to add truck sales and service to the list of uses that will not be allowed for the property since there are residential properties close by that would be affected by the noise, the traffic and also the smells that would be created by this type of use. Mayor Grose also asked if the Planning Commission made their recommendation before or after Mr. Walker had submitted his proffered conditions and Ms. McMillan assured him that the Planning Commission made their recommendation after the proffers were submitted.

Mr. Altice pointed out that the building is in better shape now than it was when it was first constructed.

Referring back to the family day care home's requested SUPs, Mr. Nance asked about ways to enforce any violations of the permit that could occur. Ms. McMillan responded that if a violation does occur, a warning letter would be sent out and if the violation continues, staff could notify Social Services, the Town could revoke their permit or the issue could be taken to court.

Mr. Lawrence reported that there would be public hearings on all the issues at the February 15<sup>th</sup> Council meeting.

### Special Events Policy

Mr. Lawrence reported that work on a Special Events Policy began last year. He explained that the Town has had policies in place for special events for some time and that some were in writing while others were not. To reduce the Town's liability, a clearly written policy needs to be in place to specify how special events, road closures and alcohol related events are handled, . He went on to say that having a good policy in place will help in preventing future problems.

Mary Beth Layman advised that a committee consisting of Consuella Caudill, Mike Kennedy, Ben Cook, Beth Austin, Laura Reilly and herself had developed the Special Events Policy that was presented to Council at a work session several months ago. She stated that after she had added the items suggested by Council, she asked the Town Attorney to review the policy and make any needed changes. Ms. Layman added that Ms. Dillon did make a few small changes to the policy. She also pointed out that the Dogwood Festival Committee and the Vinton Chamber of Commerce were given copies of the proposed policy.

Ms. Layman listed the approved location for events which are the Farmers Market; War Memorial Building and Grounds; stage in front of Municipal Building; downtown streets including Lee Avenue, portions of Walnut Avenue, North and South Pollard, portions of Maple Street, portions of Washington Avenue and certain streets identified for neighborhood block parties or neighborhood watch group meetings.

Mr. Lawrence pointed out that there are a number of Town sponsored events that have been incorporated into the Town's budget. He also pointed out that block parties and neighborhood watch group events would fall under Town sponsored events category.

Mayor Grose commented that he was very impressed with the thoroughness of the policy which touches on many issues he had been concerned with over the last year or so. He further commented that Town staff continues to turn out very professional documents and studies.

Following a discussion on a one-time processing fee, Mr. Lawrence recommended deleting the fee. Mr. Nance asked if it would be possible to amend the policy if issues come up in the future and Mr. Lawrence replied that the policy can be brought back to Council on a yearly or as-needed basis.

In reference to a question from the Mayor whether every event would have to come before Council to be approved, Mr. Lawrence replied that staff's recommendation would be for Council to approve the policy and then to authorize staff to handle the application and approval process. Mayor Grose agreed with this recommendation. Mr. Lawrence went on to say that if staff turns down a request, then it could be

appealed to Council. Mr. Nance questioned whether alcohol related events should be authorized by Council rather than staff. Mayor Grose responded that if Council has to decide on every alcohol event, they would probably have to have a political discussion about the decision every time a request is made. Ms. Fidler commented that it would be very difficult for Council to keep a level continuity so that everyone is treated the same. She went on to say that if there is a problem, staff would let Council know. Mr. Hare questioned how staff would keep objectivity and Ms. Fidler responded that staff has set rules to follow when considering a request. Mr. Lawrence added that the comprehensive Policy gives staff a road map and check list to follow which assures that everyone is treated the same.

Ms. Fidler asked how the Town would respond if someone had an event and it was found that they did not comply with the rules set in the policy. Mr. Lawrence replied that the person or group would not be allowed to hold another event in the Town. He also stated that if it is found that rules are not being followed, the problem would be handled on-site by ABC officials or the Town's Police Department, or if necessary, the event would be shut down.

Mr. Hare asked how requests would be handled from groups that are known to create problems. Mr. Lawrence replied that the Town would not allow them to hold an event in the Town. Mayor Grose stated that he had confidence that Town Staff and the Police Department can and will enforce all rules and regulations when special events take place in the Town. He added that he wanted to make sure that everyone is aware that the proposed policy would allow family events that serve alcohol.

Ms. Fidler expressed concern that children and teenagers would be allowed to be present in the beer garden during family events. Mr. Lawrence advised that the policy requires that any group having an event would have to specify whether the event is a family event, whether it's an "Adults Only" event or whether those purchasing alcohol products would be segregated from everyone else. Ms Fidler added that she would like to see the organization having the event, be clearly visible and identifiable. Mr. Lawrence replied that should not be a problem.

Mr. Nance reiterated his preference that elected officials have the final say as to whether an alcohol event is approved or not.

Following a discussion on the number of police officers and public works people needed at an event, Mr. Altice commented that he felt the policy should be adopted and reviewed every year to determine whether or not it needed to be amended. Mr. Hare asked if the greenway could be added to the list of approved sites for events. It was a consensus of Council to add the greenway to the list of potential sites for events. Mr. Hare inquired as to whether staff should reserve the right to review any advertisements for events taking place on Town property. Mr. Lawrence responded that it might be beneficial to add this requirement to the policy. He added that he would ask the Town Attorney's opinion on the issue.

The Mayor asked for Council's opinion as to whether the elected body should approve applications for alcohol events or if they feel that staff should have this responsibility. Mr. Nance stated that he felt that the elected officials should be accountable for decisions on whether an alcohol event is approved.

A question was asked about insurance requirements for small events such as block parties and neighborhood watch groups and Mr. Lawrence replied that the policy would be amended to state that these events would not be required to have insurance policies.

In response to a comment about whether professional security officers would be required, Mr. Hare recommended that the policy be amended to specify whether security officers, police officers or monitors would be required. Mr. Lawrence replied that the policy would be amended to make this distinction.

Mr. Lawrence noted that the Special Event Policy would be included on the February 16<sup>th</sup> agenda.

Mr. Lawrence advised Council that it would be helpful for staff if they could meet on the February 23<sup>rd</sup> at 6:00 p.m. to discuss Council's priorities for the upcoming budget.

The Town Manager pointed out that the Town was approximately \$15,000 in the red for the Town's snow budget at this point. He stated that, hopefully, there would be funds left over at the end of the year to cover the shortfall.

The work session adjourned at 9:35 p.m.

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Darleen R. Bailey, Town Clerk