

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, JUNE 1, 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  
Elizabeth Dillon, Town Attorney  
Barry Thompson, Finance Director/Treasurer  
Mary Beth Layman, Special Programs Director  
Herbert Cooley, Police Chief  
Ben Cook, Police Captain  
Karla Turman, Associate Planner  
Joey Hiner, Asst. Public Works Director  
Craig Sheets, Emergency Services Coordinator

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
  - E. AWARDS, RECOGNITIONS, PRESENTATIONS
    - 1. Special Recognition of Vinton Dogwood Festival Committee
  - F. CITIZENS' COMMENTS AND PETITIONS
  - G. OLD BUSINESS
    - 1. Adoption of Proposed Budget for FY 2010-2011 – Ordinance No. 901
  - H. TOWN ATTORNEY
  - I. TOWN MANAGER
  - J. MAYOR
  - K. COUNCIL
  - L. ADJOURNMENT
- WORK SESSION
- 1. Proposed Fence Regulation
  - 2. Recorder Playback Grant – Police Department
  - 3. Emergency Operations Plan
  - 4. Commercial Truck Policy in Residential Areas

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

Mayor Grose and the four Council members expressed their gratitude to the Vinton Dogwood Festival Committee for the successful festival event this year. The Mayor presented certificates of recognition to all of the board members.

Mary Beth Layman thanked Council and all Town Departments that helped make the 2010 Dogwood Festival so successful.

Mr. Lawrence reported that, at Council's request, staff was able to balance the budget without using any of the surplus fund balance. He further reported that the total proposed FY 2010-2011 budget was \$10.5 million. He reviewed a memo provided to Council detailing how the budget was balanced without using any of the fund balance. He noted that \$10,000 had been added to the Fire EMS budget for overtime pay.

Adopted Ordinance  
No. 901 approving  
2010/2011 budget.

Mr. Lawrence thanked the Budget Committee as well as the Department Heads and staff for their assistance in putting the budget together.

In response to a question from Mr. Hare, Mr. Thompson, Finance Director/Treasurer, discussed revisions in the proposed budget after the budget public hearing notice was published. Mr. Nance asked if any additional revenue was expected for the upcoming budget year and was advised by Mr. Thompson that at this point, the Town's revenues are not expected to increase. Mr. Altice felt the projected revenues might be too high. Mr. Lawrence reported that some state revenues did come in less than projected. He noted that those revenue reductions were included in the proposed budget to ensure that revenue projections are more accurate next year.

Mr. Thompson noted that the Town can no longer afford to rely on the General Fund to make up revenue short falls. He recommended the Town come up with a formal process where the financial report would be reviewed by the Finance Committee on a monthly basis and then passed on to the full Council. He added that the report could be placed on the consent agenda and approved at a regular Council meeting. Mayor Grose agreed with Mr. Thompson's recommendation.

Mr. Altice inquired about the 911 grant and was advised by Captain Cook that it probably would not be approved. Mr. Altice commented that if the Town does not receive the grant, the Town must determine how to come up with funds to pay for the 911 merger. Mr. Thompson added that there is money in the budget to cover the start-up costs for the merger.

Mayor Grose thanked all of the staff for their work on the budget.

The Mayor made the statement that when the economy improves, the first thing he wants to see occur is compensation for the Town's employees as they have made real sacrifices during the last three years.

Ms. Fidler moved to adopt proposed Ordinance No. 901 approving the FY 2010/2011 budget. The motion was seconded by Councilman Nance and passed unanimously on a roll call vote.

Ms. Fidler commented on the flowers that had just been planted in front of the Municipal Building and the Health Department Building. Ms. Bailey pointed out that the landscaper had not raised her prices in the last three years nor had she reduced the number or quality of the plantings.

Mr. Hare asked if work on the rotation and repair of the Town's signs had begun and the Town Manager assured him that the work had begun. Mr. Lawrence advised that since costs for the work would be less than \$5,000, it would not be necessary for staff to put the work out to bid, they would just need to get cost quotes for the work.

Mr. Hare asked about the property easement that was needed for the greenway and was advised by Mr. Lawrence that he had the deeds on his desk and was planning to schedule a meeting with Mr. Woods sometime within the next week to get the deeds signed. Mr. Hare stated that this needed to be done before the end of the fiscal year when the funds would be gone.

Mr. Lawrence announced that the Greenway Commission and Town staff are coordinating the Lower Roanoke River Canoe Float Trip that will take place on September 26<sup>th</sup> and will begin at Tinker Creek, continue around Niagara Dam and then down to Explore Park.

Mayor Grose adjourned the regular meeting at 7:55 p.m.

## WORK SESSION

Mayor Grose reported that the order of the work session would be changed so that the Emergency Services Coordinator could attend another meeting.

### **Emergency Operations Plan**

Craig Sheets reported on an update of the Emergency Operations Plan for the Town of Vinton. He noted that the format was changed to the NIMS format which was required by the federal government. He noted that the plan specifically addressed every report he had to complete during the Town's Declaration of Emergency resulting from the snow storm

that occurred last winter. Mr. Sheets noted that Karla Turman, Associate Planner, was a tremendous help in getting the update edited and completed.

Ms. Fidler asked who would be responsible for future updates since Mr. Sheets would be moving to the County when the 911 merger takes place. Mr. Lawrence replied that when a Fire and EMS Chief is hired, he/she will take over that responsibility but that in the short term, it will probably be his responsibility. He went on to say that he would be talking with Roanoke County to see if the Town has a connection with the County's Emergency Services Coordinator since the Town is a part of Roanoke County.

Mr. Nance thanked Mr. Sheets for his service to the Town as well as to the other Dispatchers who would be transferring from the Town's Communications Department to Roanoke County's Communications Department due to the 911 Merger with Roanoke County. Mr. Lawrence reported that there would be a reception to recognize the Dispatchers before the next Council meeting on June 15<sup>th</sup>.

### **Commercial Truck Policy in Residential Areas**

Mr. Lawrence reported that in 2007, the Town made a significant policy change for recreational vehicles and for commercial trucks and had redefined both types of vehicles. He went on to say that recreational vehicles are not allowed to be parked on the street except for a couple of days for loading and unloading after which they have to be parked behind the residence.

The Town Manager advised that the proposed policy prohibits commercial trucks from parking on a public street for more than two hours. He went on to say that any vehicle that weighs more than 5,000 pounds or is designed to have dual wheels on the back and is designed to carry freight, merchandise and more than ten people, is considered to be a commercial vehicle. Mr. Lawrence added that the provision does not apply to pick-up type trucks.

During the discussion, the Town Manager reviewed pictures that show examples of illegally parked commercial vehicles within the Town.

During a discussion on the State's definition of a commercial vehicle, it was noted that the State defined any truck that weighs more than 5,000 pounds to be a commercial vehicle. Mayor Grose stated that he felt the issue at hand was the parking of a commercial vehicle in a residential district and not the vehicle's weight. He went on to say that if the ordinance is changed, it should be amended to prohibit vehicles that have painted advertisements on them, no matter what the weight of the vehicle happens to be, from being parked in residential neighborhoods as he felt this would endanger the property values of the neighborhoods. He added that he also felt the Town's current ordinance is not strict enough.

Mr. John Paitsel stated that if the ordinance is not changed to allow him to park his vehicle on his property, he is either going to have to move out of Vinton or persuade his neighbor to give him an easement that would allow him to construct a building in which to park his truck. Ms. Fidler stated that she had no problem with commercial trucks parking in

neighborhoods if they do not obstruct visibility or impede traffic. Mayor Grose stated that he would not have a problem with vans and pick-up trucks of a proper size, being parked in the side yard or back yard but he did have a problem with parking commercial vehicles on the street.

Ms. Turman stated that when she first began enforcing the code, the former Town Manager had explained that the Code was not meant to prevent vehicles such as a Cox Communications truck or a Molly Maids car from bringing their vehicle home at night, that the issue was the size of the vehicle and whether the vehicle fits the Town's definition. She went on to say that she gets numerous calls from citizens complaining about neighbors who park their tow trucks in the neighborhood.

Mr. Lawrence pointed out that, based on how the Town's ordinance is interpreted, any pick-up truck that has a normal pick up bed, commercial or not, is exempt. If the bed of the truck is changed to become a dump truck, a tow truck, a flat bed, or a utility cab, it then becomes a commercial truck by the Town's definition. He went on to say that the size of the vehicle (7,500 lbs. or more) and the number of wheels it has, also determines whether it is a commercial vehicle and whether it can be ticketed or not. Mr. Lawrence questioned whether this interpretation is the intent of Council.

Ms. Fidler commented that she has a problem with the width of some vehicles because it is impossible to see around some of them. She went on to say that she also has a problem with making life more difficult for the people who live here when their vehicles do not impede the flow of traffic or obstruct the visual range. Mr. Nance pointed out that the Town has a separate ordinance that prevents parked vehicles from obstructing traffic. He further pointed out that rules have to be made with specific limitations or they are unenforceable. He assured Mr. Paitsel that if there is anyway possible to allow him to park his take-home vehicle on the street without creating problems, Mr. Nance recommended that Council should allow Mr. Paitsell to park on the street so as long as the vehicle is not so large that it would create a hazard.

Ms. Turman advised that she would create a list of weight ranges for vehicles that have been ticketed in the past, if it would help Council make a decision.

Mr. Lawrence stated that if Council is okay with the ordinance as it stands, then staff will enforce and if not, they will look into other options. It was the consensus of Council that they need to study the issue further before making any decisions to amend it or to let it stand as it is. Mr. Nance stressed that the weight of commercial vehicles is going to have to be limited. Mayor Grose asked that staff also advise Council as to what the weight numbers mean in relation to different types of vehicles. Ms. Turman recommended that the ordinance should include commercial vehicle parking on both private property and on the streets.

Mr. Paitsel thanked Council for their time and consideration.

### **Proposed Fence Regulations**

Ms. Turman reported that the Town has had several fence violations within the past couple of years and as a result, staff was asked to look at what other localities are doing and to make recommendations for amendments to the ordinance. Ms. Turman advised that the Planning Commission has recommended that the Town also regulate walls, arbors and trellises the same way that Roanoke City and Roanoke County does

Ms. Turman reported that the Planning Commission had asked her to contact Eric Pedigo who is with Viking Fence, to get his input on the fencing issue. She went on to say that much of what Mr. Pedigo recommended was incorporated into the proposed fencing regulations. Ms. Turman reported that one change recommended by Mr. Pedigo would be to not allow fencing of any type within five feet of the front property line (both frontages for corner lots). She advised that, currently, the ordinance allows a property owner to place a 4-foot fence up to the property line which he feels can create a sight problem, especially if a wood fence is used.

Ms. Turman reported that County and the City require permits for arbors and trellises and advised that this requirement has been included in the Town's proposed ordinance. She noted that the County treats arbors and trellises the same as an accessory structure. She further noted that if a trellis or an arbor is under 150 square feet, only a zoning permit is required. It was her recommendation that these requirements be a part of the Town's ordinance also.

Ms. Turman pointed out that if the ordinance requires a building permit, the property owner would have to provide a site plan. She noted that the site plan can be hand drawn for property up to 300 square feet. She further stated that staff is recommending that a permit be required for fences at the usual zoning permit cost of \$25.00.

Ms. Turman reported that the biggest change in the ordinance would be to restrict fences within the first five feet of the property line. She went on to say that a four foot high fence would be allowed from the five-foot setback in the front yard to the corner of the house on an in-fill lot that is not a corner lot, and from the corner of the house back, a six-foot high fence would be allowed if the corner of their house is at least 15 feet from the property line.

Mr. Hare questioned a section of the proposed ordinance that referred to yard accessories. Ms. Turman responded that yard accessories (such as statues) cannot be located within the sight triangle. She explained that there is a section in the current ordinance that restricts plant growth between the height of three feet and eight feet in the sight triangle, but if the growth is above 8 feet tall, there are no provisions in the Zoning Ordinance to require its removal even if it presents a sight problem. She noted that the proposed ordinance does not allow for any plant growth in the sight triangle. Ms. Turman noted that this change will make the ordinance easier to enforce.

Mr. Lawrence advised that the public hearing has been advertised for June 15<sup>th</sup>. Ms. Fidler recommended that Council not vote on the issue until the first July meeting as Mr. Nance would not be present at the June 15<sup>th</sup> meeting.

Mayor Grose asked when Council would consider the commercial vehicle issue and was advised by Mr. Lawrence that it would be brought back as a work session item in July and

that Council would be given information on the issue before then so they would have a chance to review it before the meeting.

**Recorder Playback Grant**

Craig Sheets reported that before the Communications Department Merger took place, the Police Department had applied for and had been awarded, a grant from the Wireless Board to replace the recording device that records all their radio channels and all phone lines. He further reported that those funds have not been spent at this time. Mr. Sheets advised that Captain Cook had spoken with the Wireless Board and they had agreed that the Town could use a portion of the grant money to purchase a listening station which would be a satellite off the main recording device at the Roanoke County Emergency Communications Center and would allow direct access for the Police Department's administrative staff to listen to a recording in an emergency situation. He noted this is especially important in the cases such as an armed robbery or an Amber Alert.

Mr. Sheets advised that the cost for the listening stations that are needed would be less than \$21,000. He added that the grant award was \$65,000. Ms. Fidler asked about the life expectancy of the equipment and if it would have a good warranty. Captain Cook responded that he did not know what the life expectancy would be but that it did come with a one-year warranty. He added that he is planning to call the Wireless Board to see if they will allow the purchase of an additional three-year warranty.

Mr. Lawrence advised that the purchase of the Recorder Playback equipment with the above mentioned grant funds would be placed on the June 15, 2010 agenda for Council's consideration.

The work session adjourned at 9:53 p.m.

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Darleen R. Bailey, Town Clerk