ROANOKE CITY COUNCIL
ROANOKE CITY SCHOOL BOARD
MONDAY, AUGUST 15, 2005

12:00 P.M.

ROANOKE ACADEMY FOR MATHEMATICS AND SCIENCE ELEMENTARY SCHOOL CAFETORIUM
1616 19th Street, N. W.

AGENDA

1. **Call to Order-Roll Call**

   - City Council
   - School Board

2. **Welcome and Opening Remarks.** Vice-Mayor Fitzpatrick
   Chair Stockburger

3. Update on Adequate Yearly Progress and Student Achievement from Superintendent of Schools, Marvin T. Thompson, and Members of his Executive Team.

4. **School Board Items:**
   - Update on Current Board Work
   - Joint Meeting Schedule for 2005-2006
   - Joint Council/Board Retreat

5. School Board Inquiries:

- Update regarding preparation of Victory Stadium for high school football.

6. Council Inquiries:

- School Capital Construction Plans Update
- School Safety Progress Report
- Foundation Update

7. Comments by Council Members/School Trustees.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., CITY OF ROANOKE.

ROANOKE CITY COUNCIL
REGULAR SESSION

AUGUST 15, 2005
2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America will be led by Vice-Mayor Beverly T. Fitzpatrick, Jr.

Welcome. Vice-Mayor Fitzpatrick.

NOTICE:

Today's Council meeting will be replayed on Channel 3 on Thursday, August 18, 2005, at 7:00 p.m., and Saturday, August 20, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Proclamation declaring Friday, August 26, 2005, as Hokie Pride Day. P 13

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meetings of Council held on Monday, June 20, 2005, and Tuesday, July 5, 2005. P 14; P 75

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

C-2 A communication from Vice-Mayor Beverly T. Fitzpatrick, Jr., requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. P 76

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. P 77

RECOMMENDED ACTION: Concur in the request.

C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. P 78

RECOMMENDED ACTION: Concur in the request.

C-5 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the award of a public contract involving expenditure of public funds and discussion of terms or scope of such contract, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. P 79

RECOMMENDED ACTION: Concur in the request.

C-6 A communication from the City Clerk advising of the resignation of Mark C. McConnel as a member of the Roanoke Arts Commission. P 80

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

C-7 Annual report of activities of the Board of Trustees, City of Roanoke Pension Plan, for the period July 1, 2004 through June 30, 2005. P 81

RECOMMENDED ACTION: Receive and file.

C-8 Qualification of the following persons:

Anne E. Caldwell to fill the unexpired term of Samuel G. Oakey, III, ending June 30, 2006, and Susan Koch for a term ending June 30, 2008, as members of the Roanoke Public Library Board;

Martha P. Franklin as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2008;

Steven Higgs as a member of the Mill Mountain Advisory Committee, for a term ending June 30, 2008;

Robin Murphy-Kelso as a member of the Roanoke Neighborhood Advocates, for a term ending June 30, 2008;

Thomas W. Ruff as a member of the Towing Advisory Board, for a term ending June 30, 2006; and

Abbi Fitzpatrick and James H. Smith as members of the Youth Services Citizen Board, for terms ending May 31, 2008.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS:

Fair Housing Board Annual Report	-	15 minutes	P 85

ITEMS RECOMMENDED FOR ACTION:

1.	Appropriation of grant funds to be used for a temporary employee in connection with the document scanning project in the Office of the Clerk of the Circuit Court.	P 86; B/O 89
2.	Acceptance of Multi-Jurisdictional Special Drug Prosecutor grant funds from the Compensation Board, in the amount of $91,494.00.	P 90; B/O 94; R 95
3.	Acceptance of the State Homeland Security Program Grant from the Virginia Department of Emergency Management; and appropriation of funds.	P 96; B/O 98; R 99
4.	Acceptance of the DFP Computer Services Grant from the Virginia Department of Fire Programs; and appropriation of funds.	P 101; B/O 103; R 104
5.	Amendment of the City Code to provide stormwater discharge requirements, in order to comply with the Virginia Pollutant Discharge Elimination System Permit.	P 105; O 107

b. CITY ATTORNEY:

1. Amendment of Ordinance No. 36226-020303, adopted on February 3, 2003, to allow additional time for the Roanoke Redevelopment and Housing Authority to prepare and record a plat of subdivision in connection with development of the Fifth Street Gateway Project. P 115; O 116

c. DIRECTOR OF FINANCE:

1. Amendment of the City Code authorizing the City Treasurer to reduce or to waive interest and penalty payments under certain circumstances. P 118; O 120

7. REPORTS OF COMMITTEES:

a. Request of the Roanoke City School Board for adoption of resolutions indicating that the City will participate in the 2005 Interest Rate Subsidy Program Bond Issue, in connection with Fallon Park Elementary School and Westside Elementary School projects; and that Council authorize a public hearing to be held on Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson. P 122; R 130; R 132

b. Request of the Roanoke City School Board for appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson. P 134; B/O 138

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

a. Inquiries and/or comments by the Vice-Mayor and Members of City Council.

b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.

ROANOKE CITY COUNCIL
REGULAR SESSION

AUGUST 15, 2005
7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Vice-Mayor Fitzpatrick.

Welcome. Vice-Mayor Fitzpatrick.

NOTICE:

Tonight's Council meeting will be replayed on Channel 3 on Thursday, August 18, 2005, at 7:00 p.m., and Saturday, August 20, 2005, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

A. BID OPENING:

1. Bids for the lease of certain City-owned property located in the Commonwealth Building for office space for a term of up to ten years.

B. PUBLIC HEARINGS:

1. Proposal of the City of Roanoke to lease City-owned property located in the Commonwealth Building for office space for a term of up to ten years. Darlene L. Burcham, City Manager. P 139; O 172

2. Request of Roanoke Investments Associated, Inc., that proffered conditions presently binding upon a 2.615-acre parcel of land located at 3361 Melrose Avenue, N. W., be amended. Eugene M. Elliott, Jr., Attorney. P 174; O 185

3. Request of Boone Homes, Inc., of Roanoke that proffered conditions presently binding upon a 10.224 acre tract of land located on Franklin Road, S. W., be repealed and replaced with new proffered conditions. Edward A. Natt, Attorney. P 187; O 211

4. Request of Faison-Southern Lane, LLC, and Save-X-2, LLC, to amend and substitute proffered conditions presently binding on ten tracts of land, and to proffer conditions on five tracts of land located on Franklin Road, Southern Lane, Southern Hills Drive, and Griffin Road, S. W. James F. Douthat, Attorney. P 213; O 252

5. Request of Faison-Southern Lane, LLC, and Save-X-2, LLC, that a portion of Southern Lane and Southern Hills Drive, S. W., be permanently vacated, discontinued and closed. James F. Douthat, Attorney. P 255; O 268

6. Request of Star City Gospel Café, Inc., for exemption from local real estate taxation of real property located at 926 Indiana Avenue, N. E. Thomas C. Driver, President. P 272; O 291

7. Request of the City of Roanoke that a portion of Salem Avenue, S. W., adjacent to Official Tax No. 1010106, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager. P 294; O 301

8. Proposed conveyance of certain City-owned property located on Salem Avenue, S. W., to the Times World Corporation, in exchange for certain property owned by the Times World Corporation located on Campbell Avenue, S. W., in connection with future development of a downtown parking garage. Darlene L. Burcham, City Manager.

P 304; O 308

9. Proposed lease of City-owned property located at 111 - 117 Church Avenue, S. W., to Carilion Biomedical Institute for office space for a period of one year. Darlene L. Burcham, City Manager.

P 310; O 328

10. Proposed conveyance of an easement across City-owned property located adjacent to Riverland Road, S. E., to Appalachian Power Company for relocation of an existing overhead power line and related facilities, in connection with the Roanoke River Flood Reduction Project. Darlene L. Burcham, City Manager.

P 329; O 335

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Office of the Mayor

CITY OF ROANOKE

Proclamation

WHEREAS, *the Roanoke Valley has had a long and mutually beneficial relationship with Virginia Tech and its alumni and supporters, and the Roanoke Valley is home to many thousands of Virginia Tech alumni and friends; and*

WHEREAS, *Virginia Tech has brought positive attention to Southwest Virginia in academics, research and athletics, and the City of Roanoke takes pride in the accomplishments of the University; and*

WHEREAS, *the Virginia Tech Hokie Club and the Virginia Tech Alumni Association will promote Friday, August 26, 2005, as the sixth annual "Hokie Pride Day", in order to allow supporters to demonstrate their Hokie pride.*

NOW, THEREFORE, I, *Beverly T. Fitzpatrick, Jr., Vice-Mayor, on behalf of C. Nelson Harris, Mayor of the City of Roanoke, Virginia, do hereby proclaim Friday, August 26, 2005, throughout this great All-America City, as*

HOKIE PRIDE DAY.

Given under our hands and the Seal of the City of Roanoke this fifteenth day of August in the year two thousand and five.

ATTEST:

Mary F. Parker

Mary F. Parker
City Clerk

Beverly T. Fitzpatrick, Jr.
Vice-Mayor

REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

June 20, 2005

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, June 20, 2005, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Vice-Mayor Beverly T. Fitzpatrick, Jr., presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by the Council on Tuesday, July 6, 2004.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., and Vice-Mayor Beverly T. Fitzpatrick, Jr.----------6.

ABSENT: Mayor C. Nelson Harris----------1.

The Vice-Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-CITY SHERIFF-CITY COUNCIL: Ms. Lori Frantz, whose husband is a City employee and a member of the U. S. Reserves who served in active duty at Fort Eustis for 14 months and will be leaving at the end of the year for a tour of duty in Iraq, presented a "My Boss Is a Patriot" certificate to the Members of Council and to Sheriff George McMillan in recognition of their assistance to the families of City employees serving in the military.

> "The National Committee for Employer Support of the Guard and Reserve recognizes Roanoke City Council and the Roanoke City Sheriff's Department as a patriotic employer for contributing to national security and protecting liberty and freedom by supporting participation in America's National Guard and Reserve Force."

Also in attendance were ESGR, General White, and Mike Cavanaugh, United States Reserve Ambassador.

General White commended the City of Roanoke for initiating and adopting a supportive plan for City employees serving in the National Guard and Reserve programs who have been, or may be, called to active duty. He stated that the United States is in a perilous period; the military is striving to remove itself from a quagmire not of its own choosing; active support and encouragement of the City's military member employees is vital for the war effort; and the Defense Department recognizes those municipalities such as the City of Roanoke and other employers that support the military.

Mike Cavanaugh, representing Lt. General James R. Helmley, Chief of the Army Reserve, advised that in his position as Ambassador, he represents the eyes and ears of Lt. General Helmley in the community and one of his responsibilities is to communicate what Reserve soldiers, who are an integral part of the United States Army, are doing worldwide. He stated that Reserve soldiers serve in over 100 countries around the world, and parts of the United States are populated strictly by Reservists who bring to their jobs as soldiers the spirit of their communities and their families, therefore, it is extremely important to remember that they are leaving their families and their employers when they go forth to serve in active duty. He advised that the U. S. Army is appreciative of employers like the City of Roanoke who go the extra mile to ensure that the needs of the families of soldiers are met on the home front. On behalf of Lt. General Helmley, he presented the Vice-Mayor with a photograph of soldiers from the Roanoke area and a two star coin.

Council Member Cutler advised that Roanoke makes up the difference between the military pay and the City of Roanoke pay in each instance for every Reservist and National Guard member employed by the City of Roanoke, which enables the employee to be kept whole with respect to his or her income while serving in active duty.

General White commended the City of Roanoke for being recognized as the first municipality in the Commonwealth of Virginia to provide the differential in pay.

The Vice-Mayor advised that there is no finer honor than to serve one's country, and the City of Roanoke values and supports the troops who are serving their country. He commended the Sheriff and the City Manager for their understanding of the dedication of Roanoke's employees who are members of the National Guard and the Reserve, and it is hoped that Roanoke's Sister Cities in the eastern part of the State will understand that the City of Roanoke made a positive and proper leadership decision and will follow suit.

ACTS OF ACKNOWLEDGEMENT-HOUSING/AUTHORITY-CITY EMPLOYEES: Earl Saunders, President; Carolyn Coles, Board Member; and Edward Murray, Executive Director, Rebuilding Together, Roanoke Program, advised that Rebuilding Together Roanoke is a volunteer organization that repairs the homes of elderly, disabled and low income persons in the Roanoke area.

Mr. Saunders stated that this year, as a result of the support of sponsors from a wide range of organizations, businesses, churches, etc., Rebuilding Together made significant major repairs to 27 homes, 25 of which are located in the City of Roanoke. He advised that the City of Roanoke has been a sponsor for many years and this year 26 City volunteers, under the leadership of W. Dan Webb and River Laker representing the City's Department of Housing and Neighborhood Services, volunteered over 162 hours to repair a City-sponsored house.

On behalf of Rebuilding Together Roanoke, Mr. Murray presented the Vice-Mayor with a plaque in appreciation of the City of Roanoke's sponsorship of a house.

> "On behalf of Grateful Homeowners Across the Roanoke Valley, Rebuilding Together would like to thank the City of Roanoke - Rebuilding Day 2005 Housing Sponsor."

W. Dan Webb, Acting Director, Department of Housing and Neighborhood Services, advised that a team of approximately 20 City employees representing nine departments volunteered a total of 162 hours. He stated that repairs consisted of construction of a front porch, joist replacement, decking, guard rails, columns, painting, repair of a hole in the back porch, replacement of a door, yard work, gardening and two dumpsters of debris and trash were removed from the site. He advised that the project was enjoyed by all City employees and other participants and the City looks forward to participating in the program next year.

The Vice-Mayor requested that the City Manager express the gratitude and appreciation of Council to all City employees who participated in the program. He stated that whether the program is Rebuilding Together, or many other programs/projects that are initiated throughout the City, some of which are City sponsored, he is always amazed at the response and support of Roanoke's employees who take great pride in their desire to make the City of Roanoke a better community.

CONSENT AGENDA

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to three requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, May 2, 2005, recessed until Wednesday, May 4, 2005, and Tuesday, May 10, 2005, were before the body.

Council Member Dowe moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

COMMITTEES-CITY COUNCIL: A communication from Vice-Mayor Beverly T. Fitzpatrick, Jr., requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request of the Vice-Mayor to convene in a Closed Meeting as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

CITY COUNCIL: A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council's Personnel Committee, requesting that Council convene in a Closed Meeting to discuss the annual performance of two Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request to convene in a Closed Meeting as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

TRAFFIC: W. Jackson Burrows, 325 Willow Oak Drive, S. W., appeared before Council and referred to a recent meeting with the Mayor and the Vice-Mayor in which he and his father, David Burrows, discussed the need for additional parking on Crystal Spring Avenue between 22nd Street and 23rd Street, S. W., due to an increase in business activity in the area. He advised that the Mayor and Vice-Mayor suggested development of a proposed plan, along with any improvements that property owners might be willing to fund; therefore, he enlisted the services of Rife and Wood Architects to develop a proposal.

He referred to a proposal which would provide an additional 13 spaces of diagonal parking, replacement of 280 feet of linear curb, three landscape islands would be required, the curve at 23rd Street would be redesigned, overgrown and oversized trees would be removed and replaced with an appropriate urban variety, six sections of sidewalk in front of the Mid Atlantic Securities and Crawford Commercial Real Estate building would be replaced, and lighting would be optional.

(See proposal on file in the City Clerk's Office.)

Discussion by Council involved whether the proposed improvements could be considered as a part of the village center concept; a concern was expressed with regard to cutting down trees, although it was acknowledged that current trees have become over grown; parking issues; the feasibility of a partnership between the City of Roanoke and business interests in the area; and the condition of an alley at the rear of Lipes Pharmacy.

In response to questions raised during the discussion, the City Manager advised that any project that would enhance the vitality of the community, while maintaining the residential character of the neighborhood would be in keeping with the village center concept as discussed in the City's Comprehensive Plan. With regard to funding of improvements through a partnership between the City of Roanoke and area businesses, she referred to the Grandin Road area that was

funded solely by the City of Roanoke, the neighborhood was involved in the planning process, adjustments were made in the plan for parking, and traffic calming measures were implemented. With regard to alley maintenance, she advised that the City maintains those public alleys from which it removes solid waste; and three to four years ago, when the City made the decision to discontinue the practice of collecting solid waste from certain alleys, it was with the Council's understanding that the City would no longer maintain alleys for private use. She stated that the alley in question at the rear of Lipes Pharmacy is open to public access and would be maintained by the City.

Everett Ward, President, Tinnell's Finer Foods, 2205 Crystal Spring Avenue, S. W., called attention to proposed plans to expand the retail operation and to improve the physical site. He stated that it is hoped that the City of Roanoke values the contributions of businesses in the area and will play an active role in connection with parking, streetscape, sidewalk, and landscaping improvements. He commended the City for recognizing Roanoke's village centers as a unique contribution to the economic life of the City and advised that village centers are not just an economic asset for retail services and the village concept they encourage, but they represent a true asset for the branding strategy that the City could use in its economic development efforts. He noted that potential employers often consider good schools and great neighborhoods when looking at locations to relocate, the City of Roanoke is fortunate to have thriving village centers, and it is hoped that the City will consider a partnership with businesses to improve this area of the City of Roanoke.

Ford Kemper, 2515 Avenham Avenue, S. W., spoke in support of the remarks of Mr. Ward. He stated that Tinnell's Finer Foods provides an anchor for a successful village center and it is important that existing village centers not be taken for granted as the City invests in other areas that could be vastly improved through modest improvements. He stated that with the surge of successful business activities, the Crystal Spring area could be vastly enhanced and improved as a result of certain modest improvements.

There being no further discussion, and without objection by Council, the Vice-Mayor advised that the proposal presented by Mr. Burrows would be referred to the City Manager for review and recommendation to Council.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: See pages 28-38.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that CDBG, HOME and ESG funds provide for a variety of activities ranging from housing and community development to homelessness prevention and economic development through the U. S. Department of Housing and Urban Development (HUD); the City has received entitlement grant funds for over 20 years and must reapply annually; and on May 10, 2005, pursuant to Resolution No. 37051-051005, Council authorized the filing of three separate funding applications as part of its approval of submission of the 2005-2010 Consolidated Plan to HUD.

It was further advised that the funding release process is underway, and HUD's letter of approval is forthcoming granting the City access to 2005-2006 CDBG, HOME and ESG entitlements; the 2005-2010 Consolidated Plan with Fiscal Year 2005-2006 Action Plan approved by Council included $4,103,618.00 in new entitlement funds, anticipated program income and funds unexpended from prior year accounts; and recommended actions also include appropriation of an additional $77,015.00 of HOME funds being appropriated to an unprogrammed account for use in future activities and will be incorporated into the Consolidated Plan at a later date through a revision or amendment.

It was noted that acceptance of funds and appropriation or transfer to certain accounts are needed in order to permit 2005-2006 activities to proceed; and acceptance of the 2005-2006 HOME entitlement requires $85,191.OO in local match which will be satisfied by excess matching funds banked in previous years from such sources as below market rate loans from non-federal sources.

The City Manager recommended that Council adopt a resolution accepting 2005-2006 CDBG, HOME and ESG entitlement funds, in the amount of $2,909,053.00, contingent upon receipt of an approval letter from HUD as follows:

CDBG 2005-2006 Entitlement	$2,104,805.00
HOME 2005-06 Entitlement	723,526.00
ESG 2005-2006 Entitlement	80,722.00
TOTAL	$2,909,053.00

- Authorize the City Manager to execute the required Grant Agreements, Funding Approval, and other forms required by HUD in order to accept the funds, subject to approval as to form by the City Attorney;
- Appropriate $2,909,053.00 entitlement and $483,051.00 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance;
- Transfer $356,457.00 in CDBG and HOME accounts from prior years to projects included in the 2005-2006 CDBG and HOME programs;

- Increase the revenue estimate in CDBG revenue accounts by a total of $401,152.00 and appropriate the funds into project expenditure accounts; and
- Increase the revenue estimate in HOME revenue accounts by a total of $30,920.00 and appropriate the funds into project expenditure accounts.

Council Member Cutler offered the following budget ordinance:

(#37086-062005) AN ORDINANCE to appropriate funding for the Community Development Block Grant, HOME Investment Partnerships Program and Emergency Shelter Grant Program, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 434.)

Council Member Cutler moved the adoption of Ordinance No. 37086-062005. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

Council Member Cutler offered the following resolution:

(#37087-062005) A RESOLUTION accepting the Fiscal Year 2005-2006 funds for the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships program (HOME) and the Emergency Shelter Grant (ESG) program and authorizing the City Manager to execute the requisite Grant Agreements with the United States Department of Housing and Urban Development (HUD).

(For full text of resolution, see Resolution Book No. 69, Page 437.)

Council Member Cutler moved the adoption of Resolution No. 37087-062005. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

BUDGET-GRANTS-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that the Virginia Economic Development Partnership (VEDP) established the Virginia Opportunity Region Grant to assist governments in the State with marketing; the Department of Economic Development applied in March 2005 for a grant to purchase a marketing booth for trade shows; and in April, the Virginia Economic Development Partnership awarded the City of Roanoke a grant in the amount of $6,061.20, requiring 50 per cent in matching funds.

It was further advised that matching funds for the grant of $3,030.60 is available in the Economic Development Department budget, Account No. 001-310-8120-2015; and the contract to receive the grant was executed by the City Manager and returned to the State by June 17, 2005, in order for the funds to be received.

It was explained that action by Council is needed for the City of Roanoke to formally accept and appropriate funds and to authorize the Director of Finance to establish a revenue account to receive the funds; and Council must certify its acceptance of the City Manager's execution of the Agreement for the Virginia Opportunity Region Grant.

The City Manager recommended that Council accept the grant and appropriate State grant funds, in the amount of $6,061.20, in an account to be established by the Director of Finance in the Grant Fund; and approve and ratify the City Manager's execution of the above referred grant agreement and authorize the City Manager to execute any other required grant documents, subject to approval as to form by the City Attorney.

Council Member Dowe offered the following budget ordinance:

(#37088-062005) AN ORDINANCE to appropriate funding for the Virginia Opportunity Region Grant, amending and reordaining certain sections of the 2004-2005 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 438.)

Council Member Dowe moved the adoption of Ordinance No. 37088-062005. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

Council Member Dowe offered the following resolution:

(#37089-062005) A RESOLUTION authorizing the acceptance of a Virginia Opportunity Region Grant from the Virginia Economic Development Partnership; ratifying the execution of grant documents; and authorizing execution of any other required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 69, Page 438.)

Council Member Dowe moved the adoption of Resolution No. 37089-062005. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

FIRE DEPARTMENT-SALE/PURCHASE OF PROPERTY: The City Manager submitted a communication advising that construction of three new Fire/EMS stations was proposed under the Strategic Business Plan for the Fire/EMS Department; construction of the new stations will facilitate the consolidation of other fire stations; a site has been identified on Williamson Road that is suitable for one of the new stations; the owner has agreed to sell the property for $225,000.00 "net"; and appropriation of funds for purchase of the property is included in another report to be addressed at a later time during the Council meeting.

The City Manager recommended that she be authorized to acquire, in fee simple, a parcel of land identified as Official Tax No. 2170128, following satisfactory environmental site inspection and title examination.

Council Member Dowe offered the following ordinance:

(#37090-062005) AN ORDINANCE providing for the acquisition of certain property needed by the City for development of a jointly operated Fire - EMS station by the City and Roanoke County, located on Williamson Road, bearing Roanoke City Tax No. 2170128, and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 439.)

Council Member Dowe moved the adoption of Ordinance No. 37090-062005. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

BUDGET-INDUSTRIES-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that in 1997, Maple Leaf Bakery signed an original Performance Agreement with the City of Roanoke and the Industrial Development Authority of the City of Roanoke, Inc. (IDA), agreeing to make a $32 million investment in construction and equipment at the Roanoke Centre for Industry & Technology (RCIT), while hiring 200 employees; and part of the Agreement was a $200,000.00 grant from the Governor's Opportunity Fund.

It was further advised that following the signing of the Agreement, Maple Leaf indicated the original investment would be less than $32 million, and the Company would hire less than 200 employees; the Virginia Economic Development Partnership (VEDP) was contacted regarding the GOF, and a letter was received by the City indicating that $110,000.00 of GOF monies would be available to Maple Leaf up front and the remaining $90,000.00 would be available once original requirements were met; and the City had already matched the original $200,000.00.

It was explained that earlier this year, Maple Leaf indicated that it had met the terms of the original Agreement and supplied documentation; a letter was sent to the Virginia Economic Development Partnership requesting the remaining $90,000.00 which was received by the City on May 23, 2005; and funds received from the Governor's Opportunity Fund must be appropriated by Council before funds may be paid to Maple Leaf via the IDA.

The City Manager recommended that Council adopt an ordinance establishing a revenue estimate of $90,000.00 in the Capital Projects Fund, Account No. 008-310-9635-9830, Maple Leaf Development, and appropriate funds in the same amount to an expenditure account to be established by the Director of Finance.

Council Member Cutler offered the following budget ordinance:

(#37091-062005) AN ORDINANCE to appropriate funding received from the Governor's Opportunity Fund for the Maple Leaf Development Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 440.)

Council Member Cutler moved the adoption of Ordinance No. 37091-062005. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

BUDGET-YMCA.-GREENWAY SYSTEM: The City Manager submitted a communication advising that beginning in fiscal year 2002, the City committed to a $2.0 million investment to be paid in $200,000.00 increments over a ten-year period to the Downtown Family YMCA; funds cover costs associated with design and construction of a new central branch YMCA complex; and City residents will receive a discounted membership rate, which will allow them to visit any YMCA facility, including the facility in the City of Salem.

It was further advised that beginning in fiscal year 2002, the City committed to contributing $200,000.00 per year for ten years, for a total of $2.0 million to greenway development in the City of Roanoke; greenways have become a necessary commodity for communities across the United States since they are viewed as an essential amenity that encourages economic development; greenways connect people to various aspects of a community such as parks, shops, schools and neighborhoods; and Roanoke currently has several greenway projects underway in various stages of development, with a core design element to include connections to Roanoke's primary greenway artery, the Roanoke River Greenway.

The City Manager recommended that Council adopt an ordinance to appropriate $200,000.00 from the Economic and Community Development Reserve to the Downtown Family YMCA, Account No. 008-620-9757-9003; and appropriate $200,000.00 from the Economic and Community Development Reserve to Greenways Development, Account No. 008-620-9753-9003.

Council Member Cutler offered the following budget ordinance:

(#37092-062005) AN ORDINANCE to appropriate funding from the Economic and Community Development Reserve for the YMCA Aquatic Center and the Greenway Development Projects, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 441.)

Council Member Cutler moved the adoption of Ordinance No. 37092-062005. The motion was seconded by Council Member Dowe.

Council Member Cutler expressed concern with regard to the financial status of the Roanoke Valley Greenway Commission and staff that was established some time ago with the assistance of a State grant which will soon expire. He stated that funds will be needed from all participating governments to retain the position of Executive Director and to address other Greenway Commission expenses.

The City Manager responded that the above referenced request pertains to capital funds and a ten year commitment made by the City several years ago to set aside $200,000.00 per year for greenway construction, in order to complete the greenway system and the City's contribution to the new YMCA. She advised that while the ongoing operation and administration of the Roanoke Valley Greenway Commission may be an issue in the future, it is not anticipated to impact the current year budget, or the upcoming fiscal year budget, and a request for funds will be addressed at such time as the Roanoke Valley Greenway Commission submits an official request to all Roanoke Valley jurisdictions for additional operating funds.

Council Member Wishneff advised that when the Economic and Community Development Reserve Fund was established, his expectation was that the Fund would be used for economic development proposes/projects, and not general community commitments, or commitments that were made for a certain period of time. He further stated that he was not opposed to either the YMCA Aquatic Center or Greenway Development Projects, but funds are proposed to be taken from the wrong funding source, therefore, he could not support the recommendation of the City Manager.

There being no further discussion, Ordinance No. 37092-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Cutler, Dowe and Vice-Mayor Fitzpatrick----------5.

NAYS: Council Member Wishneff ----------1.

(Mayor Harris was absent.)

BUDGET-FLEET MANAGEMENT: The City Manager submitted a communication advising that it is anticipated that the cost of vehicle repairs for vehicles used by General Fund departments will exceed the budget by $250,000.00 due to cost of repairs for Fire/EMS, Solid Waste Management and Police vehicles and equipment; vehicles and equipment used by Fire/EMS and Solid Waste Management are specialized in function and are generally more costly to repair; and it is anticipated that expenses for the Occupational Health Clinic will exceed the budget by $51,000.00 due to expanding program services to include family members of employees.

It was further advised that funding to address additional costs for vehicle repairs is available from incremental revenue generated by the Recordation Tax; it is anticipated that revenue from this source will exceed the revenue estimate by $386,000.00 as a result of an increase in the Recordation Tax approved during the 2004 Session of the Virginia General Assembly that became effective in September 2004; and funding to cover expenses of the Occupational Health Clinic is provided from the Health Insurance Reserve.

The City Manager recommended that the Director of Finance be authorized to increase the Recordation Tax, Account No. 001-110-1234-0216 revenue estimate by $386,000.00; increase Occupational Health Services, Account No. 001-110-1234-0884 revenue estimate by $51,000.00; appropriate $250,000.00 for vehicle repairs; appropriate $51,000.00 to the Occupational Health Clinic budget, Account No. 001-340-1263; appropriate $136,000.00 to the City Manager Contingency, Account No. 001-300-9410-2199, as an additional contingency for unplanned expenditures and year-end close out; and use of the funding will be reported to Council in the City Manager Transfer section of the monthly financial report.

Council Member Dowe offered the following budget ordinance:

(#37093-062005) AN ORDINANCE to appropriate additional funding for certain internal service and Occupational Health Clinic charges, amending and reordaining certain sections of the 2004-2005 General and Risk Management Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 442.)

Council Member Dowe moved the adoption of Ordinance No. 37093-062005. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

ART MUSEUM OF WESTERN VIRGINIA: The City Manager submitted a communication advising that the City of Roanoke and the Art Museum of Western Virginia entered into an Agreement dated October 4, 2000, in connection with the City's providing certain funding in relation to the Art Museum's proposal to design, develop and construct a new building or complex to be located in the City of Roanoke to house an Art Museum, and possibly other entities to provide facilities and services to residents of the City of Roanoke and Southwestern Virginia; the Agreement required certain actions to be taken on or before a certain date or dates; the Agreement was amended on June 17, 2002, in order to extend the time of performance of certain actions to be taken pursuant to the Agreement; and the City of Roanoke and the Art Museum mutually desire that the time of performance of certain actions to be taken pursuant to the Agreement be extended for another one-year period.

It was further advised that the City of Roanoke and the Western Virginia Foundation for the Arts and Sciences ("Foundation") entered into an Agreement dated April 16, 2002, pursuant to which the City agreed to convey certain property to the Foundation, subject to certain terms and conditions; and the Foundation desires to assign its rights and obligations pursuant to the Agreement to the Art Museum of Western Virginia "(Art Museum").

It was noted that the Art Museum agrees to be bound to the terms of the Agreement to the extent that the Foundation was so bound; the City of Roanoke accepts the Art Museum as assignee of the Foundation with all rights and responsibilities of the Foundation; an Assignment of Agreement is necessary to assign the rights and obligations pursuant to the Agreement to the Art Museum; Amendment No. 2 is necessary to extend the time of performance of certain actions to be taken pursuant to the Agreement; and Amendment No. 3 is necessary to amend certain provisions of the Agreement pursuant to the Assignment of Agreement and certain other developments.

The City Manager recommended that she be authorized to execute the Assignment of Agreement for disposition of certain property to the Art Museum of Western Virginia, subject to approval as to form by the City Attorney; to execute Amendment No. 2 to the Agreement between the City of Roanoke and the Art Museum of Western Virginia to extend the time of performance for commencement of construction for an additional one-year period ending June 30, 2006, subject to approval as to form by the City Attorney; and to execute Amendment No. 3 to the Agreement between the City of Roanoke and the Art Museum of Western Virginia to amend certain provisions of the Agreement pursuant to the Assignment of Agreement and certain other developments, subject to approval as to form by the City Attorney.

Council Member Dowe offered the following resolution:

(#37094-062005) A RESOLUTION authorizing execution of an amendment to an Agreement with the Art Museum of Western Virginia ("Art Museum"), dated October 4, 2000, relating to the development of an art museum, and execution of an Assignment Agreement by which the Western Virginia Foundation for the Arts and Sciences ("Foundation") will assign to the Art Museum its rights and obligations pursuant to an agreement with the City dated April 16, 2002.

(For full text of resolution, see Resolution Book No. 69, Page 444.)

Council Member Dowe moved the adoption of Resolution No. 37094-062005. The motion was seconded by Council Member Cutler.

E. Duane Howard, 1135 Wasena Avenue, S. W., advised that he did not wish to take issue with design aspects of the proposed building; however, the new Art Museum should be located on a City block by itself, surrounded by green space, trees, fountains and park benches, in order to create a building that would be representative of the Roanoke Valley and the mountains that the building represents, instead of being situated between an ancient building and a freeway,

all of which would be a disgrace not only to the Art Museum, but to the art elements that the building will house. He stated that his preference would be to replace an entire City block of old historic buildings in order to construct a new futuristic art museum building.

Council Member Wishneff called attention to discussion in the next 30 to 60 days with regard to creating a Cultural District in the City of Roanoke. He stated that all across the country, there is a growing recognition that locating museums in the suburbs is not the way to go and there is now an interest in bringing museums back to the downtown central core, within walking distance of other cultural and retail establishments.

Council Member Cutler advised that the proposed location will be accessible to and in the heart of the City of Roanoke where various improvements are currently taking place in the downtown area. He stated that architectural diversity will also be a plus.

Council Member Dowe advised that because of limited available space, the City of Roanoke is faced with situations where it is necessary to be creative. He stated that he is excited to hear the comments of Mr. Howard concerning the new building, especially since Mr. Howard has articulated himself as a natural preservationist and a person who gravitates toward history.

Resolution No. 37094-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

CONVENTION AND VISITORS BUREAU-TOURISM-VISITOR'S INFORMATION CENTER: The City Manager submitted a communication advising that the City of Roanoke annually has entered into an Agreement with the Roanoke Valley Convention and Visitors Bureau (RVCVB) to provide funding for marketing the Roanoke Valley as a convention and destination tourism site; as part of the annual budget adopted by Council on May 10, 2005, the Memberships and Affiliations budget includes funding of $541,440.00 specifically designated for the RVCVB; and an additional $306,000.00 is designated in the annual budget for marketing efforts and will go to the RVCVB, subject to an adjustment provision as set forth in the Agreement.

It was further advised that the City of Roanoke has negotiated a one-year Agreement commencing July 1, 2005, with the RVCVB detailing the use of the funds; the Agreement provides for the same number of City of Roanoke representatives on the RVCVB Board of Directors as last year; the Agreement also contains a mutual indemnity clause, paragraph 9, which requires the approval of

Council; the RVCVB submitted a detailed report listing accomplishments made through April 2005; and an annual budget and work plan for 2005-2006 will be submitted to the City Manager for review and approval, upon approval of the RVCVB Board of Directors.

The City Manager recommended that she be authorized to execute an Agreement, in the amount of $847,440.00, with the RVCVB, subject to approval by the City Attorney, for the express purpose of marketing the Roanoke Valley as a regional destination for convention and destination tourism.

Council Member Dowe offered the following resolution:

(#37095-062005) A RESOLUTION authorizing an agreement with the Roanoke Valley Convention and Visitors Bureau for the purpose of increasing tourism in the Roanoke Valley.

(For full text of resolution, see Resolution Book No. 69, Page 445.)

Council Member Dowe moved the adoption of Resolution No. 37095-062005. The motion was seconded by Council Member McDaniel.

E. Duane Howard, 1135 Wasena Avenue, S. W., expressed concern with regard to the overall image of the City of Roanoke and the lack of maintenance of certain City facilities. He referred to a photograph in the 2005 City Calendar depicting downtown Roanoke and showing trash piled up on the street beside a fire hydrant. He called attention to trash that was allowed to accumulate around a fire hydrant on Luck Avenue, S. W., in the general vicinity of the Jefferson Center that was removed after numerous complaints were filed with various City departments. He advised that some time ago, the City spent over $220,000.00 on improvements to Wiley Drive and Smith Park, and called attention to broken/damaged cement flower boxes along Smith Park and Wiley Drive which serve as an example of improperly maintained City facilities.

Council Member Wishneff inquired as to the number of Roanoke Valley jurisdictions that are dues paying members of the Roanoke Valley Convention and Visitors Bureau; whereupon, the City Manager advised that the City of Roanoke provides approximately 75 per cent of all funding for the RVCVB; i.e.: in the range of $850,000.00 and several years ago, the City increased the transient lodging tax and dedicated the additional one per cent for the purposes of marketing Roanoke; and other participants in funding the Convention and Visitors Bureau are Roanoke County, the City of Salem, Botetourt County, Franklin County and Craig County.

The City Manager advised that for a number of years she has advocated an increase in the contribution by other Roanoke Valley jurisdictions to the RVCVB; and recently the Convention and Visitors Bureau prepared a strategic plan, however, the plan lacks the ability to be delivered due to the lack of additional funding. She stated that a strategic plan will be prepared including various options through which the Convention and Visitors Bureau would pursue additional funding, both through the public sector and the private sector, and the

RVCVB has been encouraged to look at potential membership and involvement by the business community. She added that the City has placed the Convention and Visitors Bureau on notice that the City of Roanoke would not consider increasing its level of participation until there is a serious effort on the part of other jurisdictions to pay their fair share which can be determined in a number of different ways.

During further discussion, the City Manager advised that the Sports Committee of the Roanoke Valley Convention and Visitors Bureau is one of the most active committees of the RVCVB and is composed of persons who have a keen interest in athletics and sports. She stated that the Sports Committee actively solicits conferences, conventions and tournaments to the Roanoke Valley in an effort to expose Roanoke to those persons who might not otherwise visit the locality.

Council Member Lea expressed concern with regard to sports marketing efforts by the Roanoke Valley Convention and Visitors Bureau. He spoke in support of the City of Roanoke hosting a Virginia high school league playoff game in any sport, and stated that he would like for the City of Roanoke to become more involved in amateur sports, even at the NCAA level. He referred to sporting events that are held throughout the Roanoke Valley such as the City of Radford hosts the spring jubilee of all schools across the state for spring sports (tennis, golf, baseball, etc.); for a number of years the City of Lynchburg hosted the Virginia High School League State Basketball Tournament; Liberty University hosts a football tournament; and the City of Salem hosts numerous sporting events. He stated that even though the Roanoke Valley Convention and Visitors Bureau represents the entire Roanoke Valley, he would like to ensure that the City of Roanoke is in the forefront. While he expressed appreciation for the work of the RVCVB, he stated that in the future, it is hoped that the RVCVB will be more focused on bringing sporting events to the City of Roanoke, especially in view of the fact that the City provides 75 per cent of RVCVB funding.

Council Member Dowe advised that those Roanoke Valley jurisdictions that were once dependent upon the City of Roanoke for certain things are not as dependent today. He called attention to a recent news conference that announced six new tournaments that other jurisdictions in the Roanoke Valley do not have sufficient hotel space to accommodate and the primary reason that the City of Roanoke cannot be the lead locality is due to the fact that Roanoke does not have adequate playing facilities. He encouraged Roanoke Valley localities to submit regional packages for sporting events/tournaments.

Council Member Lea responded that the issue is not so much whether or not the City of Roanoke has adequate playing facilities, but a question of making wise decisions in terms of priorities.

Resolution No. 37095-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke Department of Social Services has a contract with Virginia Commonwealth University (VCU) to manage Virginia Institute for Social Services Training Activities (VISSTA) Piedmont Area Training Center; the contract is subject to renewal annually, and includes funding for all expenses that are necessary to operate the program; the Center located in downtown Roanoke, is one of five Centers in the Commonwealth of Virginia, and within the Piedmont region, and the City of Roanoke DSS is the largest agency served; training is provided to staff of local departments of social services in the region; and childcare providers in the area also receive training at VISSTA.

It was further advised that beginning this year, the VISSTA Area Training Center has expanded services to provide policy training formerly conducted directly by the Virginia Department of Social Services; there were approximately 3,962 people trained in Roanoke in fiscal year 2004, and it is anticipated that 5,000 persons will come to Roanoke for VISSTA training by the end of fiscal year 2005; the number will increase for fiscal year 2006; and VCU is adding eight trainers and one training assistant to work out of the Roanoke office; therefore, additional office space and training facilities are needed.

It was explained that approximately 4,450 square feet of office space is under lease at First Campbell Square, of which 2,250 square feet are leased under an agreement dated May 7, 1998, and 2,200 square feet are leased under an agreement dated June 21, 2001; areas are located on the fourth floor and include a training room, two computer labs, four offices and a storage area; current leases for the area will expire on April 30, 2006; space will be remodeled to eliminate offices and storage areas and add a multipurpose lunchroom/training area; leases need to be extended in order to expire at the same time as additional space to be rented; and the new lease rate for combined areas on the fourth floor shall be $63,412.50 annually ($14.25 per square foot), which will include the cost of renovations.

It was noted that an additional area of approximately 3,300 square feet on the first floor needs to be leased for expanded space for storage, 14 offices, and a conference room; proposed rent for the space is $47,025.00 annually ($14.25 per square foot) which includes the cost of renovations; funds for the leases are 100 per cent reimbursable from VCU, and the VISSTA budget for fiscal year 2006 from VCU will include the amount needed for the lease; should funding from VCU cease, the City may terminate the lease; and funds have been appropriated to the City's fiscal year 2005-2006 budget for VISSTA and are included in the General Fund revenue estimate.

The City Manager recommended that she be authorized to execute a Lease Agreement with First Campbell Square, LLC, subject to approval as to form by the City Attorney, for 3,300 square feet of space located on the first floor of First Campbell Square and for a period of five years, beginning July 1, 2005 and ending June 30, 2010; and to execute amendments to the May 7, 1998 lease and the May 1, 2001 lease with First Campbell Square, LLC, subject to approval by the City Attorney, to extend the term of such leases until June 30, 2010.

Council Member Cutler offered the following ordinance:

(#37096-062005) AN ORDINANCE authorizing the City Manager to enter into a lease agreement with First Campbell Square, LLC, for the lease of space at 210 First Street, and amendments to the May 7, 1998 lease and the May 1, 2001 lease, for use by the City of Roanoke to operate the Virginia Institute for Social Service Training Activities ("VISSTA") Piedmont Area Training Center, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 446.)

Council Member Cutler moved the adoption of Ordinance No. 37096-062005. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

LICENSES: The City Manager submitted a communication advising that the City of Roanoke and KMC Telecom of Virginia, Inc., (KMC Virginia) entered into a Temporary Nonexclusive Revocable License Agreement dated January 7, 1997, (License Agreement) allowing KMC Virginia to install, operate, and maintain a telecommunications system or facilities in certain portions of the public ways within the City of Roanoke; the License Agreement provides that KMC will provide four dark fiber to the City at no cost; and the License Agreement was extended by an Extension Agreement dated October 2, 1997, further amended by a First Amendment dated February 25, 1998, and a Second Amendment dated October 1, 1998, which extended the License Agreement on a month-to-month basis; and KMC Virginia has operated in the City of Roanoke since January 7, 1997, and has established a customer base within the City.

It was further advised that in February 2005, KMC Virginia and TelCove, Inc., entered into an Asset Purchase Agreement under which TelCove, Inc., and/or TelCove of Virginia, LLC (TelCove Virginia) would acquire KMC's network transmission facilities (fiber, conduit, and other equipment) within the City of Roanoke; at the same time, the Asset Purchase Agreement provides that other

KMC facilities in Virginia will also be transferred and assigned to TelCove, Inc., and/or TelCove Virginia; the transfer is intended to take place on July 1, 2005, or as soon thereafter as the necessary governmental approvals can be obtained; and KMC Virginia and TelCove Virginia have filed a joint application with the Virginia State Corporation Commission to approve the asset transfer.

It was explained that the License Agreement requires any transfer or assignment by KMC Virginia of such License Agreement to have the consent of Council; accordingly, KMC Virginia, TelCove, Inc., and TelCove Virginia have requested that Council consent to the transfer and assignment; and TelCove Virginia and/or TelCove, Inc., have agreed to fully comply with all terms, conditions and obligations of the License Agreement.

The City Manager recommended that Council consent to the transfer and assignment of the Temporary Nonexclusive Revocable License Agreement between the City of Roanoke and KMC Virginia to TelCove, Inc., and/or TelCove of Virginia, LLC, upon such terms and conditions as the City Manager deems appropriate, with the form of the Assignment Agreement to be approved by the City Attorney; and that the City Manager be further authorized to take such actions and to execute such documents as may be necessary to accomplish the transfer and assignment and to administer and enforce the License Agreement.

Council Member Cutler offered the following resolution:

(#37097-062005) A RESOLUTION consenting to the transfer and assignment of a Temporary Nonexclusive Revocable License Agreement dated January 7, 1997, between the City of Roanoke and KMC Telecom of Virginia, Inc., (KMC Virginia) to TelCove of Virginia, LLC and/or TelCove, Inc.; and authorizing the City Manager to execute an Agreement to accomplish such transfer and assignment and to take such actions and execute such documents as may be necessary to administer and enforce the License Agreement.

(For full text of resolution, see Resolution Book No. 69, Page 447.)

Council Member Cutler moved the adoption of Resolution No. 37097-062005. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

SEWERS AND STORM DRAINS-BUDGET-STREETS AND ALLEYS: The City Manager submitted a communication advising that the Southern Hills Neighborhood Plan identifies storm drain and street improvements needed along Southern Hills Drive; and plans have been completed to provide for an underground drainage system, improved water mains, sanitary sewer and a new curb and gutter, at an estimated total project cost of $1,740,000.00.

The City Manager recommended that Council transfer $1,740,000.00 to Account No. 008-530-9835, Southern Hills Drive Drainage, from the following sources:

Source	Amount	Account
Unappropriated CMERP	$407,756.00	001-3323
Capital Improvement Reserve - Economic Development	$576,006.00	008-530-9575-9178
Grow America Fund	$225,000.00	008-310-9688-9003
Peters Creek Detention Basins	$140,064.00	008-056-9656-9088
Johnson & Johnson Offsite Improvements	$54,248.00	008-002-9700-9003
Johnson & Johnson Offsite Improvements	$49,703.00	008-002-9700-9001
NPDES Phase II	$65,800.00	008-530-9736-9003
Transportation - Street Paving (FY05-06 Funds)	$153,082.00	001-530-4120-2010
Curb, Gutter, Sidewalk #3	$68,341.00	008-530-9806-9076
Total	$1,740,000.00	

Council Member Cutler offered the following budget ordinance:

(#37098-062005) AN ORDINANCE to transfer funding from various capital projects to the Southern Hills Drive Street and Drainage Improvements Project, amending and reordaining certain sections of the 2004-2005 General and Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 448.)

Council Member Cutler moved the adoption of Ordinance No. 37098-062005. The motion was seconded by Council Member Dowe.

Upon question, the City Manager advised that the project extends down the entire length of Southern Hills Drive to the intersection with Griffin Road; and the project involves not only the creation of an appropriate storm drainage system for the area, but increases the water main from a two inch main to an eight inch main, realigns the sanitary sewer system and provides a new curb and gutter system.

She stated that the project was first contemplated in 1999, when a proposal for development of certain property on Route 220 was submitted and the developer was given an incentive package that involved a commitment of approximately $800,000.00 for certain improvements that did not materialize. She explained that the same $800,000.00 that were set aside for the project are now included in the transfers that are shown as the Grow America Fund and the Capital Improvement Reserve; and funds were reallocated several years ago when the Southern Hills development project did not occur.

The City Manager further advised that this is a project that is long overdue; therefore, the various transfers are recommended; the City will be reimbursed by the Western Virginia Water Authority for the water main upgrade which would be bid with the total project and the cost of sewer main improvements would not be reimbursable inasmuch as they are not considered to be an upgrade, but are required to be moved because the sewer main interferes with location of the storm drainage system.

Question was raised with regard to ownership of sewer and water mains, etc., following construction; whereupon, the City Manager advised that water and sewer mains would become the ownership and responsibility for maintenance of the Western Virginia Water Authority, and the storm drainage system, curb and gutter, and paving of the street would become the responsibility of the City of Roanoke for future maintenance.

There being no further discussion, Ordinance No. 37098-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

Council Member Dowe offered the following budget ordinance:

(#37099-062005) AN ORDINANCE to transfer funding from Transportation - Street Paving Project to the Southern Hills Drive Street and Drainage Improvements Project, amending and reordaining certain sections of the 2005-2006 General and Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 449.)

Council Member Dowe moved the adoption of Ordinance No. 37099-062005. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

DIRECTOR OF FINANCE:

BUDGET-SCHOOLS: The Director of Finance submitted a communication transmitting a request for appropriation of $300,000.00 for the Food Service Program, representing additional costs experienced by the Program through fiscal year 2005, said program to be 100 per cent reimbursed by Federal funds.

The Director of Finance recommended that Council concur in the request of the School Board.

Council Member Dowe offered the following budget ordinance:

(#37100-062005) AN ORDINANCE to appropriate Federal funding for School Food Services, amending and reordaining certain sections of the 2004-2005 School Food Services Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 450.)

Council Member Dowe moved the adoption of Ordinance No. 37100-062005. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Council Member Dowe acknowledged recipients of the B'nai Brith Athletic Achievement Awards which were presented on May 23, 2005.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Council Member Dowe congratulated organizers of and participants in the American Cancer Society Relay for Life. He also commended organizers of and participants in the Miss Virginia Pageant which will be held in the City of Roanoke on June 20-25, 2005. He wished all fathers in the Roanoke Valley a belated and happy Father's Day.

ANIMALS/INSECTS-PARKS AND RECREATION-CITY COUNCIL: Council Member Wishneff requested that the City Manager explore the feasibility of establishing a dog park in the City of Roanoke.

The City Manager advised that a dog park is under consideration largely as a result of enforcement efforts by Animal Control Officers of the leash requirement in City parks, and Council will be provided with a progress report.

DRUGS/SUBSTANCE ABUSE-CITY COUNCIL: Council Member Lea referred to the recent court ruling with regard to the methadone clinic on Hershberger and Cove Roads, N. W., and inquired as to future action(s), if any, that may be taken by the City. The City Attorney responded that the City of Roanoke is not a party to the lawsuit and, at some point, an evidentiary hearing will be held to allow both parties in the case to present evidence that will enable a judge to rule on the motion before the court.

CITY COUNCIL-SCHOOLS: Council Member Cutler advised that he represented the City of Roanoke at the Ribbon Cutting Ceremony for the new Roanoke Academy for Mathematics and Science on Sunday, June 12, 2005, and encouraged all citizens to visit the new facility.

CITY COUNCIL-GREENWAY SYSTEM-WATER RESOURCES: Council Member Cutler called attention to volunteer efforts by approximately 130 persons, representing a total of 1,738 hours of labor, to improve biking and hiking trails at the Carvins Cove Natural Reserve.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL-DOWNTOWN ROANOKE, INCORPORATED: Council Member Cutler congratulated Downtown Roanoke, Inc., for hosting "Movies in the Park" in Elmwood Park.

DRUGS/SUBSTANCE ABUSE-CITY COUNCIL: Council Member Cutler referred to an article in the Sunday, June 19, 2005 edition of *The Roanoke Times* under the caption, "Working in the Shadows", with regard to day laborers in the City of Roanoke. He quoted a sentence from the article that referred to a "crack market" in the area of the Main Library in downtown Roanoke, and asked that the City Manager investigate the statement and report to Council.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

POLICE DEPARTMENT: Shaheed Omar, 1219 Loudon Avenue, N. W., advised that he addressed Council at its meeting on Monday, April 18, 2005, with regard to the issue of alleged police brutality and he again addressed the Council on Monday, May 2, 2005, and suggested proposed recommendations for changes to the City's police complaint process. He expressed concern that to date, he had not received a response from the City Manager.

ARMORY/STADIUM-SCHOOLS: Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of renovation of Victory Stadium and expressed concern that the 4th of July celebration will not be held at Victory Stadium in 2005. If the City plans to spend $136,000.00 on improvements to Victory Stadium to accommodate high school football in the fall, he suggested that another $150,000.00 be spent to repair seats and to renovate restrooms. He stated that renovating Victory Stadium would cost one-half the time and money compared to building a new structure.

POLICE DEPARTMENT-PARKS AND RECREATION-REFUSE COLLECTION-HOUSING/AUTHORITY-WEED ABATEMENT PROGRAM: Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that some time ago, pursuant to action taken by a previous City Council, the Gainsboro community was targeted for urban renewal; whereupon, she inquired if the Gainsboro area is still considered to be a redevelopment area. She referred to a previous statement by the City Manager that a dog park is currently under consideration by City staff, yet several years ago, Gainsboro residents supported a play area for children which is included in the City's Comprehensive Plan as green space; however, the neighborhood was recently informed that the space may be used for construction of houses. She called attention to accumulation of trash in certain sections of the City where residents fill the large blue trash receptacles over capacity. She referred to weed and trash abatement violations and the appearance that some City inspectors earmark certain areas of the City to issue citations, while other areas of the City are ignored; therefore, she asked that there be consistency in enforcement activities by inspectors throughout the entire City of Roanoke. She called attention to the I-581 area in the vicinity of the Roanoke Civic Center where litter has accumulated. She suggested that the City enact a "scoop the poop" program to help keep the City of Roanoke clean.

PARKS AND RECREATION-RENTAL INSPECTION PROGRAM: E. Duane Howard, 1135 Wasena Avenue, S. W., advised that the Mill Mountain Star, which is one of the City's greatest tourist attractions, should be open to the general public 24 hours a day, seven days a week. He referred to proposed amendments to the City's Rental Inspection Program which is scheduled to be heard at the Council's

7:00 p.m. session and stated that the proposed ordinance will be ineffective in addressing Roanoke's rental properties. He advised that he was prepared to present further information to substantiate his statement at the Council's 7:00 p.m. public hearing.

CITY MANAGER COMMENTS:

CITY MANAGER: On a personal note, the City Manager advised that she recently became a grandmother for the fifth time with the birth of a baby girl.

CITY MANAGER-REFUSE COLLECTION: The City Manager advised that she serves on the Board of Directors of the Innovations Group and attended the recent Transforming Local Government Conference in Sarasota, Florida, at which time the City of Roanoke was the recipient of the J. Robert Howland Outstanding Achievement Local Government Innovation Award for the Solid Waste Management Roanoke Auxiliary Cab.

Frank W. Decker, III, Division Manager, Solid Waste Management, advised that design of the Roanoke Auxiliary Cab was a team building effort by employees of Solid Waste Management and Fleet Management in partnership with Truck Enterprises of Roanoke. He explained that the project involved a separate auxiliary cab for the third crew member and a dedicated space for tools, safety equipment and personal items, and the Roanoke Auxiliary Cab meets the objective of enhanced worker safety, efficiency and customer service.

ACTS OF ACKNOWLEDGEMENT-CITY EMPLOYEES: The City Manager advised that a team of 72 City employees and their families and friends participated in the American Cancer Society's Relay for Life on June 17 - 18, 2005, at the Roanoke Civic Center and raised approximately $4,800.00.

HOUSING/AUTHORITY: The City Manager advised that the Colonial Green site will be cleared for construction of new houses and infrastructure during the week of June 20, 2005.

PARKS AND RECREATION-HOUSING/AUTHORITY: In response to previous remarks made by Ms. Evelyn D. Bethel, the City Manager advised that the Gainsboro community continues to be a redevelopment area. She stated that the property referenced by Ms. Bethel for park purposes is owned by the Roanoke Redevelopment and Housing Authority, correspondence with reference to the matter was sent to a number of persons in the Gainsboro community, and a copy will be forwarded to Ms. Bethel. Insofar as designating the land as a play area, she advised that the City's Department of Parks and Recreation has encouraged use of another site which is more conducive to a play area for children. She stated that the Roanoke Redevelopment and Housing Authority owns the property in question.

At 4:10 p.m., the Vice-Mayor declared the Council meeting in recess for two briefings, to be followed by three Closed Sessions which were approved earlier in the meeting.

At 4:20 p.m., the Council meeting reconvened in the Council's Conference Room, Room 451, Noel C. Taylor Municipal Building, for the following briefings:

ROANOKE CIVIC CENTER: The City Manager called upon Charles Anderson, Architect, representing the City Engineer's Office, for the following overview of the Roanoke Civic Center Phase II Expansion Project:

- Drawings taken from construction documents prepared by the architectural design consultant showed a large part of the site containing the Performing Arts Theatre, Coliseum Building and Phase I Office Buildings;

- Phase II Expansion consists of construction of approximately 75,000 total square feet, of which about 46,000 square feet includes the new Exhibit Hall as the centerpiece of expansion;

- A primary reason for constructing the new Exhibit Hall was to alleviate the current problem regarding the leasing of facilities for either exhibits or sporting events during the months of October through April;

- A proposed 5,000 - 6,000 square foot kitchen will have its own loading dock and will be centrally located;

- Kitchen and concession staff will be able to serve all elements within the complex, with access to meeting rooms, banquet halls and the Performing Arts Theatre;

- The north end of the new building will include a storage room that is designed to meet the needs of the Exhibit Hall;

- The south end of the new building will include a small concession area;

- Restrooms will be located and accessible to the Exhibit Hall, along the main corridor, and the lobby pre-function area;

- Access to the building will be primarily from the east side, located just to the west of the current entrance in the plaza area, with an entry point on the north end of the building off the parking area;

- A main feature of Phase II of the project will be a new and improved loading dock;

- Parking space will be available within the truck loading area for three vehicles, security fencing, etc.;

- RV and camper parking spaces for supporting staff of individual events will be located on the west side of the facilities;

- The Exhibit Hall will have a clear height of 30 feet which will accommodate sizeable exhibits such as large masts on sailboats at the boat show;

- The exterior will consist of split-face concrete block matching the coloration of existing pre-cast concrete masonry, and glass on the west end which is referred to as the "jewel box" effect will allow motorists traveling on I-581 to see into the Exhibit Hall;

- Utilities will be located within the floor, rather than across the floor, with conduit that will handle up to 480 volts of power, along with outlets for 220 volts at each location, and duplex-type electrical outlets for use by various vendors;

- Water access will be located throughout the facility;

- 237 8' x 10' booths or 281 8' x 8' booths can be accommodated within the Exhibit Hall (currently accommodates 200 8' x 8' booths); with a wireless communication system;

- Parking management for shows, with parking to be allowed along the fenced asphalt area which is considered an access road;

- A new cooling tower will be screened with additional landscaping;

- The current storage building will be eventually removed and converted to parking space; and

- Completion of construction is projected to be February, 2007.

Council Member Cutler inquired about continuing dialogue with representatives of The Hotel Roanoke and Conference Center and the City as to how Civic Center and Hotel functions might work together; whereupon, Wilhemina W. Boyd, Director, Civic Facilities, advised she had been in contact with representatives of the Conference Center, the Roanoke Valley Convention and Visitors Bureau and Contract Enterprise regarding those events that are held in the Exhibit Hall and also use facilities at The Hotel Roanoke. The City Manager advised that along with the Mayor, she previously met with a representative of the Fulton Corporation's marketing group, who was excited about Exhibit Hall expansion and expressed a desire to meet with City staff in approximately one year following completion of improvements because there is an outstanding

market from the Washington, D.C. and northern Virginia corridor for this size of Exhibit Hall space. She stated that other projects such as improvements to Lick Run and the lighting of the greenway between the rear of the Civic Center and The Hotel Roanoke will increase opportunities for persons to travel to and from the facility with a certain level of comfort and ease.

Council Member Cutler inquired if golf carts could be used to shuttle patrons through the area; whereupon, Mr. Anderson advised that consideration has been given to removing one of the sets of steps in order to reconfigure the area for access.

Council Member Cutler further inquired about the timetable for completion of the greenway project; whereupon, the City Manager advised that the project will be completed some time in 2005. With respect to events such as the Kiwanis Pancake and Auction Day that has been held for a number of years in the old Exhibit Hall, he further inquired if it would be possible to rent a portion of the new Exhibit Hall; whereupon, Mr. Anderson responded in the affirmative inasmuch as the Exhibit Hall was designed with the structural ability to support a partition system to accommodate different size events.

Council Member Dowe inquired about proposed plans for use of the existing Exhibit Hall; whereupon, Mr. Anderson stated that it is proposed to subdivide the 10,000 square feet Exhibit Hall by constructing a permanent wall around the outside corridor along existing columns, with a moveable wall-type partition system that would subdivide the space into combinations of meeting rooms, with access to an elevator in order to accommodate the movement of food to the Exhibit Hall.

With regard to trade shows and in an effort to be more multi-dimensional, Council Member Dowe inquired about plans for temporary seating; whereupon, Mr. Anderson stated that the Exhibit Hall would be flexible and designed to accommodate banquets for up to several thousand people, using chairs and a platform at the end or along one side of the area.

Council Member Dowe inquired as to what amenities would set the City's facilities apart from surrounding localities; whereupon, Mr. Anderson advised that presently there is no public address system in the facility, however, a system is included on the contingency list and a determination will be made as to the level of quality that will be required. The City Manager explained that every project budget contains a contingency, and it is hoped that the contingency would not be spent for unknowns, but for certain activities and upgrades; and as the project proceeds, completion of basic construction will disclose to the contractors whether there are problems in the design, or if something exists underground that was not anticipated.

Council Member Dowe noted that it would be less expensive to assess costs up front rather than after construction; whereupon, Mr. Anderson replied that preliminary work was completed with regard to the underground surface, there is the potential for recovering rock on the site, and there is some concern with

regard to how the two buildings will come together; and once it is known how new construction will interface with the existing building, when footings are in place and columns are constructed within the next four to six months, it will be easier to identify certain needs. The City Manager called attention to a lengthy construction period for the project; and the importance of ensuring that the Coliseum and the Performing Arts Theatre may continue to be used for events that were previously scheduled and/or will be scheduled over the next 12-18 months, and during those times when events are held, much of the construction will not be able to continue. She stated that the biggest unknowns occur during the earliest part of construction, and once the project proceeds past that point, decisions regarding enhancements, etc., can be made.

Council Member Dowe inquired about parking management, and asked if raising the roof of the Coliseum was still an option; whereupon, the City Manager advised a Master Plan for the Coliseum consisted of multiple phases, and at some point in the future Council may wish to allow for expansion of seating capacity in the Coliseum, with boxes and other amenities; prior to assuming the position of City Manager, the Civic Center operated through a certain level of subsidy from the City and the former Director of Civic Facilities was instructed not to exceed the subsidy for any reason, which created a disadvantage since decreases were made in custodial and maintenance areas; the City made improvements to the Civic Center complex based upon the Civic Center's revenue with the cap on the subsidy; Council's decision regarding Victory Stadium took some of the revenue off the table relative to funding the project; however, the Council believed in the importance of Civic Center expansion and there was agreement that the General Fund would support the project; and if the present or future Council wish to accelerate multiple phases of Civic Center expansion, it could be accomplished with the understanding that more General Fund money would be required as opposed to the principles that were applied several years ago that indicated that it could be 10-15 years before the City would reach that phase.

Council Member Dowe noted that there is more of a market today to cover high school sports; therefore, it is important to offer digital capabilities in order to attract these types of events; television revenue is important and more consideration should be given to those types of issues.

Council Member Wishneff inquired about the inside appearance of the new Exhibit Hall; whereupon, Mr. Anderson advised the floor would be constructed of sealed concrete, with walls of concrete block and drywall, the ceiling would have exposed construction similar to the Coliseum which would be painted, and there would be a ceiling constructed over the pedestrian walk area. Mr. Wishneff further stated that it appeared that the facility was being constructed primarily for exhibits and trade shows, and inquired if there was a convention component to the plan; whereupon, Mr. Anderson responded that the meeting hall area and current exhibit halls would be upgraded to include carpet and ceilings and the kinds of amenities that are routinely found in that type of accommodation. The Director of Civic Facilities explained that consideration has been given to those groups that need the Coliseum as well as exhibit areas and/or break-out spaces. She stated that one concept could include a gala session in the Coliseum or in the

Performing Arts Theatre, and a trade show could be conducted in the Exhibit Hall, with break-out space at the Civic Center and The Hotel Roanoke. Mr. Wishneff stated that he had seen numerous sound system products during the last six months that would fit the budget and consist of the latest technology. In addition, he asked the City Manager to submit concepts for additional parking alternatives.

Vice-Mayor Fitzpatrick stated that over the long term, there could be an aggravated parking situation; whereupon, the City Manager advised that there is the possibility of expanding existing parking garages, and parking is not an issue with evening activities due to the availability of parking in all of the publicly owned parking garages. She stated that the challenge is in providing adequate parking for day time events inasmuch as the majority of the City's parking garages are primarily full.

Council Member Wishneff inquired about disseminating information to the public at least six to twelve months before the new facilities are scheduled to open; whereupon, the City Manager advised that the City would be required to handle the majority of information dissemination, as opposed to the Roanoke Valley Convention and Visitors Bureau.

Council Member McDaniel inquired about the number of parking spaces that would be displaced; whereupon, Mr. Anderson stated that approximately 250 parking spaces will be eliminated. She further inquired as to how out of town patrons will be informed about shuttle parking; whereupon, the City Manager advised that information will be provided when tickets are sold; and the Director of Civic Facilities stated that Civic Center staff also works with representatives of the Virginia Department of Transportation to place information on highway signage and on the I-581 side marquee, indicating that the Civic Center parking lot is full and patrons should use the shuttle. Ms. McDaniel inquired if shuttles are a deterrent when attracting events to the Civic Center; whereupon, the Director of Civic Facilities replied that it was a plus because other cities do not provide parking. The City Manager responded that the more patrons become regular users of the facility, the more they will choose to use the shuttles, which are more convenient; the City encountered more parking challenges before the project started with major back ups on I-581 at other locations, recent parking management activities helped to eliminate problems, however, some persons continue to ignore the signs that indicate that the parking lot is full and vehicles must be redirected. With regard to Council Member Dowe's previous question, she stated that if the City decided to raise the roof of the Coliseum, another piece of the parking lot would be taken out of commission during construction.

Council Member Lea inquired as to the availability of a shuttle for persons with disabilities; whereupon, the City Manager advised that shuttle buses are handicapped equipped and disabled persons could park in the designated handicapped spaces in the garages and the surface parking lots. The Director of Civic Facilities noted that one entire line was designated for handicapped individuals.

Council Member McDaniel inquired if bookings have been confirmed for the new Exhibit Hall; whereupon, the Director of Civic Facilities stated that no bookings have been confirmed to date, marketing staff have attended trade conventions and participated in trade shows, and an interest has been expressed in the facilities when they are near completion; and larger events book as much as five years in advance or approximately 2009-2010.

Council Member Lea inquired if there are plans for increased scheduling of events by local persons and organizations; whereupon, the Director of Civic Facilities advised that gospel plays, job fairs and trade shows have been booked for approximately 20 days out of the month, most of which are local. The City Manager advised that the Civic Center has not been maintained at its highest level over the past few years which has led to a lesser number of bookings; the City has now made an investment in quality maintenance in the facility, the facility is now turning the corner and the local groups have expressed an interest in booking events; food service has been improved by combining concessions and catering and serving dinner before broadway events; and past complaints regarding the condition of the facilities prevented the City from marketing the Civic Center; however, with the improvements, Civic Center staff is now in a better position to market the facilities.

Vice-Mayor Fitzpatrick spoke to the effectiveness of four truck unloading bays. He suggested installation of professional-looking permanent signs for shuttles that can be easily dropped down that would contain either the Civic Center's logo and/or Roanoke's branding logo; and requested installation of a permanent sign stating "Shuttle Stop" at Williamson Road that would be readily visible to the public.

Council Member McDaniel suggested that the shuttle signs be coordinated with parking garage signs; whereupon, the City Manager advised that the Traffic Engineer is reviewing all directional signs in downtown Roanoke with regard to location and content in order to make the downtown area more user friendly.

Council Member Wishneff inquired if the City had considered geothermal systems such as the system that is used at the Bristol facility; whereupon, Mr. Anderson advised that there was discussion regarding the installation of a system that would depend upon usage, relationship with the power company, and the type of rates that the City would get.

Council Member Wishneff inquired if outside naming rights would be solicited; whereupon, the Director of Civic Facilities advised that naming rights would apply to the entire complex and not just to the Exhibit Hall and a study would be conducted to determine how many people pass Civic Center signage which would be an important consideration for any person who might wish to invest in naming rights.

The City Manager advised that it would be preferable to discuss naming rights during the next phase of Civic Center improvements because once box seating and larger seating capacity can be offered, the dollar value would be more worthwhile.

Council Member Cutler inquired if environmental leak certification in terms of storm water frequency and energy conservation had been considered in the design; whereupon, Mr. Anderson responded that he could not recall any discussion to that effect. Dr. Cutler also inquired if there was gray water re-circulation; whereupon, Mr. Anderson advised that staff is looking into the issue. Council Member Cutler inquired as to how Percent for the Arts is included in the project; whereupon, Mr. Anderson advised that the Chair of the Roanoke City Arts Commission was contacted with regard to art on the Civic Center plaza; a water proofing project will eliminate some of the leaks at the current Exhibit Hall regarding the drainage system that lies in front of both buildings and should be completed during the fall season; City staff looked at replacing all pavers to provide for a more manageable system in terms of maintenance, current pavers are seven feet by seven feet in size and weigh about 1,500 pounds each, making it difficult for staff to properly remove and maintain drainage areas, new pavers directly above the drains could only be reduced to half that size in order to accommodate the weight of Civic Center equipment that will be moved across pavers, and consideration is being given to recoating pavers with a mosaic design.

The City Manager advised that a specific amount of money was established for the Percent for the Arts Program that would not necessarily tie in to a specific building; the Arts Commission prefers to go through the process of developing a master plan and then make decisions with regard to art location display; the Arts Commission may or may not recommend to Council that art be placed at a specific facility, nor would it recommend that art would be displayed at every City project, however, the capital budget is assessed one percent on certain projects to be used for art; and a mosaic for the Civic Center plaza was discussed by the Arts Commission approximately 12-18 months ago, but the Arts Commission was of the opinion to proceed in another direction.

ROANOKE RIVER CORRIDOR IMPROVEMENT PROGRAM: The City Manager referred to a previous City Council briefing on the Roanoke River Corridor Program and questions raised by Council Members with regard to obtaining easements or property adjacent to the Roanoke River. She stated that a suggestion was offered that City staff prepare a plan or plans that would place the City in a position to maintain the Roanoke River; whereupon, she called upon Gary Hegner, Parks Superintendent, for a briefing on a proposed program which is in draft format in order to receive input by Council to ensure that staff is proceeding according to the wishes of Council.

Mr. Hegner advised that:

- The Roanoke River Corridor Improvement Program is designed to improve aesthetic character, improve water flow and improve water quality of the Roanoke River and its tributaries through increased maintenance, educational, and cooperative measures.

- Proposed Program Mission

  To be the environmental stewards of the Roanoke River and its tributaries, improving aesthetic quality and health through education, cooperation, easement acquisition and land donation, and implementation of best management practices.

- Examples of Successful River Management Programs Modeled

  Delaware River River Keeper™ program (Pennsylvania, New Jersey, Delaware)
  Red River River Keeper™ program (Fargo-Moorhead area, North Dakota)
  James River Association (Mechanicsville, Virginia)

- Program Overview

  Pilot program with annual update to City Manager and City Council

  Oversee targeted areas within the Roanoke River, Tinker Creek and Lick Run

  A Collaborative Effort is required between City Staff and Departments:

  - Parks and Recreation
  - Public Works (Transportation, Engineering)
  - Environmental and Emergency Management
  - Housing and Neighborhood Services (Code Enforcement)
  - Human Resources (Municipal Volunteer Program)
  - City Manager and City Council

  River improvement staff would also work with the following outside entities:

  - Upper Roanoke River Roundtable
  - Greenways Commission
  - Clean Valley Council
  - Other local municipalities (Salem, Roanoke County, Montgomery County)
  - Virginia Department of Environmental Quality (DEQ)

- Benefits and Outcomes

  Improved waterway aesthetics
  Increased community involvement
  Synergistic working relationships between City departments and local environmental groups
  Higher property values (The Proximate Principle)
  Increased recreational opportunities

- Program Goals-Short Term

  Develop excellent working relations between all involved City departments and outside entities

  Document public and privately owned parcels requiring debris removal in targeted areas:

  - Fallen and dead trees
  - Trash
  - Hazardous materials

  Promote waterfront property owner education:

  - Proper care of waterfront property
  - Consequences of improper waterfront care
  - Benefits of easement acquisition and land donation
  - Work with Code Enforcement staff to target improperly maintained properties.

Council Member Cutler inquired if the program implied regional cooperation; whereupon, Mr. Hegner responded that the study started as a City-wide project, but will ultimately incorporate other neighboring jurisdictions and agencies.

Mr. Hegner explained that in recent Clean Valley Days, approximately 90 man hours of time were donated by volunteers and City staff which generated approximately $900.00 in dumping fees; and such endeavors helped to develop cooperation with other regional entities and provided educational opportunities to improve the quality of the Roanoke River and its tributaries.

Mr. Hegner noted that none of the areas of the Roanoke River are looked at on a regular basis, and the proposed program will target certain properties; an effort has been made to remove invasive species such as paradise trees; in conjunction with Public Works staff there discussions have taken place with regard to conducting an "extreme make-over work day" for targeted areas along the Roanoke River and tributaries, which would provide immediate results from the program, as well as implementation of the private property easement acquisition

process. He called attention to marketing the program through webpage development, RVTV, local television and radio media coverage to improve overall knowledge and it is hoped that a short-term goal of erosion prevention will be established, along with the sharing of equipment and costs with other Roanoke Valley jurisdictions. He stated that certain components that would not be initially covered in the program are silt management issues, private property care where permission has been denied, and flood reduction. In addition, he noted that $40,000.00 in funds was identified through MPDS funding.

The City Manager stated that the first step was to begin educating abutting private property owners regarding their responsibilities; it has been found that once property owners understand their responsibilities, they are quick to assume responsibility; there is a need to educate private property owners with regard to opportunities to provide easements to the City which would allow the City to assume certain responsibilities on their behalf; there will be a need to increase staff in order to assume any kind of maintenance program on a regular basis; two or three times a year, City forces and civic volunteers could be combined to conduct an "extreme make-over" that the City is not presently staffed or equipped to address; City staff could take the next nine months to begin laying out a detailed work plan and budget for fiscal year 2007 that would provide for regular and on-going maintenance; and there is a potential to install inexpensive netting as a fence across areas of the Roanoke River to prevent refuse from going into river. She asked for input by Council with regard to the proposed approach.

Council Member Cutler expressed appreciation to the City Manager and City staff for responding to the Council's request for this kind of initiative along the Roanoke River and advised that this is the first time that the City has looked at the Roanoke River with a determination to do something. He referred to the Appalachian Trail Conference that has organized volunteer trail clubs and the Carvins Cove Trail Greenway Program that has attracted the attention of several hundred volunteers, which could also be done along Roanoke River; local jurisdictions have done a good job for the "up land" by adopting greenways as linear parks, or official parks of the park system, and it is now time to address the waterways. He stated that one of the fallacies that the City has operated under for some time is that the U. S. Army Corps of Engineers Flood Reduction Project will be a kind of panacea for the Roanoke River, however, issues of funding and the timetable are questionable, and the purpose is narrow in terms of installing bench cuts that will spread out the water and reduce flooding by a relatively small amount. He added that this is a great beginning and it is hoped that the City will continue to look at the River Keeper trade mark program; and he would support an organization or an individual who would be charged with the responsibility of receiving calls for public or private entities when there is a problem on the Roanoke River.

Mr. Hegner called attention to opportunities for grant funding to assist with the program.

Council Member Wishneff inquired if there was a role for the Sheriff's Department to play with regarding the Roanoke River cleanup project; whereupon, Mr. Hegner replied that the Sheriff has expressed a reluctance to send inmate crews along the banks or into the water of the Roanoke River.

The City Manager noted that the City is hard pressed today to respond to some of the challenges regarding the Roanoke River, no equipment has been purchased for that purpose, therefore, the City must move into the program in a systematic way; and with Council's support, the City is prepared to move into the education component of the program to help property owners to understand their individual roles and responsibilities, and to provide enforcement under existing code regulations. She advised that the City could enforce what is occurring on the back side of private property just as much as on the front side, the City could work toward river "make-overs" two or three times a year, but to provide regular clean up of the entire length of the Roanoke River would require equipment and staff that could be brought to the Council for approval during a normal budget cycle.

Council Member Wishneff concurred in and supported the efforts of City staff.

Vice-Mayor Fitzpatrick encouraged each Member of Council to drive down Wiley Drive from the east end of Wasena Park through the area that includes Rivers Edge Sports Complex to witness a prime example of an area that the City has not properly maintained where weeds and paradise trees could be cut down tomorrow with City equipment; the area behind the old Marstellar building looks unsightly and although the City cannot address the issue at this time, someone should be held responsible for any dumping that has occurred to date. He inquired about potential options that might be available to the City at this time.

Steven C. Buschor, Director, Department of Parks and Recreation, expressed appreciation to other City departments for their assistance in preparing the draft program. He advised that numerous individuals and organizations are ready to volunteer, but the City needs to designate someone to lead the charge; entities such as "Life Net" have adopted a section of the Roanoke River; and credit should be given to those partners in and outside of the City for their efforts to reach this point.

Mr. Hegner advised that the Kiwanis Club will sponsor an event to clean up the Roanoke River on July 2, 2005, from 9:00 a.m. to 12:00 noon.

Vice-Mayor Fitzpatrick advised that bench cuts would allow the City to maintain parts of the Roanoke River easier than steep banks; opportunities exist to create a different kind of partnership, and he requested that the City Manager move post haste on the Roanoke River Management Program.

At 5:50 p.m., the Council convened in Closed Session in the Council's Conference Room.

At 6:55 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance except for Mayor Harris, Vice-Mayor Fitzpatrick presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Cutler, Dowe and Vice-Mayor Fitzpatrick----------4.

NAYS: None----------0.

(Mayor Harris was absent.) (Council Members Lea and Wishneff were not present when the vote was recorded.)

At 7:00 p.m., on Monday, June 20, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr., presiding.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr. and Vice-Mayor Beverly T. Fitzpatrick, Jr.---------- ----------6.

ABSENT: Mayor C. Nelson Harris----------1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Fitzpatrick.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 20, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of East Gate Church of the Nazarene to permanently vacate, discontinue and close a portion of 21st Street, N. E., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 3, 2005 and Friday, June 10, 2005.

The City Planning Commission submitted a written report advising that the petitioner currently has a site plan under review to construct a parking lot on Official Tax No. 3340306; the parking lot will serve the Church, which is at the southern end of the same block; the petitioner recently had a survey done of Official Tax No. 3340306, which revealed that the right-of-way is ten feet wider than was originally shown on both the previous survey and City Tax Maps; and, in addition, both private and City staff surveys revealed that a portion of the northwest corner of the petitioner's property is in the pavement of 21st Street and Kessler Road.

It was further advised that the petitioner has agreed to dedicate an approximately 598 square foot portion of Official Tax No. 3340306 to the City of Roanoke as a condition of the vacation; the dedicated land will become part of the right-of-way, moving the petitioner's property line off of the pavement, and potentially improving the line of sight at the intersection of 21st Street and Kessler Road, N. E.; vacation will allow the petitioner to build a slightly larger parking lot; development review staff has worked with the petitioner to address storm water management on the site; the property acquired in the vacation will not add a significant number of parking spaces for the petitioner, but may allow greater flexibility in design; and if the vacation is approved, the petitioner will be required to submit a revised site plan for the parking lot after a combination plat has been recorded.

The City Planning Commission recommended that Council approve the request for closure, subject to certain conditions as more fully set forth in the report.

Council Member Cutler offered the following ordinance:

(#37101-062005) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of- way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 450.)

Council Member Cutler moved the adoption of Ordinance No. 37101-062005. The motion was seconded by Council Member McDaniel.

James W. Conner, Head Trustee, East Gate Church of the Nazarene, appeared before Council in support of the request.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request to close a portion of the street. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37101-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 20, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Warehouse 315 LLC to rezone property located at 315 Albemarle Avenue, S. E., Official Tax Nos. 4022101 and 4022104, from HM, Heavy Manufacturing District, to C-3, Central Business District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 3, 2005 and Friday, June 10, 2005.

The City Planning Commission submitted a written report advising that the property is commonly known as the former Heironimus warehouse; no specific use is proposed in the petition to rezone; City real estate records list the properties as having two structures totaling 59,147 square feet; the original building, listed as having been built in 1930, is brick with masonry detailing which is typical of Roanoke's historic industrial architecture; and several concrete block and wood frame structures have been added to the original building.

The Planning Commission recommended that Council approve the request for rezoning, and advised that the proposed rezoning will permit adaptive reuse of an underused property, which is consistent with and promotes the policies of *Vision 2007-2020* and the *Redevelopment Plan for the South Jefferson Redevelopment Area.*

Council Member Cutler offered the following ordinance:

(#37102-062005) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 402 of the Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 453.)

Council Member Dowe moved the adoption of Ordinance No. 37102-062005. The motion was seconded by Council Member Cutler.

Donald L. Wetherington, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request for rezoning. There being none, he declared the public hearing closed.

Council Member Wishneff commended the petitioner for initiating the project and inquired if it would be beneficial for the City of Roanoke to consider some type of historic district which would then open up certain financial avenues for the area.

Mr. Wethington advised that the National Register of Historic Places Evaluation Committee has recognized the property and the building qualifies for rehabilitation tax credits.

The City Manager advised that the property in question, as well as the property owned by Norfolk Southern which will be used by FreightCar America, were included and approved in an amendment to the City's Enterprise Zone.

Mr. Wetherington advised that if there are incentives and encouragements that the City could offer it would be welcomed not only for the benefit of the current project, but for any other projects that may occur in the area.

There being no further discussion, Ordinance No. 37102-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

COMMUNITY PLANNING-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 20, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to amend Vision 2001-2020, the City's Comprehensive Plan, to include the Hollins/Wildwood Area Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 3, 2005 and Friday, June 10, 2005.

The City Planning Commission submitted a written report advising that the area included in the Neighborhood Plan encompasses five neighborhoods in the northeast section of the City: East Gate, Hollins, Mecca Gardens, Monterey and Wildwood; and the Plan features the following priority recommendations:

- **Infrastructure:** Create capital improvement projects for the following:

Sewer connections: Coordinate with residents and the Western Virginia Water Authority to install service for properties that currently have septic systems. City funds should supplement or cover the residents' portion of the cost. This is the top priority of the Plan.

Curb, gutter, and sidewalk installation: Address improvements based on the Infrastructure Improvements map with the following considerations:

- Install curb, gutter and sidewalk on arterial streets and infill of blocks with incomplete networks.

- New subdivisions - all new developments will have curb and gutter and sidewalk. In select residential areas, install curb and gutter depending on existing drainage conditions.

- Focus improvements in areas that have been identified as having storm water problems.

- **Transportation**: Address the Orange Avenue corridor and all adjoining arterial streets collectively, and base future improvements accordingly. Consider widening Orange Avenue to six lanes only as a last resort.

- **Code Enforcement:** Increase canvassing in the area, particularly in the Hollins neighborhood.

- **Residential Development:** Encourage new development per the Future Land Use map and in select areas, consider rezoning for residential development rather than commercial or industrial.

The City Planning Commission recommended approval of the Hollins/Wildwood Area Plan for adoption as a component of Vision 2001-2020.

Council Member Cutler offered the following ordinance:

(#37103-062005) AN ORDINANCE approving the Hollins/Wildwood Neighborhood Plan, and amending Vision 2001-2020, the City's Comprehensive Plan, to include the Hollins/Wildwood Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 69, Page 454.)

Council Member Cutler moved the adoption of Ordinance No. 37103-062005. The motion was seconded by Council Member McDaniel.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the proposed Neighborhood Plan.

Philip T. McDermott, President, Wildwood Civic League, appeared before Council in support of the Plan.

There being no further speakers, the Vice-Mayor declared the public hearing closed.

Council Member Cutler advised that the Neighborhood Plan referred to the role of the Western Virginia Water Authority in water and sewer connections, and identified sewer lines as the most important infrastructure need; the Plan also notes that the Water Authority is unlikely to be able to fully fund such projects as providing public sewer lines to the neighborhoods and suggests that capital improvement projects to extend sewer service would be a good investment by the City. He inquired as to how the statement fits in with the City's capital improvements budget.

The City Manager questioned whether the statement should be included in the Neighborhood Plan inasmuch as it could be precedent setting. She stated that pursuant to present City policy, any failed septic system is required to connect to a public sewer; the Western Virginia Water Authority accepted the City's policy to extend a public sewer line to a property when the septic system fails and to share in the cost of system upgrade with the property owner; and, in the future, if other property owners in the area that have an active sewer system wish to participate in the public sewer system, the cost could be prorated. She stated that to suggest, as the Neighborhood Plan indicates, that the City should be responsible for the resident's portion of the cost is unacceptable; more recent policies as adopted by City Council and subsequently adopted by the Western Virginia Water Authority are reasonable policies; and there is no requirement for those persons who are currently on septic systems to hook up to the public sewer system until their septic system has failed and the Health Department refuses to issue a permit. With regard to future development, she advised that a different policy could be reviewed that would be economic development related.

Following discussion, the City Manager asked that staff be permitted to suggest appropriate language to amend the Neighborhood Plan to reflect that there are no plans by the City in the Capital Improvement Program to extend sewer lines inasmuch as extension of water and sewer lines is the responsibility of the Western Virginia Water Authority to be shared by the Water Authority, the developer and/or the property owner.

Council Member Cutler inquired if there is any parallel between street and drainage improvements for the Southern Hills area; whereupon, the City Manager advised that using the City's previously adopted policies for water and sewer extensions would fall in line with what is proposed in the Southern Hills area.

Upon question, the City Manager explained that if a neighborhood petitioned the Western Virginia Water Authority for a sewer extension before the sewer system failed, the neighborhood could participate on a cost sharing basis, with 50 per cent of the cost to be borne by the Water Authority and the other 50 per cent to be assessed on a prorated basis to individual lots along the sewer line extension.

Council Member Cutler complimented staff on the Quality of Life section of the Plan, particularly with respect to Read Mountain by acknowledging the role of the Western Virginia Land Trust as a way to obtain conservation easements to protect the views and the undeveloped nature of Read Mountain; the City of Roanoke has a vested interest in the view shed and environmental preservation of Read Mountain; the proposed Plan affirms the City's support of the goals of the Read Mountain Alliance and future funding should be considered to assist the Read Mountain Alliance and the Western Virginia Land Trust in obtaining conservation easements on properties on and around Read Mountain. He pointed out that in most cases conservation easements are donated because of tax benefits that accrue to those individuals who donate easements; therefore, not a large amount of funding assistance would be required by the City, but certain educational programs should be offered to advise private landowners of the benefits of donating conservation easements.

Mr. McDermott advised that when the Wildwood area was annexed to the City of Roanoke in 1976, property owners were promised water and sewer line extensions and installation of sidewalks; water lines have been installed, but extension of sewer lines and installation of sidewalks have not occurred, and approximately two houses that have questionable, if not failed septic systems, currently exist in the Hollins/Wildwood area. He stated that the majority of the membership of the Wildwood Civic League would be willing to pay their share of the cost for sewer line extension from the house to the street, but find it unacceptable to pay $6,000.00 - $8,000.00 which was previously proposed by the Western Virginia Water Authority.

Following further discussion, by consensus, Council authorized the City Manager to revise the Hollins/Wildwood Area Plan with regard to extension of sewer lines to ensure continuity with existing City policy.

There being no further discussion by Council, Ordinance No. 37103-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

The City Manager called attention to a number of neighborhoods that were annexed into the City of Roanoke in the 1970's that are in a similar situation with regard to private septic systems and the issue will be reviewed on a City-wide basis in order to reach a consistent approach.

BONDS/BOND ISSUES-CAPITAL IMPROVEMENTS PROGRAM: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 20, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to adopt a resolution authorizing the City to contract a debt and to issue general obligation public improvement bonds to the City, in the principal amount of $12,875,000.00, for the purpose of providing funds to pay the cost of the following capital improvement projects: Art Museum Project - $3,700,000.00, Public Parking Facilities - $2,600,000.00, Financial Information System Project - $2,600,000.00 and Acquisition of Land for Redevelopment - $3,975,000.00, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, June 6, 2005 and Monday, June 13, 2005.

The Director of Finance submitted a written report advising that several projects included in the Capital Improvement Plan (CIP) require financing during Fiscal Year 2005-2006; on May 10, 2005, Council adopted a resolution endorsing an update to the CIP for Fiscal Years 2006-2010 that was included in the Recommended Resource Allocation Plan; and the update included the need for short term financing of $2.6 million for replacement of financial systems including accounting, tax/treasury, budget preparation, and human resource/payroll; and although funding sources have been identified to pay for the systems over approximately five years, short term financing will be required to provide adequate cash flow as major systems are purchased.

It was further advised that on May 2, 2005, Council authorized execution of an option agreement for the purchase of Countryside Golf Course at a cost of $4.1 million; an option fee of $125,000.00 was paid, thus the remainder of funding for acquisition of the property will come from the issuance of bonds; two other projects included in the CIP for which issuance of bonds has not previously been authorized are the City's contribution to the Art Museum of $3.7 million and a parking garage in the western part of downtown Roanoke that requires an additional $2.6 million financing; and total financing required for the projects are:

Art Museum	$ 3,700,000.00
Downtown West Parking Garage	$ 2,600,000.00
Financial Application Integration	$ 2,600,000.00
Countryside Golf Course	$ 3,975,000.00
Total	$12,875,000.00

The Director of Finance recommended that Council adopt a resolution authorizing issuance of $12,875,000.00 in General Obligation Bonds under the Virginia Public Finance Act.

Council Member Cutler offered the following resolution:

(#37104-062005) A RESOLUTION authorizing the issuance of $12,875,000.00 principal amount of general obligations of the City of Roanoke, Virginia, in the form of General Obligation Public Improvement Bonds of such City, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various capital improvement projects (including the acquisition of land therefor) and the acquisition and installation of various capital equipment projects of and for such city; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of up to the principal amount of General Obligation Public Improvement Bond anticipation notes in anticipation of the issuance and sale of such bonds; delegating to the City Manager and the Director of Finance certain powers with respect to the sale and determination of the details of such bonds and notes; and otherwise providing with respect to the issuance, sale and delivery of such bonds and notes.

(For full text of resolution, see Resolution Book No. 69, Page 456.)

Council Member Cutler moved the adoption of Resolution No. 37104-062005. The motion was seconded by Council Member McDaniel.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the public hearing.

Ms. Sarah Higgins, 2267 Countryside Road, N. W., representing the Countryside Neighborhood Organization Steering Committee, advised that many residents of the area built their homes on the golf course out of a personal preference to live in an area with mountain views and green space and they believe that Countryside should continue to be used as a golf course. She spoke directly to three issues: the tourist value, the recreation value, and the fact that the location is directly in the path of air traffic. She stated that the City of Roanoke values its viewsheds and Countryside Golf Course provides outstanding views of the mountains, it is a kind of private park that is available to the public, and it is one of the few reasonably priced golf courses in the City and offers considerable tourist and recreation value. Because of the aesthetic condition of the golf course, she stated that it provides a pleasant introduction to the City of Roanoke from either I-81 or I-581; golf is becoming a popular recreation sport and it has been reported that if Countryside Golf Course closes many people will leave the area. She stated that to construct more houses in the area in view of the present air traffic pattern to Roanoke Regional Airport would be a mistake; whereupon, she presented information from the Virginia Department of Aviation recommending that residential housing not be constructed in neighborhoods that are located in the path of airplanes.

Vice-Mayor Fitzpatrick advised that one of the reasons that the City of Roanoke chose to involve itself in the matter is due to the fact that portion of the lease for the golf course which is owned by the Roanoke Regional Airport will not be renewed, and at this time the City does not have specific plans regarding a proposed use of the land.

Upon question, the City Manager called upon R. Brian Townsend, Director, Department of Housing and Code Enforcement, to provide a summary of the process that will be followed by the City.

Mr. Townsend advised that environmental assessment of the property started last week; a boundary survey will be initiated in the near future; since the announcement was made of the City's option on the property, the City has received numerous inquiries; it is proposed to follow a two step process, one of which will invite developers to provide qualifications and interest in the property; City staff will then short list those who have submitted the best qualifications; developers will be asked to submit a proposal similar to the process that was followed with the Colonial Green project in which the developer made a proposal to the City, and City staff reviewed the proposal and how it fits into the context of the site. He stated that even though the Airport Commission does not plan to renew the lease on the fly zone of the golf course, the space will have to remain open by necessity; venues will be provided to keep the neighborhood informed of activity; and a neighborhood briefing is tentatively scheduled for the month of July, 2005.

The City Manager advised that it would be intended for the property to go through a rezoning process for a planned unit development of some description that would involve public hearings at both the City Planning Commission and the City Council levels; and while the City would look toward closing on the property before the end of the calendar year, it would be the recommendation of staff to make some arrangement for the ongoing operation of the golf course while planning efforts continue. She stated that much like the Colonial Green project, if the City reaches the point of transferring the property and certain leases are in effect, the new property owner would have to accept conditions under the leases so that owners of adjacent property would continue to know that the property will be well maintained and operated in such a way that the golf course would continue until such time as development were to actually occur.

Council Member Wishneff advised that the City's intent is to increase property values and inquired if Council Members as a group could visit the site in the July/August time frame to meet with residents in order to hear their concerns.

Council Member Cutler advised that as a member of the Roanoke Valley Bird Club, it has been brought to his attention that Countryside Golf Course is an important habitat for an internationally protected species, the Bluebird, and called attention to the importance of protecting the integrity of the Bluebird habitat. He stated that ecological and environmental concerns will be reflected in the ultimate plan which will help to make property values increase.

Council Member Cutler stated that Roanoke's international reputation, originally based on its railroad heritage, will be enhanced and enlarged by construction of the proposed new Art Museum of Western Virginia; much of the construction costs of the Art Museum will be provided by private donors, private individuals, and private foundations; therefore, the facility will be a bargain for Roanoke's taxpayers. He stated that the new Art Museum will provide a major contribution to the economy of the Roanoke Valley; therefore, he spoke in strong support of the City's participation in funding of construction of the new Art Museum of Western Virginia.

Council Member Lea advised that Council is committed to engaging the community in every step of the process relating to Countryside Golf Course.

There being no further speakers, the Mayor declared the public hearing closed.

There being no further questions or comments by Council Members, Resolution No. 37104-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

RENTAL INSPECTION PROGRAM: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 20, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to amend the City Code to establish Rental Inspection Districts in order to comply with State Code regulations, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, June 6, 2005 and Monday, June 13, 2005.

The City Manager submitted a communication advising that in 1994, enabling legislation was adopted which allowed localities to require residential rental units in Rehabilitation Area and Conservation Districts to be inspected before a change in occupancy, or after the sale of such unit; on September 2, 1997, following an intensive examination of the issues led by the Roanoke Regional Housing Network Rental Inspection Committee ("Rental Inspection Committee"), which consisted of neighborhood citizens, landlords, non-profits, realtors and others, Council adopted Ordinance No. 33552, which enacted the City's Rental Inspection Program; and the Rental Inspection Program is intended to protect the public health, safety and welfare by ensuring proper building maintenance and compliance with building regulations applicable to residential rental dwelling units.

It was further advised that in 2004, the Legislature amended enabling legislation to mandate changes to local ordinances for localities enforcing a Rental Inspection Program; an article written by Mark K. Flynn, Director of Legal Services, Virginia Municipal League, provides a good description of changes in enabling legislation, as well as a good overview of the history of rental inspection programs in the Commonwealth of Virginia; as a result of amendments to enabling legislation, the Rental Inspection Committee was reconvened to review and endorse an amended Rental Inspection Program ordinance that complies with changes in state law; and amendments to the Code of Virginia mandate a number of changes to the City Code, i.e.:

- A rental inspection program may be conducted only in a rental inspection district for which City Council has made the following findings:

- there is a need to protect the public health, safety and welfare of the occupants of residential rental dwelling units within the designated rental inspection district;

- the residential rental dwelling units within the designated district are blighted or in the process of deteriorating, or the residential rental dwelling units are in need of inspection by the building department to prevent deterioration, taking into account the number, age and condition of the residential dwelling rental units inside the proposed rental inspection district; and

- the inspection of residential rental dwelling units inside the proposed rental inspection district is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the proposed rental inspection district.

- Upon inspection of a residential rental dwelling unit, if there are no violations of the building code that affect the safe, decent and sanitary conditions for the tenants of such rental unit, the rental unit is exempt from rental inspection for a minimum of four (4) years.

- Upon adoption of a rental inspection ordinance, the building department is required to make reasonable efforts to notify owners of residential rental dwelling units in the designated rental inspection district and provide information and an explanation of the rental inspection ordinance and the responsibilities of the owner under the ordinance.

- The City is authorized to require all owners of residential rental dwelling units in a rental inspection district to notify the building department if the dwelling unit is used for residential rental purposes, but no fee may be charged for such registration.

It was explained that boundaries of rental inspection districts are based upon research data compiled by the U. S. Census Bureau, the City of Roanoke GIS System, and the City of Roanoke Code Enforcement database; and Housing and Neighborhood Services remains committed to the Rental Inspection Program to reduce unsafe conditions in residential rental property and to encourage preventative maintenance to preserve good, quality rental housing.

The City Manager recommended that Council make the findings required by the Code of Virginia and approve amendments to the City of Roanoke Rental Inspection Program, effective July 1, 2005.

Council Member Dowe offered the following ordinance:

(#37105-062005) AN ORDINANCE amending and reordaining §7-34, Purpose and intent, by amending subsections (a) and (b), and adding subsections (c) and (d); §7-35, Definitions; §7-36, Applicability, by amending subsection (a), and adding subsection (b); §7-37, Inspection and certificate of compliance required; §7-38, Exemptions; §7-39, Certificate of exemption, by amending subsections (a), (b), (c), and (d), and adding subsections (e) and (f); §7-40, Issuance of certificate of compliance; §7-41, Temporary waiver of compliance; §7-42, Display of proof of compliance, by amending subsections (a) and (b); §7-43, Alteration of proof of compliance; §7-44, Fees; and §7-45, Appeals, by amending subsection (b); of Article III, Rental Certificate of Compliance, of Chapter 7, Building Regulations, Code of the City of Roanoke (1979), as amended, in order to comply with state code regulations; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 469.)

Council Member Dowe moved the adoption of Ordinance No. 37105-062005. The motion was seconded by Council Member Lea.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the matter.

Paula Prince, 550 Mountain Avenue, S. W., a resident of Old Southwest, spoke in support of amendments to the Rental Inspection Program. She stated that Old Southwest has a significant number of rental properties, many of which house low or moderate income tenants; prior to adoption of the Rental inspection Program, it was exceedingly difficult to maintain minimum building code standards for many of the properties; problems with rental properties include tenants living in units without adequate plumbing, or electrical systems, with no kitchens or bathroom facilities, apartments with no smoke detectors, apartments with inadequate heating, and apartments with structural damage at a level that is potentially dangerous. She added that support for a Rental Inspection Program was fairly weak until there was an horrendous fire which caused the death of a grandmother and four children; the fire started because there was no fire wall separating the apartments; and at that point, discussions were initiated to create a Rental Inspection Program and a considerable amount of work and compromise

went into drafting the Rental Inspection Program that has been in existence for the past several years. She stated that the Rental Inspection Program currently before the Council is adequate to maintain the level of improvement that has been experienced since the program was implemented; and in order to provide quality housing for renters at all income levels, it is imperative to enforce a Rental Inspection Program. She advised that quality rental properties improve the quality of life in all neighborhoods and encourage those who are interested in purchasing property to have faith that their investment will be safe.

David Bidler, 1515 Brandon Avenue, S. W., a member of the Roanoke Regional Housing Network's Rental Inspection Committee, advised that the Housing Network has, over the past several years, reviewed various changes to the City's Rental Inspection Program; and proposed changes are mandated by the General Assembly and must be implemented by July 1, 2005, so as not to lose the inspection program. He stated that the Rental Inspection Committee of the Regional Housing Network supports proposed amendments to the Rental Inspection Program which causes the program to be more efficient and preserves the ability of the building inspector to enter the property and inspect rental property that otherwise may not be inspected until a tenant files a complaint.

E. Duane Howard, 1135 Wasena Avenue, S. W., advised that he has on several occasions encouraged the City to include issues regarding inspection of rental properties on the City's legislative agenda for consideration by the General Assembly. He stated that his primary concern with the City's Rental Inspection Program relates to enforcement issues by the City's Code Enforcement staff. He added that if renters complain when unsafe conditions or building code violations occur, they are evicted which happened to him after paying more than $50,000.00 in rent over a period of eight years because City Building Code Inspectors do not administer the program fairly among all landlords. He stated that the Rental Inspection Program should include all rental properties in the City; and he currently rents a property that is 70 years old, but the property does not fall under the rental inspection district. He alluded to rental properties that are not fit for human habitation that do not fall under the Rental Inspection Program; and roofs that are allowed to remain in their present deteriorated condition by City Building Code Inspectors who take no action against certain wealthy landlords.

Council Member Lea advised that Mr. Howard made certain strong statements about the City's Rental Inspection Program and inspection efforts; whereupon, he requested information on the role of the City's Building Code Inspectors, etc.

The City Manager advised that Mr. Howard has not made the kind of statements to her as City Manager that were previously made before the Council and she would like the opportunity to meet with him to discuss his concerns. She stated that at his previous residence, Mr. Howard made complaints against his landlord, and he left certain information with the City Manager's Office which was forwarded to Code Enforcement staff for investigation. She advised that some of the changes that Mr. Howard has proposed in the Rental Inspection Program are beyond the ability of the City to change because they involve requirements

enacted by State Code. She stated that an amendment to the State Code has limited the City in some respects relative to how and when the City may perform rental inspections, if the City had the authority to perform rental inspections on a City-wide basis, she would make a recommendation to the Council to do so because the City has a significant number of rental properties and it would be to the City's best interest to ensure that all rental properties are maintained to a certain standard. She stated that the City has a dedicated code enforcement staff, they frequently respond strictly on a complaint basis because of the size of the community and the amount of property that is included in the rental category, and she would report back to the Council after she has met with Mr. Howard and investigated his concerns.

There being no further questions or comments by Council Members, Ordinance No. 37105-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

PURCHASE/SALE OF PROPERTY-AIRPORT-CITY PROPERTY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 20, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal to convey City-owned property located at 5268 Aviation Drive, N. W., to the Roanoke Regional Airport Commission, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 10, 2005.

The City Manager submitted a communication advising that the City owns property located at 5268 Aviation Drive that houses Fire Station No. 10, containing approximately 2.67acres; the City desires to convey the property to the Roanoke Regional Airport Commission for the consideration of $771,663.00, upon certain terms and conditions, including the right of the City to continue to use the fire station for up to five years; and, in accordance with the City's Economic and Community Development Reserve Policy, proceeds from the sale of the land will be used for the purchase of land for fire stations.

It was further advised that the City will retain use of Fire Station No. 10 for up to five years, pay 50 per cent of operating costs (including utilities, phone service, service contracts, building supplies, and other such costs), and continue to provide minor maintenance and cleaning services; the City will also pay 50 per cent of normal maintenance and repair costs that are less than $5,000.00 per item, and station personnel will maintain the grounds.

The City Manager recommended that she be authorized to execute the following documents, subject to approval by the City Attorney:

- A deed conveying the property with special warranty of title to the Roanoke Regional Airport Commission, subject to certain terms and conditions. A letter dated May 27, 2005, from Jacqueline L. Shuck, Executive Director, Roanoke Regional Airport, agreeing to certain terms and conditions for continued operation of the Station.

  An amendment to paragraphs five and 21 (b) of the 1987 contract with the Roanoke Regional Airport Commission, in order to make the contract consistent with the terms of the Executive Director's letter dated May 27, 2005.

- Adoption of an ordinance to establish a revenue estimate for the sale of property in the amount of $771,663.00 in the Capital Projects Fund. The budget ordinance will appropriate funds to accounts to be established by the Director of Finance entitled, Fire/EMS Station 3 ($485,862.00) and Fire/EMS Station 5 ($285,801.00).

Council Member Dowe offered the following ordinance:

(#37106-062005) AN ORDINANCE authorizing the City Manager to execute the necessary documents to convey City-owned property, which houses Fire Station #10 located at 5268 Aviation Drive, bearing Tax No. 6560101, containing approximately 2.67 acres, to the Roanoke Regional Airport Commission; authorizing the City Manager to execute a letter dated May 27, 2005, agreeing to certain terms and conditions for the continued operation of the Station; and authorizing the City Manager to execute an amendment to the 1987 contract with the Roanoke Regional Airport Commission, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 485.)

Council Member Dowe moved the adoption of Ordinance No. 37106-062005. The motion was seconded by Council Member Lea.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

Council Member Cutler requested the City Manager to review the City's plans to replace fire service in that portion of the City that is currently serviced by Fire Station No. 10; whereupon, the City Manager advised that Fire Station No. 10 is physically located on property immediately adjacent to the Roanoke Regional Airport and currently serves both the Airport and residents who reside in that section of the City; the Airport is interested in developing its own stand alone fire

station facility, and to that end has offered to purchase the land from the City of Roanoke; the City intends to use the proceeds from sale of the land to purchase an alternate location; earlier in the meeting, Council acted on a recommendation to purchase a parcel of land on Williamson Road, several blocks to the south of the Hershberger/Williamson Road intersection; the Airport Commission will allow the City to continue to occupy the present facility for up to five years by prorating the share of participation of the cost of maintaining and operating the facility; and it would be the City's intent over the next same five years to construct a new facility on Williamson Road which would be designed with funds also derived from the sale of the property in question. She stated that it is hoped to have a new fire station constructed in advance of the five year time frame; it was always a part of the Fire/EMS Master Plan to eventually relocate the fire station away from the Airport and decisions by the Airport Commission have accelerated the planning process.

There being no further questions or comments by Council Members, Ordinance No. 37106-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

Council Member Cutler offered the following budget ordinance:

(#37107-062005) AN ORDINANCE to establish a revenue estimate from the sale of property on Aviation Drive and to appropriate funding for the new construction of the Fire-EMS Stations #3 and #5, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 487.)

Council Member Cutler moved the adoption of Ordinance No. 37107-062005. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

PURCHASE/SALE OF PROPERTY-RED CROSS-CITY PROPERTY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 20, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal to convey certain City-owned property located on Luck Avenue, S. W., to the American National Red Cross, in exchange for certain property owned by the Red Cross, in connection with the Downtown Parking Garage Project, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 10, 2005.

The City Manager submitted a communication advising that the City owns property located on Luck Avenue, S. W., which is currently used for employee parking, and desires to convey a portion of the parcel of land to the American National Red Cross in exchange for three parcels of land located at the corner of Fifth Street and Luck Avenue, S. W., identified as Official Tax Nos. 1113512, 1113513 and 1113514 to be used for future development of a downtown parking garage; to facilitate conveyance of an approximately 0.2661 acre portion of Official Tax No. 1012407, the parcel of land has been subdivided into two parcels designated as Tract B-1 and Tract B-2 as shown on a plat prepared by Caldwell White Associates; and the City desires to convey Tract B-1 and a 24 foot access easement across Tract B-2 to serve Tract B-1 to the American National Red Cross.

Following the public hearing, the City Manager recommended that she be authorized to execute a deed of exchange to convey the property designated as Tract B-1, in addition to a 24 foot access easement across Tract B-2, to the American National Red Cross, in exchange for three parcels of land identified as Official Tax Nos. 1113512, 1113513 and 1113514, subject to approval as to form by the City Attorney.

Council Member McDaniel offered the following ordinance:

(#37108-062005) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of a 0.2661 acre parcel of City-owned property known as Tract B-1, bearing Official Tax No. 1012407, together with a 24 foot access easement across City-owned property known as Tract B-2, to the American National Red Cross, in exchange for three parcels bearing Official Tax Nos. 1113512, 1113513, and 1113514, located at the corner of Fifth Street and Luck Avenue, S. W., for future development of a downtown parking garage, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 488.)

Council Member McDaniel moved the adoption of Ordinance No. 37108-062005. The motion was seconded by Council Member Cutler.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37108-062005 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM: Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of the renovation of Victory Stadium. He advised that if the City of Roanoke plans to spend $136,000.00 on improvements to Victory Stadium to prepare the facility for high school football in the fall, the City could allocate several thousand dollars more to renovate restrooms and locker rooms. He stated that Victory Stadium could be made accessible for the physically disabled with the paving of one lane of the parking lot in order to accommodate wheel chairs; the second floor of the Stadium could be used for emergency medical services and a museum honoring sports figures; and just as the City has begun construction of a flood wall at the Sewage Treatment Plant, some type of flood control measures could be taken at Victory Stadium. He advised that the 4th of July celebration should continue to be held at Victory Stadium and the Stadium should be renovated and promoted as a memorial to the Roanoke Valley's World War II veterans.

AIRPORT-ZONING-HOUSING/AUTHORITY-ARCHITECTURAL REVIEW BOARD-COMMUNITY PLANNING-INDUSTRIES: Council Member Cutler moved that Council amend its current policy to provide that the City Clerk will advertise for applications for vacancies on the City Planning Commission, Board of Zoning Appeals, Architectural Review Board, Industrial Development Authority, Roanoke Regional Airport Commission and the Roanoke Redevelopment and Housing Authority, unless otherwise directed by the Council. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

COMMITTEES-ROANOKE ARTS COMMISSION: The Vice-Mayor advised that the three-year terms of office of Betty Branch, Frank J. Eastburn, Susan W. Jennings, Nelett H. Lor, and Anna Wentworth as members of the Roanoke Arts Commission will expire June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancies.

Council Member Cutler placed in nomination the names of Frank J. Eastburn, Susan W. Jennings and Nelett H. Lor.

There being no further nominations, Mr. Eastburn, Ms. Jennings and Ms. Lor were reappointed as members of the Roanoke Arts Commission, for terms ending June 30, 2008, by the following vote:

FOR MR. EASTBURN, MS. JENNINGS AND MS. LOR: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

(Mayor Harris was absent.)

COMMITTEES-GREENWAY SYSTEM: The Vice-Mayor advised that the three-year term of office of Barry W. Baird as a member of the Roanoke Valley Greenways Commission will expire June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Cutler placed in nomination the name of Barry W. Baird.

There being no further nominations, Mr. Baird was reappointed as a member of the Roanoke Valley Greenways Commission, for a term ending June 30, 2008, by the following vote:

FOR MR. BAIRD: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

(Mayor Harris was absent.)

COMMITTEES-LIBRARIES: The Vice-Mayor advised that the three-year terms of office of Pamela S. White and Stanley G. Breakell as members of the Roanoke Public Library Board will expire on June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancies.

Council Member Cutler placed in nomination the names of Pamela S. White and Stanley G. Breakell.

There being no further nominations, Ms. White and Mr. Breakell were reappointed as members of the Roanoke Public Library Board, for terms ending June 30, 2008, by the following vote:

FOR MS. WHITE AND MR. BREAKELL: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

(Mayor Harris was absent.)

COMMITTEES-COURT COMMUNITY CORRECTIONS BOARD: The Vice-Mayor advised that the three-year terms of office of Julian H. Raney, Jr., and John B. Ferguson as members of the Court Community Corrections Program Regional Community Criminal Justice Board will expire on June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Cutler placed in nomination the names of Julian H. Raney, Jr., and John B. Ferguson.

There being no further nominations, Mr. Raney and Mr. Ferguson were reappointed as members of the Court Community Corrections Program Regional Community Criminal Justice Board, for terms ending June 30, 2008, by the following vote:

FOR MR. RANEY and MR. FERGUSON: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

(Mayor Harris was absent.)

COMMITTEES-PENSIONS: The Vice-Mayor advised that the four-year term of office of George F. Taylor as a member of the Board of Trustees, City of Roanoke Pension Plan will expire on June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Cutler placed in nomination the name of George F. Taylor.

There being no further nominations, Mr. Taylor was reappointed as a member of the Board of Trustees, City of Roanoke Pension Plan, for a term ending June 30, 2009, by the following vote:

FOR MR. TAYLOR: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

(Mayor Harris was absent.)

COMMITTEES-CONVENTION AND VISITORS BUREAU: The Vice-Mayor advised that the one-year term of office of A. Morris Turner, Jr., as a member of the Roanoke Valley Convention and Visitors Bureau will expire on June 30, 2005; and pursuant to an Agreement between the City of Roanoke and the Roanoke Valley Convention and Visitors Bureau, the City is entitled to appoint an additional member; whereupon, he opened the floor for nominations.

Council Member Cutler placed in nomination the name of A. Morris Turner, Jr., and Barton W. Wilner.

There being no further nominations, Mr. Turner was reappointed and Mr. Wilner was appointed as members of the Roanoke Valley Convention and Visitors Bureau, for terms ending June 30, 2006, by the following vote:

FOR MR. TURNER AND MR. WILNER: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

(Mayor Harris was absent.)

COMMITTEES-TOWING ADVISORY BOARD: The Vice-Mayor advised that the three-year terms of office of Christine Proffitt and Robert R. Young as members of the Towing Advisory Board will expire on June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancies.

Council Member Cutler placed in nomination the name of Robert R. Young.

There being no further nominations, Mr. Young was reappointed as a member of the Towing Advisory Board, for a term ending June 30, 2008, by the following vote:

FOR MR. YOUNG: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

(Mayor Harris was absent.)

PARKS AND RECREATION-COMMITTEES: The Vice-Mayor advised that the one-year terms of office of Richard Clark, Betty Field, Steven Higgs, Louise F. Kegley, Carl H. Kopitzke, Michael A. Loveman, E. C. Pace, III, and Eddie Wallace as members of the Mill Mountain Advisory Committee will expire June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancies.

Council Member Cutler placed in nomination the names of Richard Clark, Betty Field, Steven Higgs, Louise F. Kegley, Carl H. Kopitzke, Michael A. Loveman, E. C. Pace, III, and Eddie Wallace.

There being no further nominations, Mr. Clark, Ms. Field, Mr. Higgs, Ms. Kegley, Mr. Kopitzke, Mr. Loveman, Mr. Pace and Mr. Wallace were reappointed as members of the Mill Mountain Advisory Committee, for terms ending June 30, 2008, by the following vote:

FOR MR. CLARK, MS. FIELD, MR. HIGGS, MS. KEGLEY, MR. KOPITZKE, MR. LOVEMAN, MR. PACE AND MR. WALLACE: Council Members Lea, McDaniel, Wishneff, Cutler, Dowe and Vice-Mayor Fitzpatrick----------6.

(Mayor Harris was absent.)

(By consensus, Council changed the terms of office from one year to three year terms.)

There being no further business, the Vice-Mayor declared the meeting adjourned at 8:25 p.m.

APPROVED

ATTEST:

Mary F. Parker
City Clerk

Beverly T. Fitzpatrick, Jr.
Vice-Mayor

- - - - - - - - - - -

Minutes of July 5, 2005 not available for scanning.

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

C. NELSON HARRIS
Mayor

Council Members:
M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
Sherman P. Lea
Brenda L. McDaniel
Brian J. Wishneff

August 15, 2005

The Honorable Members of
the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

Beverly T. Fitzpatrick, Jr.
Vice-Mayor

BTFJr:snh

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 15, 2005

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham
City Manager

DLB/s

cc: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 15, 2005

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting to discuss the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham
City Manager

DLB/s

cc: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 15, 2005

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene a closed meeting to discuss the award of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in open session would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711.A.3, of the Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham
City Manager

DLB/s

cc: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk

CITY OF ROANOKE
OFFICE OF CITY CLERK

215 Church Avenue, S.W., Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145
E-mail: clerk@ci.roanoke.va.us

MARY F. PARKER, CMC
City Clerk

STEPHANIE M. MOON
Deputy City Clerk

SHEILA N. HARTMAN
Assistant City Clerk

August 15, 2005

The Honorable Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

I am advised that Mark C. McConnel has submitted his resignation as a member of the Roanoke Arts Commission.

With kindest personal regards, I am

Sincerely,

Mary F. Parker

Mary F. Parker, CMC
City Clerk

MFP:sm

ROANOKE

RETIREMENT ADMINISTRATION
Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 461
Roanoke, Virginia 24011
540.853.2062 fax: 540.853.6142

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Attached for your review is a summary of the Roanoke Pension Plan Board of Trustees' activities for the time period July 1, 2004 through June 30, 2005. The written minutes of each Board of Trustees meeting are located in the office of the Retirement Administrator, Andrea F. Trent.

On behalf of the appointed members of the Board of Trustees, we would like to take this occasion to thank City Council for the opportunity to be of service to our City.

Sincerely,

David C. Key
Chairman

DCK:ca

Attachment

c: Mary F. Parker, City Clerk
Board of Trustees, City of Roanoke Pension Plan

Annual Report
City of Roanoke Pension Plan Board of Trustees
June 30, 2005

There were four meetings scheduled during the above referenced time period.

July 21, 2004 Meeting

Members present: David C. Key
Jesse A. Hall
George F. Taylor
Donna S. Johnson
Efren T. Gonzalez
Darlene L. Burcham
Anthony P. Wallace
Michael W. Hanks

Members absent: Mayor C. Nelson Harris

The Board approved:

- 4 retirement from Employees' Retirement System (ERS); and
- 20 retirements from Employee's Supplemental Retirement System (ESRS).

The Board approved:

- 2 non-occupational disabilities from ESRS.

The Board denied:

- 1 non-occupational disability from ESRS.

The Board tabled:

- 1 non-occupational disability from ERS until further information can be obtained.

The Board approved revisions to an Administrative Policy relating to the Appeal Process of denied occupational and/or non-occupational applications as well as the submission of dual applications while waiting on a decision from the Board regarding the disability.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key.

A 2.1% Cost-of-Living Adjustment was approved by City Council for FY 2004-2005.

October 13, 2004 Meeting

Members present: David C. Key
Donna S. Johnson
Efren T. Gonzalez
Jesse A. Hall
Anthony P. Wallace
Michael W. Hanks
George F. Taylor

Members absent: Mayor C. Nelson Harris
Darlene L. Burcham

The Board approved:

- 10 retirements from ERS;
- 42 retirements from ESRS;
- 1 non-occupational disability from ESRS; and
- 3 retiree deaths with application for spousal allowances.

The Board denied:

- 1 non-occupational disability from ERS.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key.

Bill Dowd, of Palmer & Cay Consulting Group, attended the meeting to present the results of the 2004 Actuarial Valuation.

January 12, 2005 Meeting

Members present: David C. Key
Efren T. Gonzalez
Darlene L. Burcham
Jesse A. Hall
George F. Taylor
Anthony P. Wallace

Members absent: Mayor C. Nelson Harris
Donna S. Johnson
Michael W. Hanks

The Board approved:

- 6 retirements from ESRS;
- 1 non-occupational disability from ESRS; and
- 1 retiree death with application for spousal allowance.

The Board denied:

- 1 occupational disability from ERS; and
- 1 non-occupational disability from ESRS.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key.

The Board received a copy of the Auditor's Report and a copy of the Pension Plan Comprehensive Annual Financial Report. It was noted that the Pension Plan received a "clean opinion" from the KPMG, the Auditors.

April 13, 2005 Meeting

Members present: David C. Key
Efren T. Gonzalez
Donna S Johnson
Darlene L. Burcham
Jesse A. Hall
Michael W. Hanks
Anthony P. Wallace

Members absent: Mayor C. Nelson Harris
George F. Taylor

The Board approved:

- 1 retirement from ERS;
- 16 retirements from ESRS;
- 2 non-occupational disabilities from ESRS; and
- 3 retiree deaths with application for spousal allowances.

The Board denied:

- 3 non-occupational disabilities from ESRS;
- 1 occupational disability from ESRS; and
- 1 occupational/non-occupational disability from ESRS.

The Board tabled:

- 1 non-occupational disability from ESRS pending receipt of additional documentation.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
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CityWeb: www.roanokegov.com

August 15, 2005

Honorable C. Nelson Harris, Mayor and
Members of City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Fair Housing Board
Annual Report

This is to request space on Council's agenda for a 15 minute presentation on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:jb

c: City Clerk
City Attorney
Director of Finance

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August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Scanning Project CO05-0004

I concur with the recommendation from Brenda S. Hamilton, Clerk of Circuit Court, for the City of Roanoke, with respect to the subject reference above and recommend that City Council adopt the budget ordinance to establish a revenue estimate.

Sincerely,

Darlene L. Burcham
City Manager

DLB:sm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr.
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

SUBJECT: SCANNING PROJECT

Background:

The Clerk of Circuit Court is responsible, by statute, for the recordation of legal instruments. These instruments include: Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills, and other Probate Records, and Law, Chancery and Criminal Orders. These records must be maintained and be available to the public.

The Circuit Court Clerk's Office, for the City of Roanoke intends to begin a project, involving the scanning of certain older legal records maintained by the Clerk of Circuit Court and their incorporation into its existing optical imaging scanning and retrieval system. This will be done by using a temporary employee.

Presently, these documents are tri-folded and stored in metal file cabinets in the Clerk's Vault. Due to the nature of these documents and their relevance to title searches they are physically handled and inspected daily. The excessive and continued manual inspections, have led to damage of the originals, misfiling, unavailability and loss of information, thereby necessitating a safer, easier and more efficient approach to their availability and storage.

It is estimated that the completion of this project will take a minimum of six (6) months and cost $17,224.

Funding is available from the Commonwealth of Virginia Compensation Board Technology Fund. In using a temporary employee, the Compensation Board requires the local jurisdiction to manage the funding. The Department of Management and Budget will manage the funding of the $17,224.

Considerations:

The approval of this project is imperative, so that the Circuit Court Clerk's Office may provide both immediate public access for the inspection of these documents and to maintain the physical integrity and security of the original as mandated.

Recommended Action:

Adopt the accompanying budget ordinance to establish a revenue estimate in the amount of $17224 in the Grant Fund. Appropriate funding in the same amount into expenditure accounts to be established by the Director of Finance in the Grant Funds as noted below:

Temporary Wages	035-410-9620-1004	$16,000
FICA	035-410-9620-1120	$1,224

Respectively submitted,

Brenda S. Hamilton

Brenda S. Hamilton
Clerk of Circuit Court

BSH:jmh

cc: Darlene L. Burcham, City Manager
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget

-

C005-00004

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Scanning Project for the Clerk of the Circuit Court, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Temporary Employee Wages	035-410-9620-1004	16,000
FICA	035-410-9620-1120	1,224
Revenues		
Scanning Project-Clerk of Circuit Court	035-410-9620-9620	17,224

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Funding for Drug Prosecutor
CO05-0003

I concur with the recommendation from Donald Caldwell, Commonwealth Attorney, for the City of Roanoke, with respect to the subject reference above and recommend that City Council adopt the funding from the Compensation Board

Sincerely,

Darlene L. Burcham
City Manager

DLB:sm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance

COMMONWEALTH OF VIRGINIA

DONALD S. CALDWELL
COMMONWEALTH'S ATTORNEY

AREA CODE 540 TEL. NO. 853-2626
FAX 853-1201

CITY OF ROANOKE
OFFICE OF THE COMMONWEALTH'S ATTORNEY
315 CHURCH AVENUE
ROANOKE, VIRGINIA 24016

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Acceptance of Funding for Drug Prosecutor

Federal funding was made available to the State of Virginia to be used for the development of several Multi-Jurisdictional Special Drug Prosecutors statewide. The positions were developed to coordinate prosecutorial efforts among independent jurisdictions, reduce fractional and duplicate prosecutions, enhance the recovery of criminal assets, utilize federal, state and local resources to assure maximum prosecutorial effectiveness and to provide specialized prosecutorial resources to the regional drug enforcement effort. The Commonwealth's Attorneys of Craig County, Franklin County, Roanoke County, and the Cities of Roanoke and Salem applied on October 9, 1987, to the Commonwealth's Attorneys' Services Council, the State agency responsible for the administration of the grant money to fund a Multi-Jurisdictional Special Drug Prosecutor. City Council accepted the Multi-Jurisdictional Special Drug Prosecutor Grant in April, 1988, and a full-time Special Drug Prosecutor was hired in July, 1988. Annual re-application for this funding is required.

On April 15, 1994, funding for the Drug Prosecutor's Office was transferred from the Commonwealth's Attorneys' Services Council to the Compensation Board. The Compensation Board approved funding for the Drug Prosecutor in the amount of $91,494 on June 22, 2005, and funding will continue through June 30, 2006. The local match is $27,900 for a total of $119,394. Funding for the local share is available in General Fund - Transfer to Grant Fund (account number 001-250-9310-9535).

Recommended Action(s):

Accept funding from the Compensation Board in the amount of $91,494 with the City providing local match funding in the amount of $27,900. Authorize the City Manager to execute the requisite documents to obtain the funding from the Compensation Board. All such documents shall be reviewed and approved as to form by the City Attorney.

Appropriate $91,494 in state grant funds (see attachment 1) and establish a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund.

Transfer $27,900 from the General Fund Transfer to Grant Fund account (001-250-9310-9535) to the Grant Fund account created above and appropriate according to attachment 1.

Respectfully submitted,

Donald S. Caldwell
Roanoke City Commonwealth's Attorney

DSC:jf

Attachment

c: Darlene L. Burcham, City Manager
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sherman M. Stovall, Director of Management and Budget

Attachment 1

Program Accounts

1002	Regular Employee Salaries	$78,251
1105	ICMA - Retirement	$10,031
1115	ICMA - Match	$ 1,300
1120	FICA	$ 6,086
1125	Medical Insurance	$ 7,080
1126	Dental Insurance	$ 469
1130	Life Insurance	$ 0
1131	Disability Insurance	$ 20
2020	Telephone	$ 2,000
2030	Administrative Supplies	$ 3,257
2042	Dues & Membership	$ 400
2160	Postage	$ 500
2044	Training & Development	$ 1,000
3075	Other Rental	$ 9,000
	TOTAL	$119,394

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the Regional Drug Prosecutor Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Grant Fund		
Appropriations		
Regular Employee Salaries	035-150-5138-1002	78,251
ICMA - Retirement	035-150-5138-1105	10,031
ICMA Match	035-150-5138-1115	1,300
FICA	035-150-5138-1120	6,086
Medical Insurance	035-150-5138-1125	7,080
Dental Insurance	035-150-5138-1126	469
Disability Insurance	035-150-5138-1131	20
Telephone	035-150-5138-2020	2,000
Administrative Supplies	035-150-5138-2030	3,257
Dues and Memberships	035-150-5138-2042	400
Postage	035-150-5138-2160	500
Training and Development	035-150-5138-2044	1,000
Other Rental	035-150-5138-3075	9,000
Revenues		
Regional Drug Prosecutor FY06-Comp Board	035-150-5138-5113	91,494
Regional Drug Prosecutor FY06-Local Match	035-150-5138-5114	27,900

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

JHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke hereby accepts the funding for the regional drug prosecutor's office in the total amount of $91,494.00 from the Compensation Board of the Commonwealth of Virginia for the period of June 22, 2005 through June 30, 2006.

2. The City Manager is hereby authorized to accept, execute and file on behalf of the City of Roanoke any and all documents required to obtain such funding. All such documents to be approved as to form by the City Attorney.

3. The local share for Fiscal Year 2005-2006 shall be in the amount of $27,900.00.

4. The City Manager is further directed to furnish such additional information as may be required in connection with the acceptance of the foregoing funding or with such project.

ATTEST:

City Clerk

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff Council Member

Dear Mayor Harris and Members of City Council:

Subject: State Homeland Security Grant

Background:

The Virginia Department of Emergency Management has announced the allocation of the 2005 U.S. Department of Homeland Security (DHS), State Homeland Security Program Grant. This grant is designed to provide equipment, training, planning and exercises for first responders to develop better preparedness to prevent, respond and recover from potential acts of terrorism.

The City of Roanoke has been allocated a total of $97,667 under this grant. This amount is based upon a formula that provided $15,000 plus $0.87 per capita to our locality. Funding will be made available upon review of the budget detail listing and approval by the Virginia Department of Emergency Management.

Considerations:

This funding, which requires no local match, must be used according to the requirements specified by the Department of Homeland Security. The 2004 grant allows the expenditure of grant funds in four areas of need: Equipment Acquisition, Training, Planning, and Exercise. Equipment purchases must conform to the Office of Domestic Preparedness Authorized Equipment List.

Recommended Action:

Authorize the City Manager to execute and the City Clerk to attest, respectively, on behalf of the City of Roanoke, any documentation required in connection with obtaining and accepting this State Homeland Security Grant above allocation in the amount indicated and to furnish such additional information and take such additional action as may be needed to implement and administer such grant funds and agreements, such documents to be approved as to form by the City Attorney.

Appropriate funding of $97,667 to an account in the Grant Fund to be established by the Director of Finance. Authorize the Director of Finance to establish a revenue estimate of the same in the Grant Fund.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:jac

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
James L. Grigsby, Assistant City Manager for Operations
Paul Truntich, Administrator, Environmental and Emergency Management
Joe Coyle, Coordinator of Emergency Management

CM05-00115

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to establish the State Homeland Security Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Supplies- Grant - Fire EMS	035-520-3527-3032	$ 32,000
Supplies- Grant - Police	035-520-3527-3033	65,667
Revenues		
State Homeland Security FY06	035-520-3527-3528	97,667

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

R.T.

IN THE COUNCIL OF THE CITYOF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of the 2005 U. S. Department of Homeland Security Grant from the Virginia Department of Emergency Management to obtain federal funds under the State Homeland Security Grant Program administered by the Office of Domestic Preparedness and authorizing the execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City of Roanoke, a public entity established under the laws of the Commonwealth of Virginia, does hereby authorize its City Manager to execute an application and file it in the appropriate state office for the purpose of obtaining certain federal financial assistance from the Virginia Department of Emergency Management, such grant being more particularly described in the letter of the City Manager dated August 15, 2005, upon all the terms, provisions and conditions relating to such application.

2. Following application and any award of the Grant, the City of Roanoke authorizes its City Manager to accept the Grant from the Virginia Department of Emergency Management in the amount of $97,667.00, upon all the terms, provisions and conditions relating to the receipt of such funds.

3. The City Manager and the City Clerk, are hereby authorized to execute, and attest, respectively, the grant application, the grant agreement, and any other necessary documents and to provide all documents or information to the appropriate

agencies with regard to all matters pertaining to such Federal financial assistance and any and all information pertaining to this Grant as may be requested. All such documents to be approved as to form by the City Attorney.

ATTEST:

City Clerk

REVISED

6.a.4.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Grant Acceptance

Background:
On August 11, 2000, the Virginia Fire Services Board (VFSB) adopted a policy of providing grants, termed "Mini-Grants" from the interest earned by the Fire Programs Fund. The VFSB Committee on Fire Prevention and Control was charged with the responsibility of administering such programs in cooperation with the Virginia Department of Fire Programs (VDFP). A provision was adopted to restrict such grant activities - projects and programs which positively impact and/or further fire service training within the Commonwealth. The maximum award for any Mini-Grant is $10,000. In FY-01 the Mini-Grant's first award cycle, the Virginia Fire Services Board made 27 awards totaling over $100,000.

The Virginia Department of Fire Programs recently announced that the Roanoke Fire-EMS Department has been awarded a $5,772 Department of Fire Prevention (DFP) "Mini-Grant". The total award package requires no local match.

Considerations:
The award will be used by the department for support of computer services at the Roanoke Valley Regional Training Center. With this grant the Training Center will be able to have wireless internet access to cover the entire training complex. With this access, instruction and training will be more effective and enhanced.

Recommended Action:

Authorize acceptance of the grant award of $5,772, authorize the City Manager to execute the required grant agreement and any other related documents approved as to form by the City Attorney, and establish appropriate revenue and expenditure estimates in the Grant Fund in accounts to be established by the Director of Finance.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:tb

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
James Grigsby, Acting Assistant City Manager, Operations

CM05-0121

REVISED

6.a.4.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE appropriating funds for the DFP Computer Service Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Grant Fund		
Appropriations		
Program Supplies	035-520-3250-2066	$ 5,772
Revenues		
DFP Computer Service Grant FY06	035-520-3250-3250	5,772

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

JLS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the acceptance of a DFP Computer Services Grant from the Virginia Department of Fire Programs, and authorizing execution of any required documentation on behalf of the City.

BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The City Manager is hereby authorized on behalf of the City to accept from the Virginia Department of Fire Programs the DFP Computer Services Grant in the amount of $5,772.00, no local matching funds are required. Such grant being more particularly described in the letter of the City Manager, dated August 15, 2005.

2. The City Manager is hereby authorized to execute and file, on behalf of the City, any documents setting forth the conditions of the DFP Computer Services Grant, approved as to form by the City Attorney, required in connection with the acceptance of such grant and to furnish such additional information as may be required by the Virginia Department of Fire Programs.

ATTEST:

City Clerk

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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August 15, 2005

Honorable C. Nelson Harris, Mayor
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Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Subject: Virginia Pollutant Discharge Elimination System (VPDES) Stormwater Discharge Requirements Ordinance

Dear Mayor Harris and Members of City Council:

Background:

The City of Roanoke operates under a VPDES permit for its municipal separate storm sewer system (MS4). Our permit requires many actions and activities that are set out in our registration statement submitted to the Virginia Department of Environmental Quality (DEQ) in 2003.

One of our VPDES permit requirements is the development and adoption of a stormwater illicit discharge ordinance. The goal of this ordinance is to regulate stormwater discharges to the City's storm sewer system and to prohibit the illicit connection and discharge of non-stormwater to the City's storm sewer system.

As mandated by the VPDES program, the City is required to control the contribution of pollutants to the storm sewer system, to prohibit illicit discharges and connections to the storm sewer system, and to provide for the inspection, monitoring and enforcement of the prohibitions of illicit discharges and connections to our storm sewer system. Elimination of illicit discharges and pollutants in our storm sewer system will have a positive impact on the water quality of waterways.

Considerations:

To maintain compliance with our VPDES Stormwater Permit, adoption of a stormwater discharge requirements ordinance is required. In order to adopt a stormwater discharge requirements ordinance, the Code of the City of Roanoke (1979) needs to be amended to provide for such requirements. Attached is a proposed ordinance.

Recommended Action:

Amend the Code of the City of Roanoke (1979), as amended, by adding a new Chapter 11.3, Stormwater Discharge Requirements, by adopting the attached ordinance, which will be effective on and after September 1, 2005.

Sincerely,

Darlene L. Burcham
City Manager

Attachment

c: William M. Hackworth, City Attorney
Brian Townsend, Director of Planning, Building, and Development
Philip C. Schirmer, City Engineer
Paul Truntich, Environmental Administrator

CM05-00122

P.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE amending and reordaining the Code of the City of Roanoke (1979), as amended, by adding a new Chapter 11.3, Stormwater Discharge Requirements, providing requirements for the discharge of stormwater to the City of Roanoke's storm sewer system, prohibiting the discharge of non-stormwater to the City's storm sewer system, with certain exceptions, prohibiting the connection of any sanitary sewer line to the City's storm sewer system, and providing penalties for violation of this chapter; providing for an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, §10.1-603.3, Code of Virginia (1950), as amended, authorizes the City of Roanoke to adopt a local stormwater management program consistent with applicable regulations; the City's stormwater sewer system permit administered by the Virginia Department of Conservation and Recreation requires the adoption of provisions prohibiting certain discharges to a locality's storm sewer system and providing for enforcement of such prohibitions and of state law relating to such discharges; and the Charter of the City of Roanoke, Section 2 (31), authorizes the City to do those things necessary to promote or maintain the general welfare, comfort, and health of the City and its inhabitants; and

WHEREAS, City Council finds that it is necessary to provide for the health, safety, and general welfare of the inhabitants of the City of Roanoke through the regulation of non-stormwater discharges to the City's storm sewer system, as required by federal and state law and to provide for monitoring, inspection, and enforcement thereof.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to add a new Chapter 11.3, Stormwater Discharge Requirements, to read and provide as follows:

CHAPTER 11.3
STORMWATER DISCHARGE REQUIREMENTS

Sec. 11.3-1. In General.

The City of Roanoke finds that the uncontrolled discharge of pollutants to the City's storm sewer system has an adverse impact on the water quality of the receiving waters. Illicit discharges of substances other than stormwater could result in a significant source of pollutants to the City's storm sewer system. Amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) Program, which requires permits for discharges from municipal storm sewer systems into the waters of the United States. The United States Environmental Protection Agency (EPA) has promulgated regulations implementing the NPDES program. Moreover, the EPA has authorized the Commonwealth of Virginia to issue NPDES permits under the Virginia Pollutant Discharge and Elimination System (VPDES) permit system. The VPDES regulations for stormwater discharges requires certain municipalities, including the City of Roanoke, to control the contribution of pollutants to its storm sewer system, to prohibit illicit discharges to its storm sewer system, and to inspect, monitor, and enforce the prohibitions of illicit discharges to its storm sewer system.

Sec. 11.3-2. Intent and Purpose.

The intent and purpose of this chapter is to promote the public health, safety, and welfare of persons in the City through the regulation of stormwater discharges to the City's storm sewer system and to prohibit the illicit discharge of non-stormwater to the City's storm sewer system, subject to certain exceptions. This chapter is also intended to prohibit illicit connections and illicit discharges to the City's storm sewer system, and to establish inspections and monitoring procedures to ensure compliance with this chapter.

Sec. 11.3-3 *Definitions.*

The following words and terms as used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

Best Management Practices (BMPs) means the schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce pollutants from entering the storm sewer system or being improperly discharged from the storm sewer system. BMPs include, but are not limited to, treatment methods and practices to control the discharge of pollutants.

Clean Water Act (CWA) means the federal Clean Water Act (33 USC §1251, et seq.), formerly referred to as the Federal Water Pollution Control Act.

Director means the City of Roanoke Director of Public Works or his/her designee.

Discharge means to dispose, deposit, spill, pour, inject, dump, pump, leak, or place by any means, or that which is disposed, deposited, spilled, poured, injected, dumped, pumped, leaked, or placed by any means.

Illicit Connection means any connections to the City's storm sewer system which are not authorized by the City, by a valid NPDES or VPDES permit, or as may otherwise be authorized by law.

Illicit Discharge means any discharge to the storm sewer system or to the waters of the United States that is not composed entirely of stormwater, except discharges which are exempt pursuant to Section 11.3-4(b) of this chapter. Any discharge in violation of an NPDES or VPDES or other stormwater discharge permit shall constitute an illicit discharge.

Industrial Wastes means any liquid or wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource.

Inspection shall mean and include, but is not limited to, any on-site physical examination of all facilities and grounds which may discharge to a storm sewer system, a review of all records on the operation and maintenance of facilities and the results of any monitoring performed for compliance with state, federal, and local regulations or permit requirements.

Landscaping Chemicals means chemicals for maintaining lawns and landscapes including fertilizers, lime, and pesticides which include

herbicides, insecticides and fungicides, when used in accordance with the manufacturer's recommendations.

National Pollutant Discharge Elimination System (NPDES) means the federal program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under the CWA.

Other Wastes means wastes that can adversely affect waters of the United States when discharged into those waters, including, but not limited to, sewage, garbage, refuse, lime, fertilizer, ashes, offal, tar, paint, solvents, petroleum products, antifreeze, pesticides, and chemicals.

Person means any individual, firm, organization, partnership, association, organization or other entity, including governmental entities, or any combination thereof, or any agent or employee of any such entity.

Sanitary Sewer means a system of pipes, conduits, or other devices that collect and/or convey sanitary wastewater to a wastewater treatment or pumping facility.

Storm Sewer System means all facilities, conveyances, structures, and other items located within the City of Roanoke and owned and/or operated by the City which are designed or used for collecting, storing, treating, or conveying stormwater or through which stormwater is collected, stored, treated, or conveyed, including, but not limited to, roads, streets, catch basins, drop inlets, curbs, gutters, ditches, pipes, lakes, ponds, man-made channels, storm drains, outfalls, retention, detention and infiltration basins and other facilities.

Stormwater means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Virginia Pollutant Discharge Elimination System (VPDES) means the program issued by the Commonwealth of Virginia for imposing and enforcing pretreatment requirements pursuant to the CWA.

Sec. 11.3-4 Prohibited Discharges or Connections to the Storm Sewer System.

(a) It shall be unlawful and a violation of this chapter to do any of the following, except as may be provided in subsection (b) below:

(1) Cause or allow any illicit discharges, including but not limited to the discharge of sewage, industrial wastes or other wastes, into the storm sewer system, or any

component thereof, or onto driveways, sidewalks, parking lots, or any other areas draining to the storm sewer system.

(2) Connect, or cause or allow to be connected, any sanitary sewer to the storm sewer system, including any unauthorized sanitary sewer connected to the storm sewer system as of the date of the adoption of this chapter.

(3) Connect, or cause or allow to be connected, to the storm sewer system, without a valid VPDES or NPDES permit, or unless otherwise authorized by law, any structure that conveys any liquid or items other than stormwater or those discharges listed in subsection (b) below. Such illicit connections include, but are not limited to, pipes, drains, sanitary sewer lines, washing machine drains, or floor drains.

(4) Discharge any materials or items other than stormwater to the storm sewer system by spill, dumping, or disposal of any type without a valid federal and/or state permit or unless otherwise authorized by law.

(5) Throw, place, or deposit or cause to be thrown, placed, or deposited in the storm sewer system anything that impedes or interferes with the free flow of stormwater therein.

(6) Failure by any property owner to notify the City of Roanoke Director of Public Works of an illicit connection on or from such owner's property to the City's storm sewer system.

(7) Violate any condition or provision of this chapter or any permit granted for stormwater discharges.

(8) To enter or swim in any stormwater retention pond, storm sewer or drain, except that this shall not apply to any City personnel or others authorized to perform work in such areas.

(b) Subject to the provisions of subsection (c), the following activities shall not be unlawful or a violation of this chapter:

(1) Water line flushing;
(2) Landscape irrigation;
(3) Diverted stream flows or rising groundwater;
(4) Infiltration of uncontaminated groundwater;
(5) Pumping of uncontaminated groundwater;

(6) Discharges from potable water sources, foundation drains, irrigation water, springs, water from crawl spaces or footing drains;

(7) Air conditioning condensation;

(8) Lawn watering and maintenance with landscaping chemicals in accordance with the manufacturer's recommendations;

(9) Residential car washing;

(10) Dechlorinated swimming pool discharge;

(11) Street, right-of-way, and storm system construction/maintenance activities employing BMPs.

(12) Discharges or flows from emergency fire fighting activities and emergency response activities employing BMPs; or

(13) Any activity authorized by a valid Virginia Stormwater Management Program permit (VSMP), a valid VPDES or NPDES permit or a valid Virginia Pollution Abatement (VPA) permit, or as may otherwise be permitted by law.

(c) In the event any of the activities listed in subsection (b) above are found to cause pollutants to be discharged into the storm sewer system, the director shall so notify the person performing such activities, and shall order that such activities cease or be conducted in such a manner as to avoid the discharge of pollutants into the storm sewer system. The failure to comply with any such order shall constitute a violation of the provisions of this chapter.

Sec. 11.3-5. <u>Inspections and Monitoring</u>.

(a) The director shall have the authority to carry out all inspections and monitoring procedures necessary to determine compliance and/or noncompliance with this chapter, and to enforce this chapter, including the prohibition of illicit discharges to the storm sewer system. The director may monitor stormwater outfalls or other components of the storm sewer system as may be appropriate in the administration and enforcement of this chapter.

(b) The director shall have the authority to require a stormwater pollution prevention plan from any person whose discharges cause or may cause a violation of the City's (VSMP) permit or any other permit required of the City relating to stormwater discharges.

(c) The director and/or duly authorized employees, agents, or representatives of the City, bearing proper credentials and identification, shall be authorized to enter any public or private property at any reasonable time for the purpose of enforcing this chapter, including, but not limited to taking samples of discharges, inspecting monitoring equipment, inspecting and copying

documents relevant to the enforcement of this chapter, and such other items as may be deemed necessary for the enforcement of this chapter.

(d) The director shall have the authority to require any person responsible for a discharge to the storm sewer system to document that such discharge meets and is in compliance with the requirements of this chapter. This includes, but is not limited to, the ability of the director to require such person to provide monitoring reports, test results to show that the discharge meets the requirements of this chapter, and such other matters as may be deemed necessary to show that such discharge is in compliance with the requirements of this chapter. The cost of any required documentation shall be the responsibility of the person responsible for the discharge.

(e) The failure of any person to comply with any of the requirements of this section shall constitute a violation of this chapter.

11.3-6. <u>Enforcement of Chapter and Penalties</u>.

(a) Any person who violates any of the provisions of this chapter shall be guilty of a Class I misdemeanor and upon conviction is subject to punishment by a fine of not more than two thousand five hundred dollars ($2,500.00) per violation per day and confinement in jail for not more than twelve (12) months, either or both.

(b) Each day during which a violation of this chapter occurs or continues shall be deemed a separate and distinct violation of this chapter.

(c) Any person who commits any of the acts prohibited by this chapter or violates any of the provisions of this chapter shall be liable to the City for all costs of testing, containment, cleanup, abatement, removal, disposal, and any other related costs or expenses that the City may incur in connection with the enforcement of this chapter and/or the prohibition and/ or correction of a violation of this chapter and/or the abatement of any illicit discharge to the storm sewer system.

(d) The director may bring legal action to enjoin a violation of this chapter and the existence of any other remedy shall be no defense to any such action.

(e) In addition to any of the remedies set forth above, the director may seek to impose, or have imposed by the appropriate authority, any

of the remedies provided for by §10.1-603.14, Code of Virginia (1950), as amended, which are incorporated herein by reference.

(f) *In any court action that may result from enforcement of this chapter, a judge hearing the case may direct the person responsible for the violation or the property owner to correct the violation and each day that the violation continues shall constitute a separate violation of this chapter.*

(g) *Any person who knowingly makes any false statements, representations, or certifications in any record, report, or other document, either filed or requested pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required or used by the director under this chapter in monitoring discharges, shall be guilty of a violation of this chapter.*

(h) *The remedies set forth in this section shall be cumulative, not exclusive, and it shall be no defense to any action that one or more of the remedies set forth in this section has been sought or granted.*

Sec. 11.3-7. *Compliance with other Laws and Regulations.*

This chapter supplements the provisions of other federal, state, and City laws, codes, ordinances, rules, and regulations and all applicable federal, state, and City laws, codes, ordinances, rules, and regulations shall be complied with as well as the provisions of this chapter.

2. This ordinance shall be in full force and effect on and after September 1, 2005.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is dispensed with.

ATTEST

City Clerk.

CITY OF ROANOKE
OFFICE OF CITY ATTORNEY
464 MUNICIPAL BUILDING
215 CHURCH AVENUE, SW
ROANOKE, VIRGINIA 24011-1595

TELEPHONE: 540-853-2431
FAX: 540-853-1221
EMAIL: cityatty@roanokeva.gov

WILLIAM M. HACKWORTH
CITY ATTORNEY

TIMOTHY R. SPENCER
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

August 15, 2005

Honorable C. Nelson Harris, Mayor
and Members of City Council
Roanoke, Virginia

Re: Amend and reordain Ordinance No. 36226-020303

Dear Mayor Harris and Members of Council:

The City of Roanoke Redevelopment and Housing Authority ("Authority") is in the process of taking over from the Northwest Neighborhood Environmental Organization ("NNEO") the development of the Fifth Street Gateway project in the 500 Block of Loudon Avenue, N.W. On February 3, 2003, at the request of NNEO, City Council adopted Ordinance No. 36226-020303, closing two alleys in the area of the project. In accordance with the City's usual practice, the Ordinance required that within one year from the date of adoption of the Ordinance, NNEO have a subdivision plat prepared and recorded, combining the closed alleys with the adjoining lots. Because the plat was never prepared and recorded, the Ordinance by its terms became void.

To allow the Authority to close the alleys, the Authority has requested that City Council amend and reordain Ordinance No. 36226-020303, allowing the Authority additional time to prepare and record an appropriate plat.

I recommend that City Council adopt the attached measure, amending and reordaining Ordinance No. 36226-020303, allowing a plat of subdivision to be prepared and recorded within thirty-six months after February 3, 2003, the date of adoption of the original ordinance.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth

William M. Hackworth
City Attorney

WMH:s
Attachment

cc: Darlene L. Burcham, City Manager
R. Brian Townsend, Director, Planning, Building and Development
Daniel F. Layman, Jr., Esquire

SJT
7/14/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining Ordinance No. 36226-020303; and dispensing with the second reading by title of this ordinance.

WHEREAS, by adopting Ordinance No. 36226-020303, on February 3, 2003, City Council intended to permanently vacate, discontinue and close a certain alley running from 5th Street to 6th Street, N.W., between Loudon and Centre Avenues, N.W., as well as an alley extending in a southerly direction from Loudon Avenue, N.W., to the aforesaid alley, lying between Official Tax Nos. 2013109 through 2013114, inclusive;

WHEREAS, Ordinance No. 36226-020303 provided that it would be null and void, with no further action by City Council being necessary, if a plat of subdivision implementing the ordinance were not recorded within twelve months of the date of adoption of the ordinance;

WHEREAS, Ordinance No. 36226-020303, became null and void, by its terms, when a plat of subdivision was not recorded within twelve months after the adoption of the ordinance; and

WHEREAS, an extension of time in which the plat of subdivision can be recorded after adoption of the ordinance to thirty-six months, will effectuate the purpose of Ordinance No. 36226-020303;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that the next to last paragraph of Ordinance No. 36226-020303 be amended to read and provide as follows, and that such ordinance be reordained as amended:

> BE IT FURTHER ORDAINED that if the above conditions have not been met within thirty-six (36) months from the date of adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FURTHER ORDAINED that the applicant shall record a certified copy of this ordinance along with the copy of Ordinance No. 36226-020303 that is to be recorded with the Clerk of the Circuit Court.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461
P.O. Box 1220
Roanoke, Virginia 24006-1220
Telephone: (540) 853-2821
Fax: (540) 853-6142

JESSE A. HALL
Director of Finance
email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER
Deputy Director
email: ann_shawver@ci.roanoke.va.us

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Authority to Reduce or Waive Interest and Penalty Payments

Background:

Since 1978, Section 2-238 of the Code of the City of Roanoke ("City Code") has provided the authority for the Director of Finance to accept interest or penalty payments at a rate less than prescribed and to waive interest and penalty in certain circumstances, such as for delinquent taxes, fees, assessments, and weed, trash, demolition and boarding up liens. On occasion, this authority is beneficial to the City in order to achieve collection results. This authority is used infrequently, and when used, the reason for waiving penalty and interest is documented for internal control and audit purposes. Occasionally the Treasurer encounters circumstances whereby, in order to treat customers equitably, interest and penalty may need to be waived. However, the Code does not currently provide this authority.

Consideration:

The Director of Finance and the City Treasurer concur that the authority to reduce or waive interest and penalty should be extended to the City Treasurer. It is anticipated that this authority will be used infrequently and well documented.

Recommendation:

Approve an amendment to the City Code providing authority for the City Treasurer to reduce or waive interest and penalty payments.

Sincerely,

Jesse A. Hall

Jesse A. Hall
Director of Finance

c: The Honorable Evelyn W. Powers, City Treasurer
Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending Article IX, City Treasurer, of Chapter 2, Administration, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §2-206, Authority to reduce or waive interest and penalty payments, in order to grant to the Treasurer of the City of Roanoke the power to waive certain penalties and interest when, in the Treasurer's discretion it is just and proper; and dispensing with the second reading by title paragraph of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Article IX, City Treasurer, of Chapter 2, Administration, of the Code of the City of Roanoke (1979), as amended, is hereby amended by the addition of a new §2-206, Authority to reduce or waive interest and penalty payments, in order to grant to the Treasurer of the City of Roanoke the power to waive certain penalties and interest with regard to payments owed the City which have not been paid in a timely fashion, when, in the Treasurer's discretion it is just and proper, and such section shall read and provide as follows:

2-206. Authority to reduce or waive interest and penalty payments.

The treasurer, when in the treasurer's discretion it is just and proper, may accept interest or penalty payments at a rate less than that prescribed by this Code or may waive such interest or penalty payments for failure to pay in a timely fashion any of the following obligations:

(1) Assessments against owners of abutting property for public improvements.

(2) Charges levied against landowners for failure to remove noxious weeds or for removal of buildings, walls or other structures which might endanger the public health and safety.

(3) City taxes.

(4) Other fees and charges owed the city.

In each instance the treasurer waives such penalty and interest, the treasurer shall document in writing, to be kept on file, the reason for such waiver.

3. Pursuant to Chapter 12 of the Roanoke Charter, the second reading by title paragraph is hereby dispensed with.

ATTEST:

City Clerk.

ROANOKE CITY SCHOOL BOARD
P. O. Box 13145
Roanoke, Virginia 24031
(540) 853-2381

August 15, 2005

The Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on August 9, the Board approved the attached resolutions to participate in the 2005 Interest Rate Subsidy Program Bond Sale – VPSA School Financing Bonds (1997 Resolution) Series 2005 D. The proceeds of the bond issue will be used in lieu of the Literary Fund loans approved by the State for the Fallon Park Elementary School and Westside Elementary School projects. The School Board will pay the debt service on the VPSA Interest Rate Subsidy Bond Issue.

The use of the bond issue provides:

- An interest rate of 3%--the same as the Literary Fund loan rate.
- The debt will not count against the $20 million Literary Fund loan debt ceiling for the locality.
- The first debt service payment will not be due until the 2006-07 fiscal year.

Roanoke City Council is requested to approve resolutions indicating that Roanoke City desires to participate in the VPSA bond issue for Fallon Park and Westside Elementary Schools. No further action is required of the City at this time. If the application is approved by the VPSA board, Council will be requested to conduct a public hearing and perform any other procedural matters that may be required for participation in the VPSA bond issue.

The Roanoke City School Board appreciates the assistance of the City Administration in preparing the necessary resolutions and documents required for participation in the VPSA bond issue.

Sincerely,

Cindy H. Lee

Cindy H. Lee
Clerk of the Board

re

Enc.

cc: Mrs. Kathy G. Stockburger
Mr. Marvin T. Thompson
Mr. Bernard J. Godek
Mr. Kenneth F. Mundy
Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall

August 9, 2005

RESOLUTION AUTHORIZING CERTAIN IMPROVEMENTS, AUTHORIZING AN APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY FOR INTEREST RATE SUBSIDY BOND FINANCING, AND REQUESTING ROANOKE CITY COUNCIL TO ISSUE GENERAL OBLIGATION SCHOOL BONDS FOR SCHOOL PURPOSES AND CONSENTING TO THE ISSUANCE THEREOF

BE IT RESOLVED:

1) The School Board of the City of Roanoke, Virginia hereby (i) approves capital improvements for the renovation of Fallon Park Elementary School at an estimated cost of $1,695,000 (the "Project"), (ii) authorizes and approves the filing of an application to the Virginia Public School Authority ("VPSA") seeking interest rate subsidy bond financing in an amount not to exceed $1,200,000, and (iii) requests that the City Council of the City of Roanoke, Virginia, (the "City") authorize the City to issue its general obligation school bonds to be sold to VPSA in an aggregate principal amount not to exceed $1,200,000, for the purpose of financing a portion of the cost of the project.
2) This resolution shall take effect immediately by the following recorded vote:

	Yea	Nay
Kathy G. Stockburger, Chair	_____	_____
David B. Trinkle, Vice Chair	_____	_____
David B. Carson	_____	_____
William H. Lindsey	_____	_____
Gloria P. Manns	_____	_____
Alvin L. Nash	_____	_____
Courtney A. Penn	_____	_____

The undersigned Clerk of the School Board of the City or Roanoke, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the School Board held the 9th day of August, 2005.

WITNESS, my signature and seal of the School Board of the City of Roanoke, Virginia, this 9th day of August, 2005.

(SEAL)

_____

Clerk, School Board of City of Roanoke, Virginia

August 9, 2005

RESOLUTION AUTHORIZING CERTAIN IMPROVEMENTS, AUTHORIZING AN APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY FOR INTEREST RATE SUBSIDY BOND FINANCING, AND REQUESTING ROANOKE CITY COUNCIL TO ISSUE GENERAL OBLIGATION SCHOOL BONDS FOR SCHOOL PURPOSES AND CONSENTING TO THE ISSUANCE THEREOF

BE IT RESOLVED:

1) The School Board of the City of Roanoke, Virginia hereby (i) approves capital improvements for the renovation of Westside Elementary School at an estimated cost of $4,237,288 (the "Project"), (ii) authorizes and approves the filing of an application to the Virginia Public School Authority ("VPSA") seeking interest rate subsidy bond financing in an amount not to exceed $3.85 Million, and (iii) requests that the City Council of the City of Roanoke, Virginia, (the "City") authorize the City to issue its general obligation school bonds to be sold to VPSA in an aggregate principal amount not to exceed $3.85 Million, for the purpose of financing a portion of the cost of the project.
2) This resolution shall take effect immediately by the following recorded vote:

	Yea	Nay
Kathy G. Stockburger, Chair	_____	_____
David B. Trinkle, Vice Chair	_____	_____
David B. Carson	_____	_____
William H. Lindsey	_____	_____
Gloria P. Manns	_____	_____
Alvin L. Nash	_____	_____
Courtney A. Penn	_____	_____

The undersigned Clerk of the School Board of the City or Roanoke, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the School Board held the 9th day of August, 2005.

WITNESS, my signature and seal of the School Board of the City of Roanoke, Virginia, this 9th day of August, 2005.

(SEAL)

_____

Clerk, School Board of City of Roanoke, Virginia

WOODS ROGERS PLC
ATTORNEYS AT LAW

GEORGE J. A. CLEMO

August 10, 2005

City Council
City of Roanoke, Virginia
Roanoke, Virginia

Resolutions Authorizing Application for VPSA School Bond Financing

Gentlemen and Ms. McDaniel:

Our firm serves as bond counsel to the City in connection with certain school bond financings. In November of 2003, the School Board and City Council approved an application to the Literary Fund for a loan of $1,600,000 to finance capital improvements at Fallon Park Elementary School. In December of 2004, the School Board and City Council approved an application to the Literary Fund for a loan of $3,850,000 to finance capital improvements at Westside Elementary School Those applications were approved by the Department of Education and are currently on the Literary Fund loan waiting list at numbers 41 and 42 respectively, with no Literary Fund loans in sight to fund those loans.

As we have typically done in the past, once a Literary Fund loan has been approved by the state, the City usually participates in a Virginia Public School Authority interest rate subsidy financing in lieu of the Literary Fund loan. This allows the City to complete the financing in a timely manner on terms that are economically the same as the Literary Fund loan. Thus, the proposed VPSA financings will replace the Literary Fund financings previously approved by Council for Fallon Park Elementary and Westside Elementary. The deadline for the City to submit an application to participate in the VPSA fall 2005 interest rate subsidy bond issue is August 31, 2005. City Schools staff are working to put that application together.

The School Board adopted a resolution at its August 9, 2005, meeting authorizing the application and requesting the City Council to authorize the issuance of the bonds. In order to file the application by the VPSA deadline, Council will need to adopt resolutions authorizing the filing of the application. I have prepared the form of Council resolutions necessary to accomplish this, in form comparable to resolutions we have used in these circumstances in the past. The resolutions also authorizes publication of a notice for the public hearing required under the Public Finance Act before the bonds can be issued. These resolutions are on the agenda for consideration by Council at its August 15, 2005, meeting

These resolutions do not constitute final approval for issuance of the bonds. Once Council has held a public hearing (on September 19, 2005) on the issuance of the bonds, and

P.O. Box 14125 / Roanoke, Virginia 24038-4125
10 South Jefferson Street, Suite 1400
540 983-7600 / Fax 540 983-7711 / mail@woodsrogers.com
Offices also in Blacksburg, Danville, Lynchburg and Richmond, Virginia

VPSA has provided us with the final debt service schedules for the bonds, we will submit final bond resolutions to Council for its approval, probably in mid October, 2005. Bond proceeds are expected to be available around November 10, 2005.

Sincerely,

George J. A. Clemo

cc: William Hackworth, City Attorney
Bernard Godek, Assistant Superintendent, Roanoke City Schools

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing and directing the City Manager to file an application with the Virginia Public School Authority seeking bond financing in an amount estimated not to exceed $1,200,000.00 to finance certain capital improvements to Fallon Park Elementary School, previously approved pursuant to Resolutions No. 36547-111703 and No. 36548-111703, adopted by the Council at its November 17, 2003, meeting.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager or the Assistant City Manager is hereby authorized and directed to file an application with the Virginia Public School Authority for bond financing in an amount estimated not to exceed $1,200,000.00 (the "Bonds") to finance capital improvements at Fallon Park Elementary School.

2. The City Clerk is hereby authorized and directed to publish in accordance with applicable law a public notice of public hearing in connection with the proposed Bonds to be held on September 19, 2005.

3. The undersigned Clerk of the City of Roanoke, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on August 15, 2005, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify (a) that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present, and (b) that the attendance of the members and voting on the foregoing resolution was as follows:

	Present	Absent	Aye	Nay	Abstain
C. Nelson Harris, Mayor	_____	_____	___	___	_____
Beverly T. Fitzpatrick, Jr., Vice Mayor	_____	_____	___	___	_____
M. Rupert Cutler	_____	_____	___	___	_____
Alfred T. Dowe, Jr.	_____	_____	___	___	_____
Sherman P. Lea	_____	_____	___	___	_____
Brenda L. McDaniel	_____	_____	___	___	_____
Brian J. Wishneff	_____	_____	___	___	_____

WITNESS MY HAND and the seal of the City of Roanoke, Virginia, this ___ day of August, 2005.

Clerk, City of Roanoke, Virginia

CHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing and directing the City Manager to file an application with the Virginia Public School Authority seeking bond financing in an amount estimated not to exceed $3,850,000.00 to finance certain capital improvements to Westside Elementary School, previously approved pursuant to Resolutions No. 36922-122004 and No. 36923-122004, adopted by the Council at its December 20, 2004, meeting.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager or the Assistant City Manager is hereby authorized and directed to file an application with the Virginia Public School Authority for bond financing in an amount estimated not to exceed $3,850,000.00 (the "Bonds") to finance capital improvements at Westside Elementary School.

2. The City Clerk is hereby authorized and directed to publish in accordance with applicable law a public notice of public hearing in connection with the proposed Bonds to be held on September 19, 2005.

3. The undersigned Clerk of the City of Roanoke, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on August 15, 2005, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify (a) that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present, and (b) that the attendance of the members and voting on the foregoing resolution was as follows:

	Present	Absent	Aye	Nay	Abstain
C. Nelson Harris, Mayor	_____	_____	___	___	_____
Beverly T. Fitzpatrick, Jr., Vice Mayor	_____	_____	___	___	_____
M. Rupert Cutler	_____	_____	___	___	_____
Alfred T. Dowe, Jr.	_____	_____	___	___	_____
Sherman P. Lea	_____	_____	___	___	_____
Brenda L. McDaniel	_____	_____	___	___	_____
Brian J. Wishneff	_____	_____	___	___	_____

WITNESS MY HAND and the seal of the City of Roanoke, Virginia, this ___ day of August, 2005.

Clerk, City of Roanoke, Virginia

ROANOKE CITY SCHOOL BOARD
P. O. Box 13145
Roanoke, Virginia 24031
(540) 853-2381

August 15, 2005

The Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on August 9, the Board respectfully requests City Council to appropriate the following funds:

- $2,143.00 for the Title I Winter Program to provide remedial reading, language arts, and mathematics instruction for students in targeted schools. This continuing program is one hundred percent reimbursed by federal funds.
- $15,000.00 for the Regional Education Specialist Program to provide ancillary and support services for the Adult Literacy and Basic Education Program in the planning district. This continuing program is one hundred percent reimbursed by State funds.
- $9,000.00 for the Thurman Foundation Homeless Child Mentoring Project to provide mentoring services to 43 children in grades 6-12, targeting the adolescent stage of life. A donation for the entire program has been received.

The School Board thanks you for your approval of the above request.

Sincerely,

Cindy H. Lee

Cindy H. Lee, Clerk

re

cc: Mrs. Kathy G. Stockburger
Mr. Marvin T. Thompson
Mr. Bernard J. Godek
Mr. Kenneth F. Mundy
Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Paul Workman (with accounting details)

CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461
P.O. Box 1220
Roanoke, Virginia 24006-1220
Telephone: (540) 853-2821
Fax: (540) 853-6142

JESSE A. HALL
Director of Finance
email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER
Deputy Director
email: ann_shawver@ci.roanoke.va.us

August 15, 2005

The Honorable C. Nelson Harris, Mayor
The Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Sherman P. Lea, Council Member
The Honorable Brenda L. McDaniel, Council Member
The Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

As the result of official School Board action at its meeting on August 9, the Board respectfully requests City Council to appropriate the following funds:

- $2,143 for the Title I Winter Program to provide remedial reading, language arts, and mathematics instruction for students in targeted schools. This continuing program is one hundred percent reimbursed by federal funds.

- $15,000 for the Regional Education Specialist Program to provide ancillary and support services for the Adult Literacy and Basic Education Program in the planning district. This continuing program is one hundred percent reimbursed by State funds.

- $9,000 for the Thurman Foundation Homeless Child Mentoring Project to provide mentoring services to 43 children in grades 6-12, targeting the adolescent stage of life. A donation for the entire program has been received.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,

Jesse A. Hall

Jesse A. Hall
Director of Finance

Attachment

JAH/PRW/pac

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Marvin T. Thompson, Superintendent
Sherman M. Stovall, Director of Management and Budget

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for the 2004-05 Title I Winter Program, Regional Adult Education Specialist 2005-06, and Thurman Foundation Homeless Child Mentoring Project, amending and reordaining certain sections of the 2005-2006 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2005-2006 School Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Elementary Teachers	030-061-6120-6000-0121	$ 2,143
Regional Education Specialist	030-062-6786-6351-0124	11,842
Clerical	030-062-6786-6351-0151	3,000
Social Security	030-062-6786-6351-0201	1,751
Communications	030-062-6786-6351-0523	(693)
Supplies	030-062-6786-6351-0614	(900)
Mentor	030-063-6887-6100-0129	6,225
Social Security	030-063-6887-6100-0201	475
Travel Expenses	030-063-6887-6100-0554	1,650
Mentoring Activities	030-063-6887-6100-0586	430
Supplies	030-063-6887-6100-0614	220
Revenues		
Federal Grant Receipts	030-061-6120-1102	2,143
State Grant Receipts	030-062-6786-1100	15,000
Donation	030-063-6887-1103	9,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Subject: Commonwealth Building Lease

Background:

Ordinance No. 27529 on May 6, 1985 authorized the United States of America General Services Administration (GSA) lease in the Commonwealth Building located at 220 Church Avenue. GSA has leased this location since February 1986. The current lease agreement expired March 31, 2005.

GSA has requested a new lease agreement with similar terms and conditions. The previous lease had a one (1) year term at an annual lease rate of $131,290.20. The proposed lease agreement is for an additional ten (10) year period, beginning April 1, 2005, through March 31, 2015 at an annual lease rate of $254,280.00 for the first five (5) years and $224,289.00 for the second five years. The higher rental rate for the first five (5) year term is to reimburse the City for the cost of space renovations. During the second five years of this lease, either party may terminate this lease with a two-year notice period. There are no renewal options for this lease.

Recommended Action:

Authorize the City Manager to execute a lease agreement with the successful bidder for 17,253 ANSI/BOMA usable square feet 19,841 rentable square feet in the Commonwealth Building located at 220 Church Avenue, Roanoke, Virginia for a period of up to ten (10) years, beginning April 1, 2005 and expiring March 31, 2015. All documents shall be upon form approved by the City Attorney.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:lpp

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Dana Long, Manager of Billings and Collections
Brian Townsend, Acting Director of Economic Development
Sherman Stovall, Director of Management and Budget
David Collins, Assistant City Attorney
Lisa Poindexter-Plaia, Economic Development Specialist

CM05-00117

STANDARD FORM 2 FEBRUARY 1965 EDITION GENERAL SERVICES ADMINISTRATION FPR (41 CFR) 1-16.601	**U.S. GOVERNMENT** **LEASE FOR REAL PROPERTY**

DATE OF LEASE	LEASE NO. GS-03B- 05319

THIS LEASE, made and entered into this date by and between

City of Roanoke Virginia

whose address is:
P.O. Box 1461
Roanoke, Virginia 24007

and whose interest in the property hereinafter described is that of Owner.

hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WITNESSETH: The parties hereto for the consideration hereinafter mentioned, covenant and agree as follows:

1. The Lessor hereby leases to the Government the following described premises:

17,253 ANSI/BOMA usable (19,841) square feet of office and related space at The Commonwealth Building, 215 Church Avenue, S.W., Roanoke, Virginia 24011.

to be used for such purposes as determined by the General Services Administration.

2. TO HAVE AND TO HOLD the said premises with their appurtenances for the term beginning on April 1, 2005 through March 31, 2015, subject to termination and renewal rights as may be hereinafter set forth.

3. The Government shall pay the Lessor annual rent of $ 254,280.00 at the rate of $ 21,190.00 per month in arrears for years 1-5. The Government shall pay the Lessor annual rent of $ 224,289.00 at a rate of $ 18,690.75 per month in arrears for years 6-10. Rent for a lesser period shall be prorated. Rent checks shall be made payable to:

City of Roanoke Virginia, P.O. Box 1451, Roanoke, Virginia 24007

4. The Government may terminate this lease at any time after the first five (5) years of this lease by giving at least 730 days notice in writing to the Lessor and no rental shall accrue after the effective date of termination. The Lessor may terminate this lease at any time after the first five (5) years of this lease by giving at least 730 days notice in writing to the Government and no rental shall accrue after the effective date of termination Said notice shall be computed commencing with the day after the date of mailing.

5. This lease may be renewed at the option of the Government, for the following terms and at the following rentals:

No renewal options.

6. The Lessor shall furnish to the Government, as part of the rental consideration, the following:

A. All services, utilities,maintenance operations, and other considerations as set forth in this lease.
B. This lease contains 31 pages.

7. The following are attached and made a part hereof:
~~The General Provisions and Instructions (Standard Form 2 - A _____ edition).~~
A. Rider to Lease GS-03B-05319 being paragraphs 9 through 13.
B. Solicitation for Offers.
C. General Clauses (GSA Form 3517).
D. Representations and Certifications (GSA Form 3518).

8. The following changes were made in this lease prior to its execution:

None

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

LESSOR
City of Roanoke Virginia

BY _____ (Signature) _____ (Signature)

IN PRESENCE OF:

_____ (Signature) _____ (Address)

UNITED STATES OF AMERICA GENERAL SERVICES ADMINISTRATION

BY _____ (Signature) Contracting Officer (Official title)

STANDARD FORM 2
FEBRUARY 1965 EDITION

9. In no event shall the lessor enter into negotiations concerning the space leased with representatives of Federal agencies other than Contracting Officers and their designated representatives of the General Services Administration.

10. The total percentage of space occupied by the Government under the terms of the lease is equal to 36.17 percent of the total space available in the lessor's building.

11. For purposes of determining the base rate for future adjustments to the operating cost the Government agrees that the base rate quoted on the "Lessor's Annual Cost Statement", which is $6.00 per usable square foot ($5.22 rentable), is acceptable. This figure includes the Government's pro-rata share of operating costs. The Government retains the right to inspect and review the lessor's records to verify the costs listed on the GSA Form 1217 and/or to require a certified audit report. The basis for annual operating costs escalations will be the revised U.S. All Cities Average Consumer Price Index for Wage Earners and Clerical Workers.

12. Notwithstanding any other provision of this agreement requiring the Government to give notice to exercise any option contained herein for extension of the lease for additional space in the facility, or for purchase of the facility, the lessor shall notify the Contracting Officer, in writing, at least 30 days and no more than 60 days prior to the time the option must be exercised. In the event the lessor fails to notify the Government, as required by this paragraph, the Government shall have the right to exercise the option at anytime prior to the expiration of the lease. If GSA exercises the option to renew the lease, said rental will be based on the amount of operating cost adjustments accrued up to date of renewal and calculation on the basis of the new adjusted base rate for services and utilities.

13. Definitions:

A. Where the word "offeror" appears it shall be considered to be "Lessor" .
B. Where the word "should" appears it shall be considered to be "shall".
C. Where the word "solicitation" appears it shall mean "Lease".

INITIALS: _____ & _____
GOV'T LESSOR

BUILDING SHELL REQUIREMENTS (SEP 2000)

A. The Lessor's buildout obligations in providing a building shell (at the Lessor's expense) shall include the following:

1. Base structure and building enclosure components shall be complete. All common areas accessible by the Government, such as lobbies, fire egress corridors and stairwells, elevators, garages, and services areas, shall be complete. Restrooms shall be complete and operational. All newly installed building shell components, including but not limited to, heating, ventilation, and air conditioning (HVAC), electrical, ceilings, sprinklers, etc., shall be furnished, installed, and coordinated with Tenant Improvements.

2. *Accessibility Requirements.* Accessibility to persons with disabilities shall be required throughout the common areas accessible to Government tenants in accordance with both the ADAAG and the UFAS and shall be installed and coordinated with Tenant Improvements. Refer to the "Accessibility" paragraph and the "Accessibility and Seismic Safety" paragraph in the AWARD FACTORS section of this SFO.

3. *Ceilings.* A complete acoustical ceiling system (which includes grid and lay-in tiles) throughout the Government-demised area and all common areas accessible to Government tenants shall be required in accordance with the "Ceilings" paragraph in the ARCHITECTURAL FINISHES section of this SFO. The acoustical ceiling system shall be furnished, installed, and coordinated with Tenant Improvements.

4. *Doors.* Exterior building doors and doors necessary to the lobbies, common areas, and core areas shall be required. This does not include suite entry or interior doors specific to Tenant Improvements. Related hardware shall be installed in accordance with the "Doors: Hardware" paragraph and the "Doors: Exterior" paragraph in the ARCHITECTURAL FINISHES section of this SFO.

5. *Partitions.* Permanent, perimeter, and demising slab-to-slab partitions (including all columns) finished with paint and base shall be required in accordance with the "Partitions: General" paragraph and the "Partitions: Permanent" paragraph in the ARCHITECTURAL FINISHES section of this SFO.

6. *Flooring.* All building common areas shall have finished floors in accordance with the "Floor Covering and Perimeters" paragraph in the ARCHITECTURAL FINISHES section of this SFO.

7. *Plumbing.* The Offeror shall include cost of plumbing in common areas, such as for toilet rooms and janitor closets as part of the building shell cost. Hot and cold water risers and domestic waste and vent risers, installed and ready for connections that are required for Tenant Improvements, shall be included in the shell rent.

8. *HVAC.* Central HVAC systems shall be installed and operational, including, as appropriate, main and branch lines, VAV boxes, dampers, flex ducts, and diffusers, for an open office layout, including all building common areas. Conditioned air through medium pressure duct work at a rate of .75 cubic feet per minute per ANSI/BOMA Office Area square foot shall be provided.

9. *Electrical.* Electrical power distribution panels and circuit breakers shall be available in an electrical closet, with capacity at 277/480 volt (V) and 120/208 V, 3-phase, 4-wire system providing 7 watts (W) per ANSI/BOMA Office Area square foot.

10. *Lighting.* Parabolic type 2'-0" wide x 2'-0" long fluorescent lighting fixtures (or other building standard fixtures) shall be installed in the ceiling grid for an open office plan at the ratio of one (1) 2'-0" x 4'-0" fixture per 80 ANSI/BOMA Office Area square feet or two (2) 2'-0" x 2'-0" fixture per 80 ANSI/BOMA Office Area square feet. Lighting as necessary shall be provided in all building common areas in accordance with the "Lighting: Interior and Parking" paragraph in the MECHANICAL, ELECTRICAL, PLUMBING section of this SFO.

11. *Safety and Environmental Management.* Complete safety and environmental management shall be provided throughout the building in accordance with federal, state, and local codes and laws including, but not limited to, such items as fire detection and alarms, emergency building power for life safety systems, etc., and shall be in accordance with both the ADAAG and the UFAS. Where sprinklers are required in the Government-demised area, sprinkler mains and distribution piping in a "protection" layout (open plan) with heads turned down with an escutcheon or trim plate shall be provided.

12. *Telephone Rooms.* Building telecommunication rooms on each floor shall be completed, operational, and ready for Tenant Improvements. The telephone closets shall include a telephone backboard.

13. *Demolition.* Any demolition of existing improvements that is necessary to satisfy the Government's layout shall be done at the Lessor's expense.

14. All of the above improvements are described in more detail hereinafter in this SFO.

TENANT IMPROVEMENTS (SEP 2000)

A. The Tenant Improvement Allowance shall be used for building out the Government-demised area in accordance with the Government-approved design intent drawings. All Tenant Improvements required by the Government for occupancy shall be performed by the successful Offeror as part of the rental consideration, and all improvements shall meet the quality standards and requirements of this SFO and GSA Form 3517, General Clauses.

B. The Tenant Improvement Allowance shall include all general contractor fees, subcontractor's profit and overhead costs, Offeror's profit and overhead, design costs, and other associated project fees necessary to prepare construction documents to complete the Tenant Improvements. It is the successful Offeror's responsibility to prepare all documentation (working drawings, etc.)

INITIALS: _____ & _____
LESSOR GOV'T

required to receive construction permits. **NO COSTS ASSOCIATED WITH THE BUILDING SHELL SHALL BE INCLUDED IN THE TENANT IMPROVEMENT PRICING.**

1.0 MISCELLANEOUS

1.1 UNIT COSTS FOR ADJUSTMENTS

A. The Offeror is required to state in the offer or in an attachment units prices for the items listed below. Prices shall be quoted as fully installed and finished. The unit prices may be used, upon acceptance by GSA, during the first year of the lease to price alterations costing $100,000 or less. These prices may be indexed or renegotiated to apply to subsequent years of the lease upon mutual agreement of the Lessor and the Government.

1. The cost per linear foot of office subdividing ceiling-high partitioning.
2. The cost per floor-mounted duplex electrical outlet.
3. The cost per wall-mounted duplex electrical outlet.
4. The cost per floor-mounted fourplex (double duplex) electrical outlet.
5. The cost per wall-mounted fourplex (double duplex) electrical outlet.
6. The cost per dedicated clean electrical computer receptacle.
7. The cost per floor-mounted telephone outlet.
8. The cost per wall-mounted telephone outlet.
9. The cost per interior door.

1.2 SUBSEQUENT TENANT IMPROVEMENTS $100,000 OR LESS (SEP 2000)

A. The Lessor may be requested to provide alterations during the term of the lease. Alterations will be ordered by issuance of GSA Form 276, Supplemental Lease Agreement, GSA Form 300, Order for Supplies or Services, or a Tenant Agency-approved form. The two clauses from GSA Form 3517, General Clauses, 552.232-25, *Prompt Payment* (Deviation FAR 52.232-25), and 552.232-70, *Invoice Requirements*, apply to orders for alterations. All orders are subject to the terms and conditions of this lease.

B. Orders may be placed by the 1) Contracting Officer, 2) GSA Buildings Manager, or 3) Tenant Agency officials when specifically authorized to do so by the Contracting Officer. The Contracting Officer will provide the Lessor with a list of Tenant Agency officials authorized to place orders and will specify any limitations on the authority delegated to Tenant Agency officials. The Tenant Agency officials are not authorized to deal with the Lessor on any other matters.

C. Payments for alterations ordered by the Tenant Agency will be made directly by the Tenant Agency placing the order.

1.3. OPERATING COSTS (JUN 1985)

(a) Beginning with the second year of the lease and each year after, the Government shall pay adjusted rent for changes in costs for cleaning services, supplies, materials, maintenance, trash removal, landscaping, water, sewer charges, heating, electricity, and certain administrative expenses attributable to occupancy. Applicable costs listed on GSA Form 1217, Lessor's Annual Cost Statement, when negotiated and agreed upon, will be used to determine the base rate for operating costs adjustment.

(b) The amount of adjustment will be determined by multiplying the base rate by the percent of change in the Cost of Living Index. The percent change will be computed by comparing the index figure published for the month prior to the lease commencement date with the index figure published for the month which begins each successive 12-month period. For example, a lease which commences in June of 1985 would use the index published for May of 1985 and that figure would be compared with the index published for May of 1986, May of 1987, and so on, to determine the percent change. The Cost of Living Index will be measured by the U.S. Department of Labor revised Consumer Price Index for wage earners and clerical workers, U.S. City average, all items figure, (1982-84 = 100) published by the Bureau of Labor Statistics. Payment will be made with the monthly installment of fixed rent. Rental adjustments will be effective on the anniversary date of the lease. Payment of the adjusted rental rate will become due on the first workday of the second month following the publication of the Cost of Living Index for the month prior to the lease commencement date.

(c) If the Government exercises an option to extend the lease term at the same rate as that of the original term, the option price will be based on the adjustment during the original term. Annual adjustments will continue.

(d) In the event of any decreases in the Cost of Living Index occurring during the term of the occupancy under the lease, the rental amount will be reduced accordingly. The amount of such reductions will be determined in the same manner as increases in rent provided under this clause.

(e) The offer must clearly state whether the rental is firm throughout the term of the lease or if it is subject to annual adjustment of operating costs as indicated above. If operating costs will be subject to adjustment, it should be specified on the GSA Form 1364, Proposal to Lease Space, contained elsewhere in this solicitation.

INITIALS: _____ & _____
LESSOR GOV'T

1.4 OPERATING COSTS BASE (SEP 2000)
The base for the operating costs adjustment will be established during negotiations based upon ANSI/BOMA Office Area square feet.

1.5 RENTABLE SPACE (SEP 2000)
Rentable space is the area for which a tenant is charged rent. It is determined by the building owner and may vary by city or by building within the same city. The rentable space may include a share of building support/common areas such as elevator lobbies, building corridors, and floor service areas. Floor service areas typically include restrooms, janitor rooms, telephone closets, electrical closets, and mechanical rooms. The rentable space does not include vertical building penetrations and their enclosing walls, such as stairs, elevator shafts, and vertical ducts.

1.6 ANSI/BOMA OFFICE AREA SQUARE FEET (SEP 2000)

A. For the purposes of this SFO, the Government recognizes the American National Standards Institute/Building Owners and Managers Association (ANSI/BOMA) international standard (Z65.1-1996) definition for Office Area, which means "the area where a tenant normally houses personnel and/or furniture, for which a measurement is to be computed."

B. ANSI/BOMA Office Area square feet shall be computed by measuring the area enclosed by the finished surface of the room side of corridors (corridors in place as well as those required by local codes and ordinances to provide an acceptable level of safety and/or to provide access to essential building elements) and other permanent walls, the dominant portion (refer to Z65.1) of building exterior walls, and the center of tenant-separating partitions. Where alcoves, recessed entrances, or similar deviations from the corridor are present, ANSI/BOMA Office Area square feet shall be computed as if the deviation were not present.

1.7 COMMON AREA FACTOR (SEP 2000)
If applicable, the Offeror shall provide the Common Area Factor (a conversion factor(s) determined by the building owner and applied by the owner to the ANSI/BOMA Office Area square feet to determine the rentable square feet for the offered space).

1.8 APPURTENANT AREAS
The right to use appurtenant areas and facilities is included. The Government reserves the right to post Government rules and regulations where the Government leases space.

1.9 LIQUIDATED DAMAGES, GSAR 552.270-15 (SEP 1999)
In case of failure on the part of the Lessor to complete the work within the time fixed in the lease contract or letter of award, the Lessor shall pay the Government as fixed and agreed liquidated damages, pursuant to this paragraph, the sum of $180 for each and every calendar day that the delivery is delayed beyond the date specified for delivery of all the space ready for occupancy by the Government. This remedy is not exclusive and is in addition to any other remedies which may be available under this lease or at law.

1.10 ADJUSTMENT FOR VACANT PREMISES, GSAR 552.270-16 (VARIATION) (SEP 1999)

A. If the Government fails to occupy any portion of the leased premises or vacates the premises in whole or in part prior to expiration of the term of the lease, the rental rate will be reduced.

B. The rate will be reduced by that portion of the costs per ANSI/BOMA Office Area square foot of operating expenses not required to maintain the space. In addition, the base cost of services subject to escalation will be reduced by said amount. The reduction shall occur after the Government gives 30 calendar days prior notice to the Lessor and shall continue in effect until the Government occupies the premises or the lease expires or is terminated.

C. The reduction in operating costs shall be $6.00 per ANSI/BOMA Office Area Square Foot.

2.0 GENERAL ARCHITECTURE

2.1 QUALITY AND APPEARANCE OF BUILDING EXTERIOR (SEP 2000)
The space offered shall be located in a modern office building with a facade of stone, marble, brick, stainless steel, aluminum, or other permanent materials in good condition acceptable to the Contracting Officer. If not in a new office building, the space offered shall be in a building that has undergone, or will complete by occupancy, first class restoration or adaptive reuse for office space with modern conveniences. If the restoration work is underway or proposed, then architectural plans acceptable to the Contracting Officer shall be submitted as part of the offer. The building shall be compatible with its surroundings. Overall, the building shall project a professional and aesthetically-pleasing appearance including an attractive front and entrance way. The building shall have energy-efficient windows or glass areas consistent with the structural integrity of the building, unless not appropriate for intended use. The facade, downspouts, roof trim, and window casing shall be clean and in good condition.

2.2 EXISTING FIT-OUT, SALVAGED, OR RE-USED BUILDING MATERIAL (SEP 2000)

A. Items and materials existing in the offered space, or to be removed from the offered space during the demolition phase, are eligible for reuse in the construction phase of the project. The reuse of items and materials is preferable to recycling them; however, items considered for reuse shall be in refurbishable condition and shall meet the quality standards set forth by the Government in this SFO. In the absence of definitive quality standards, the Lessor shall ensure that the quality of the item(s) in question shall meet or exceed accepted industry or trade standards for first quality commercial grade applications.

B. The Lessor shall submit a reuse plan to the Contracting Officer. The Government will not pay for existing fixtures and other Tenant Improvements accepted in place. However, the Government will reimburse the Lessor, as part of the Tenant Improvement

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LESSOR GOV'T

Allowance, the costs to repair or improve such fixtures or improvements identified on the reuse plan and approved by the Contracting Officer.

2.3 INDOOR AIR QUALITY DURING CONSTRUCTION (SEP 2000)

A. The Lessor shall provide to the Government material safety data sheets (MSDS) upon request for the following products prior to their installation or use: adhesives, caulking, sealants, insulating materials, fireproofing or firestopping materials, paints, carpets, floor and wall patching or leveling materials, lubricants, clear finish for wood surfaces, and janitorial cleaning products.

B. The Contracting Officer may eliminate from consideration products with significant quantities of toxic, flammable, corrosive, or carcinogenic material and products with potential for harmful chemical emissions. Materials used often or in large quantities will receive the greatest amount of review.

C. All MSDS shall comply with Occupational Safety and Health Administration (OSHA) requirements. The Lessor and its agents shall comply with all recommended measures in the MSDS to protect the health and safety of personnel.

D. To the greatest extent possible, the Lessor shall sequence the installation of finish materials so that materials that are high emitters of volatile organic compounds (VOC) are installed and allowed to cure before installing interior finish materials, especially soft materials that are woven, fibrous, or porous in nature, that may adsorb contaminants and release them over time.

E. Where demolition or construction work occurs adjacent to occupied space, the Lessor shall erect appropriate barriers (noise, dust, odor, etc.) and take necessary steps to minimize interference with the occupants. This includes maintaining acceptable temperature, humidity, and ventilation in the occupied areas during window removal, window replacement, or similar types of work.

F. A final flush-out period of 48 hours to 72 hours shall be provided before occupancy. The Lessor shall ventilate with 100 percent outside air at the recommended air change rate during installation of materials and finishes. Refer to the latest edition of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc. ANSI/(ASHRAE) Standard 62, *Ventilation for Acceptable Indoor Air Quality*. If outside air would cause unacceptable inside temperature levels, humidity levels, and/or air quality, an alternate ventilation plan may be submitted to the Contracting Officer for approval.

2.4 WORK PERFORMANCE (SEP 2000)

All work in performance of this lease shall be done by skilled workers or mechanics and shall be acceptable to the Contracting Officer. The Contracting Officer retains the right to reject the Lessor's workers 1) if such are either unlicensed, unskilled, or otherwise incompetent or 2) if such have demonstrated a history of either untimely or otherwise unacceptable performance in connection with work carried out in conjunction with either this contract or other Government or private contracts.

2.5 BUILDING SYSTEMS (JAN 1997)

Whenever requested, the Lessor shall furnish at no cost to GSA a report by a registered professional engineer(s) showing that the building and its systems as designed and constructed will satisfy the requirements of this lease.

2.6 SPACE EFFICIENCY (SEP 2000)

The design of the space offered shall be conducive to efficient layout and good utilization as determined by the Government at its sole discretion.

2.7 FLOOR PLANS AFTER OCCUPANCY

Within 45 days after occupancy, as-built mylar reproducible full floor plans, scaled at 1/8" = 1'-0", showing the space under lease, as well as corridors, stairways, and core areas, shall be provided to the Contracting Officer.

2.8 CAD AS-BUILT FLOOR PLANS (SEP 2000)

Computer-Aided Design (CAD) files of as-built floor plans showing the space under lease, as well as corridors, stairways, and core areas, shall be provided to the Contracting Officer along with the mylar drawings required in the "Floor Plans After Occupancy" paragraph in the GENERAL ARCHITECTURE section of this SFO. All drawing submittals must be prepared in accordance with GSA Region 3's CAD Deliverables Policy. The policy is available at www.gsa.gov/midatlanticcadpolicy. The Lessor's operator shall demonstrate the submission on GSA equipment, if requested by the Contracting Officer.

2.9 FLOORS AND FLOOR LOAD (SEP 2000)

All adjoining floor areas shall be 1) of a common level not varying more than 1/4 inch over a 10-foot, 0-inch horizontal run in accordance with the American Concrete Institute standards, 2) non-slip, and 3) acceptable to the Contracting Officer. Underfloor surfaces shall be smooth and level. Office areas shall have a minimum live load capacity of 50 pounds per ANSI/BOMA Office Area square foot plus 20 pounds per ANSI/BOMA Office Area square foot for moveable partitions. Storage areas shall have a minimum live load capacity of 100 pounds per ANSI/BOMA Office Area square foot including moveable partitions. A report showing the floor load capacity, at no cost to the Government, by a registered professional engineer may be required. Calculations and structural drawings may also be required.

2.10 EXITS AND ACCESS (SEP 1991)

Vestibules shall be provided at public entrances and exits wherever weather conditions and heat loss are important factors for consideration. In the event of negative air pressure conditions, provisions shall be made for equalizing air pressure.

INITIALS: _____ & _____
LESSOR GOV'T

2.11 WINDOWS (SEP 2000)

A. Office space shall have windows in each exterior bay unless waived by the Contracting Officer.

B. All windows shall be weather-tight. Operable windows that open shall be equipped with locks. Off-street, ground level windows and those accessible from fire escapes, adjacent roofs, and other structures that can be opened shall be fitted with a sturdy locking device.

2.12 ACCESSIBILITY (SEP 2000)

The building, leased space, and areas serving the leased space shall be accessible to persons with disabilities in accordance with both the ADAAG (36 CFR Part 1191, App. A) and the UFAS (41 CFR Part 101-19.6, App. A). Where standards conflict, the more stringent shall apply.

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LESSOR GOV'T

3.0 ARCHITECTURAL FINISHES

3.1 RECYCLED CONTENT PRODUCTS (COMPREHENSIVE PROCUREMENT GUIDELINES) (SEP 2000)

A. The Lessor shall comply to the extent feasible with the Resource Conservation and Recovery Act (RCRA), Section 6002, 1976. The Lessor shall use recycled content products as indicated in this SFO and as designated by the U.S. Environmental Protection Agency (EPA) in the Comprehensive Procurement Guidelines (CPG), 40 CFR Part 247, and its accompanying Recovered Materials Advisory Notice (RMAN). The CPG lists the designated recycled content products. EPA also provides recommended levels of recycled content for these products. The list of designated products, EPA's recommendations, and lists of manufacturers and suppliers of the products can be found at the *www.epa.gov/cpg/products.htm* web site.

B. The Offeror, if unable to comply with both the CPG and RMAN lists, shall submit a request for waiver for each material to the Contracting Officer with initial offers. The request for waiver shall be based on the following criteria:

1. the cost of the recommended product is unreasonable;
2. inadequate competition exists;
3. items are not available within a reasonable period of time; and
4. items do not meet the SFO's performance standards.

3.2 ENVIRONMENTALLY PREFERABLE BUILDING PRODUCTS AND MATERIALS (SEP 2000)

A. The Lessor shall use environmentally preferable products and materials where economically feasible. Environmentally preferable products have a lesser or reduced effect on human health and the environment when compared to other products and services that serve the same purpose.

B. Refer to EPA's environmentally preferable products web site, *www.epa.gov/opptintr/epp.* In general, environmentally preferable products and materials do one or more of the following:

1. contain recycled material, are biobased, or have other positive environmental attributes;
2. minimize the consumption of resources, energy, or water;
3. prevent the creation of solid waste, air pollution, or water pollution; and
4. promote the use of non-toxic substances and avoid toxic materials or processes.

3.3 WOOD PRODUCTS (SEP 2000)

A. For all new installations of wood products, the Lessor is encouraged to use independently certified forest products. For information on certification and certified wood products, refer to the Forest Stewardship Council United States web site (*www.fscus.org/*) or the Certified Forest Products Council web site (*www.certifiedwood.org/*).

B. New installations of wood products used under this contract shall not contain wood from endangered wood species, as listed by the Convention on International Trade in Endangered Species. The list of species can be found at the following web site: *www.certifiedwood.org/Resources/CITES/CITESContent.html.*

C. Particle board, strawboard, and plywood materials shall comply with Department of Housing and Urban Development (HUD) standards for formaldehyde emission controls. Plywood materials shall not emit formaldehyde in excess of 0.2 parts per million (ppm), and particleboard materials shall not emit formaldehyde in excess of 0.3 ppm.

3.4 ADHESIVES AND SEALANTS (SEP 2000)

All adhesives employed on this project (including, but not limited to, adhesives for carpet, carpet tile, plastic laminate, wall coverings, adhesives for wood, or sealants) shall be those with the lowest possible VOC content below 20 grams per liter and which meet the requirements of the manufacturer of the products adhered or involved. The Lessor shall use adhesives and sealants with no formaldehyde or heavy metals.

3.5 INSULATION: THERMAL, ACOUSTIC, AND HVAC (SEP 2000)

A. All insulation products shall contain recovered materials as required by EPA's CPG and related recycled content recommendations.

B. No insulation installed with this project shall be material manufactured using chlorofluorocarbons (CFC's), nor shall CFC's be used in the installation of the product.

C. All insulation containing fibrous materials exposed to air flow shall be rated for that exposure or shall be encapsulated.

D. Insulating properties for all materials shall meet or exceed applicable industry standards. Polystyrene products shall meet American Society for Testing and Materials (ASTM) C578-91.

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3.6 CEILINGS (SEP 2000)

A. Ceilings shall be at least 8 feet, 0 inches and no more than 12 feet, 0 inches measured from floor to the lowest obstruction. Areas with raised flooring shall maintain these ceiling height limitations above the finished raised flooring. Bulkheads and hanging or surface-mounted light fixtures which impede traffic ways shall be avoided. Ceilings shall be uniform in color and appearance throughout the leased space, with no obvious damage to tiles or grid.

B. Ceilings shall have a minimum noise reduction coefficient (NRC) of 0.60 throughout the Government-demised area.

C. Prior to closing the ceiling, the Lessor shall coordinate with the Government for the installation of any items above the ceiling.

D. Should the ceiling be installed in the Government-demised area prior to the Tenant Improvements, then the Lessor shall be responsible for all costs in regard to the disassembly, storage during alterations, and subsequent re-assembly of any of the ceiling components which may be required to complete the Tenant Improvements. The Lessor shall also bear the risk for any damage to the ceiling or any components thereof during the alterations.

E. Ceilings shall be a flat plane in each room and shall be suspended with ample light fixtures and finished as follows unless an alternate equivalent is pre-approved by the Contracting Officer:

1. *Restrooms.* Plaster or pointed and taped gypsum board.

2. *Offices and Conference Rooms.* Mineral and acoustical tile or lay in panels with textured or patterned surface and tegular edges or an equivalent pre-approved by the Contracting Officer. Tiles or panels shall contain recycled content.

3. *Corridors and Eating/Galley Areas.* Plaster or pointed and taped gypsum board or mineral acoustical tile.

3.7 WALL COVERINGS (SEP 2000)

A. BUILDING SHELL:

1. *Physical Requirements.*

a. Prior to occupancy, all restrooms within the building common areas of Government-occupied floors shall have 1) ceramic tile in splash areas and 2) vinyl wall covering not less than 13 ounces per square yard as specified in Federal Specification (FS) CCC-W-408C on remaining wall areas or an equivalent pre-approved by the Contracting Officer.

b. Prior to occupancy, all elevator areas which access the Government-demised area and hallways accessing the Government-demised area shall be covered with vinyl wall coverings not less than 22 ounces per square yard as specified in FS CCC-W-408C or an equivalent pre-approved by the Contracting Officer.

2. *Replacement.* All wall covering shall be maintained in "like new" condition for the life of the lease. Wall covering shall be replaced or repaired at the Lessor's expense any time during the Government's occupancy if it is torn, peeling or permanently stained; the ceramic tile in the restrooms shall be replaced or repaired if it is loose, chipped, broken, or permanently discolored. All repair and replacement work shall be done after working hours.

B. TENANT IMPROVEMENT INFORMATION:

1. In the event the Government chooses to install wall covering as part of the Tenant Improvement Allowance, the minimum standard is established as vinyl or polyolefin commercial wall covering weighing not less that 13 ounces per square yard as specified in FS CCC-W-408C or equivalent. The finish shall be pre-approved by the Contracting Officer.

2. All wall covering in the Government-demised area shall be maintained in "like new" condition for the life of the lease. Repair or replacement of wall covering shall be at the Lessor's expense and shall include the moving and returning of furnishings, (except where wall covering has been damaged due to the negligence of the Government), any time during the occupancy by the Government if it is torn, peeling, or permanently stained. All repair and replacement work shall be done after working hours.

3.8 PAINTING (SEP 2000)

A. BUILDING SHELL:

1. The Lessor shall bear the expense for all painting associated with the building shell. These areas shall include all common areas. Exterior perimeter walls and interior core walls within the Government-demised area shall be spackled and prime painted with low VOC primer. If any building shell areas are already painted prior to Tenant Improvements, then the Lessor shall repaint, at the Lessor's expense, as necessary during Tenant Improvements.

2. Public areas shall be painted at least every 3 years. Tenant areas shall be repainted every five (5) years (See TI information section B, #3, below).

B. TENANT IMPROVEMENT INFORMATION:

1. Prior to occupancy, all surfaces within the Government-demised area which are designated by GSA for painting shall be newly finished in colors acceptable to GSA.

2. Where feasible, reprocessed or consolidated latex paint with zero or low VOC shall be used in accordance with EPA's CPG on all painted surfaces. The type of paint shall be acceptable to the Contracting Officer. The Lessor shall follow the manufacturer's recommendations for the application and maintenance of all paint products.

3. Painted surfaces shall be repainted at the **Lessor's** expense **(as part of the shell rent, not TI)**, including the moving and returning of furnishings, at least every 5 years, and any time during the occupancy by the Government if it is peeling or

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permanently stained, except where damaged due to the negligence of the Government. All work shall be done after normal working hours as defined elsewhere in this SFO.

3.9 DOORS: EXTERIOR (SEP 2000)

A. BUILDING SHELL:

1. Exterior doors shall be provided at the Lessor's expense unless explicitly requested by the Government in addition to those provided by the Lessor. Exterior doors shall be weather-tight and shall open outward. Hinges, pivots, and pins shall be installed in a manner which prevents removal when the door is closed and locked.

2. These doors shall have a minimum clear opening of 32" wide x 80" high (per leaf). Doors shall be heavy-duty, flush, 1) hollow steel construction, 2) solid-core wood, or 3) insulated tempered glass. As a minimum requirement, hollow steel doors shall be fully insulated, flush, #16-gauge hollow steel. Solid-core wood doors and hollow steel doors shall be at least 1-3/4 inches thick. Door assemblies shall be of durable finish and shall have an aesthetically-pleasing appearance acceptable to the Contracting Officer. The opening dimensions and operations shall conform to the governing building, fire safety, accessibility for the disabled, and energy codes and/or requirements.

3.10 DOORS: SUITE ENTRY (SEP 2000)

A. TENANT IMPROVEMENT INFORMATION:

Suite entry doors shall be provided as part of the Tenant Improvements at the Government's expense and shall have a minimum clear opening of 32" wide x 84" high (per leaf). Doors shall meet the requirements of being a flush, solid-core, 1-3/4-inch thick, wood door with a natural wood veneer face or an equivalent pre-approved by the Contracting Officer. Hollow core wood doors are not acceptable. They shall be operable by a single effort and shall be in accordance with *National Building Code* requirements. Doors shall be installed in a metal frame assembly, finished with a semi-gloss oil based paint finish.

3.11 DOORS: INTERIOR (SEP 2000)

A. TENANT IMPROVEMENT INFORMATION:

Doors within the Government-demised area shall be provided as part of the Tenant Improvements at the Government's expense and shall have a minimum clear opening of 32" wide x 80" high. Doors shall meet the requirements of being a flush, solid-core, wood door with a natural wood veneer face or an equivalent pre-approved by the Contracting Officer. Hollow core wood doors are not acceptable. They shall be operable with a single effort and shall be in accordance with *National Building Code* requirements. Doors shall be installed in a metal frame assembly, primed and finished with a low VOC semi-gloss oil based paint with no formaldehyde.

3.12 DOORS: HARDWARE (SEP 2000)

A. BUILDING SHELL:

Doors shall have door handles or door pulls with heavy-weight hinges. All doors shall have corresponding door stops (wall- or floor-mounted) and silencers. All public use doors and toilet room doors shall be equipped with kick plates. Exterior doors and all common area doors shall have automatic door closers. All building exterior doors shall have locking devices installed to reasonably deter unauthorized entry. Properly rated and labeled fire door assemblies shall be installed on all fire egress doors.

B. TENANT IMPROVEMENT INFORMATION:

Doors shall have door handles or door pulls with heavy-weight hinges. All doors shall have corresponding door stops (wall- or floor-mounted) and silencers. All door entrances leading into the Government-demised area from public corridors and exterior doors shall have automatic door closers. Doors designated by the Government shall be equipped with 5-pin, tumbler cylinder locks, and strike plates. All locks shall be master keyed. The Government shall be furnished with at least two master keys for each lock.

3.13 DOORS: IDENTIFICATION (SEP 2000)

A. BUILDING SHELL:

All signage required in common areas unrelated to tenant identification shall be provided and installed at the Lessor's expense.

B. TENANT IMPROVEMENT INFORMATION:

Door identification shall be installed in approved locations adjacent to office entrances as part of the Tenant Improvement Allowance. The form of door identification shall be approved by the Contracting Officer.

3.14 PARTITIONS: GENERAL (SEP 2000)

A. BUILDING SHELL:

Partitions in public areas shall be marble, granite, hardwood, sheetrock covered with durable vinyl wall covering, or an equivalent pre-approved by the Contracting Officer.

3.15 PARTITIONS: PERMANENT (SEP 2000)

A. BUILDING SHELL:

Permanent partitions shall extend from the structural floor slab to the structural ceiling slab. They shall be provided by the Lessor at the Lessor's expense as necessary to surround the Government-demised area, stairs, corridors, elevator shafts, toilet rooms, all columns, and janitor closets. They shall have a flame spread rating of 25 or less and a smoke development rating of 50 or less (ASTM E-84). Stairs, elevators, and other floor openings shall be enclosed by partitions and shall have the fire resistance required by National Fire Protection Association (NFPA) Standard 101, *Life Safety Code*.

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3.16 PARTITIONS: SUBDIVIDING (SEP 2000)

A. BUILDING SHELL:
Any demolition of existing improvements which is necessary to satisfy the Government's layout shall be done at the Lessor's expense.

B. TENANT IMPROVEMENT INFORMATION:
1. Office subdividing partitions shall comply with applicable building codes and local requirements and shall be provided at the expense of the Government. Partitioning shall extend from the finished floor to the finished ceiling and shall be designed to provide a sound transmission class (STC) of 37. Partitioning shall be installed by the Lessor at locations to be determined by the Government as identified in the design intent drawings. They shall have a flame spread rating of 25 or less and a smoke development rating of 50 or less (ASTM E-84).

2. HVAC shall be rebalanced and lighting repositioned, as appropriate, after installation of partitions.

3. Partitioning requirements may be met with existing partitions if they meet the Government's standards and layout requirements.

3.17 FLOOR COVERING AND PERIMETERS (SEP 2000)

A. BUILDING SHELL:
1. Exposed interior floors in primary entrances and lobbies shall be marble, granite, terrazzo, or an equivalent pre-approved by the Contracting Officer. Exposed interior floors in secondary entrances, elevator lobbies, and primary interior corridors shall be high-grade carpet, marble, granite, terrazzo, durable vinyl composite tile, or an equivalent pre-approved by the Contracting Officer. Resilient flooring, or an equivalent pre-approved by the Contracting Officer, shall be used in telecommunications rooms. Floor perimeters at partitions shall have wood, rubber, vinyl, marble, carpet base, or an equivalent pre-approved by the Contracting Officer.

2. Terrazzo, unglazed ceramic tile, recycled glass tile, and/or quarry tile shall be used in all toilet and service areas unless another covering is pre-approved by the Contracting Officer.

B. CARPET – REPAIR OR REPLACEMENT:
1. Except when damaged by the Government, the Lessor shall repair or replace carpet at the Lessor's expense at any time during the lease term when:

   a. backing or underlayment is exposed;

   b. there are noticeable variations in surface color or texture; or

   c. tears and tripping hazards are present.

2. Repair or replacement shall include the moving and returning of furnishings. Work shall be performed after normal working hours as defined elsewhere in this SFO.

C. RESILIENT FLOORING – REPAIR OR REPLACEMENT:
1. Except when damaged by the Government, the Lessor shall repair or replace resilient flooring at the Lessor's expense at any time during the lease term when:

   a. it has curls, upturned edges, or other noticeable variations in texture.

2. Repair or replacement shall include the moving and returning of furnishings. Work shall be performed after normal working hours as defined elsewhere in this SFO.

D. TENANT IMPROVEMENT INFORMATION:
1. Floor covering shall be either carpet or resilient flooring, as specified in the Government's design intent drawings. Floor perimeters at partitions shall have wood, rubber, vinyl, carpet base, or an equivalent pre-approved by the Contracting Officer.

2. The use of existing carpet may be approved by the Contracting Officer; however, existing carpet shall be repaired, stretched, and cleaned before occupancy and shall meet the static buildup requirement for new carpet.

3. If the Government requires restrooms and/or shower rooms in the Government-demised area, floor covering shall be terrazzo, unglazed ceramic tile, and/or quarry tile.

E. INSTALLATION:
Floor covering shall be installed in accordance with manufacturing instructions to lay smoothly and evenly.

3.18 CARPET: BROADLOOM (SEP 2000)

A. Any carpet to be newly installed shall meet the following specifications:

1. *Pile Yarn Content.* Pile yarn content shall be staple filament or continuous filament branded by a fiber producer (e.g., Allied, DuPont, Monsanto, BASF, Talisman Mills, woolblend), soil-hiding nylon, or wool nylon blends.

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2. *Environmental Requirements.* The Lessor shall use carpet that meets the "Green Label" requirements of the Carpet and Rug Institute unless an exception is granted by the Contracting Officer.

3. *Carpet Pile Construction.* Carpet pile construction shall be level loop, textured loop, level cut pile, or level cut/uncut pile.

4. *Pile Weight.* Pile weight shall be a minimum of 26 ounces per square yard for level-loop or textured-loop construction. Pile weight shall be a minimum weight of 32 ounces per square yard for level-cut/uncut construction.

5. *Secondary Back.* The secondary back shall be jute or synthetic fiber for glue-down installation.

6. *Density.* The density shall be 100 percent nylon (loop and cut pile) with a minimum of 4,000; other fibers, including blends and combinations with a minimum of 4,500.

7. *Pile Height.* The maximum pile height shall be 1/2 inch (13 mm). Exposed edges of carpet shall be fastened to floor surfaces and shall have trim along the entire length of the exposed edge.

3.19 CARPET TILE (SEP 2000)

A. Any carpet to be newly installed shall meet the following specifications:

1. *Pile Yarn Content.* Pile yarn content shall be staple filament or continuous filament branded by a fiber producer (e.g., Allied, DuPont, Monsanto, BASF), or soil-hiding nylon.

2. *Environmental Requirements.* The Lessor shall use carpet that meets the "Green Label" requirements of the Carpet and Rug Institute unless an exception is granted by the Contracting Officer.

3. *Carpet Pile Construction.* Carpet pile construction shall be tufted level loop, level cut pile, or level cut/uncut pile.

4. *Pile Weight.* Pile weight shall be a minimum of 26 ounces per square yard for level loop and cut pile. Pile weight shall be a minimum of 32 ounces per square yard for plush and twist.

5. *Secondary Back.* The secondary back shall be polyvinyl chloride, ethylene vinyl acetate, polyurethane, polyethylene, bitumen, or olefinic hardback reinforced with fiberglass.

6. *Total Weight.* Total weight shall be a minimum of 130 ounces per square yard.

7. *Density.* The density shall be 100 percent nylon (loop and cut pile) with a minimum of 4,000; other fibers, including blends and combinations with a minimum of 4,500.

8. *Pile Height.* The minimum pile height shall be 1/8 inch. The combined thickness of the pile, cushion, and backing height shall not exceed 1/2 inch (13 mm).

9. *Static Buildup.* Static buildup shall be a maximum of 3.5 kilovolt, when tested in accordance with AATCC-134.

10. *Carpet Construction.* Carpet construction shall be a minimum of 64 tufts per square inch.

3.20 ACOUSTICAL REQUIREMENTS (SEP 2000)

A. BUILDING SHELL:

1. *Reverberation Control.* Ceilings in carpeted space shall have a noise reduction coefficient (NRC) of not less than 0.55 in accordance with ASTM C-423. Ceilings in offices, conference rooms, and corridors having resilient flooring shall have an NRC of not less than 0.65.

2. *Ambient Noise Control.* Ambient noise from mechanical equipment shall not exceed noise criteria curve (NC) 35 in accordance with the ASHRAE *Handbook of Fundamentals* in offices and conference rooms; NC 40 in corridors, cafeterias, lobbies, and toilets; NC 50 in other spaces.

3. *Noise Isolation.* Rooms separated from adjacent spaces by ceiling-high partitions (not including doors) shall not be less than the following noise isolation class (NIC) standards when tested in accordance with ASTM E-336:

   a. Conference rooms NIC 40

   b. Offices NIC 35

4. *Testing.*

   a. The Contracting Officer may require, at no cost to the Government, test reports by a qualified acoustical consultant showing that acoustical requirements have been met.

   b. The requirements of this paragraph shall take precedence over any additional specifications in this SFO if there is a conflict.

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3.21 WINDOW COVERINGS (SEP 2000)

A. TENANT IMPROVEMENT INFORMATION:

1. *Window Blinds.* All exterior windows shall be equipped with window blinds in new or like new condition, which shall be provided as part of the Tenant Improvement Allowance. The blinds may be aluminum or plastic vertical blinds or horizontal blinds with aluminum slats of 1-inch width or less or an equivalent pre-approved by the Contracting Officer. The window blinds shall have non-corroding mechanisms and synthetic tapes. Color selection will be made by the Contracting Officer.

2. *Draperies.* If draperies are required, the following minimum specifications shall apply:

   a. Fabrics shall be lined with either white or off-white plain lining fabric suited to the drapery fabric weight. Draperies shall be either floor-, apron-, or sill-length, as specified by the Government, and shall be wide enough to cover window and trim. Draperies shall be hung with drapery hooks on well-anchored heavy duty traverse rods. Traverse rods shall draw from either the center, right, or left side.

   b. Construction. Any draperies to be newly installed, shall be made as follows:

      i. fullness of 100 percent, including overlap, side hems, and necessary returns;
      ii. double headings of 4 inches turned over a 4-inch permanently finished stiffener;
      iii. doubled side hems of 1-1/2 inches; 4-inch doubled and blind stitched bottom hems;
      iv. three-fold pinch pleats;
      v. safety stitched intermediate seams;
      vi. matched patterns;
      vii. tacked corners; and
      viii. no raw edges or exposed seams.

   c. Use of existing draperies must be approved by the Contracting Officer.

3.22 BUILDING DIRECTORY (SEP 2000)

A. BUILDING SHELL:

A tamper-proof directory with lock shall be provided in the building lobby listing the Government agency(ies). It must be acceptable to the Contracting Officer.

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4.0 MECHANICAL, ELECTRICAL, PLUMBING

4.1 MECHANICAL, ELECTRICAL, PLUMBING: GENERAL (SEP 2000)

A. BUILDING SHELL:
The Lessor shall provide and operate all building equipment and systems in accordance with applicable technical publications, manuals, and standard procedures. Mains, lines, and meters for utilities shall be provided by the Lessor. Exposed ducts, piping, and conduits are not permitted in office space.

4.2 ENERGY COST SAVINGS (SEP 2000)

A. The Offeror is encouraged to use 1) Energy Savings Performance Contracts (ESPC) or 2) utility agreements to achieve, maintain, and/or exceed the ENERGY STAR Benchmark Score of 75. The Offeror is encouraged to include shared savings in the offer as a result of energy upgrades where applicable. The ENERGY STAR Online Benchmark Tool can be found at the *www.epa.gov/energystar* web site.

B. All new construction shall achieve an ENERGY STAR Building Label within 1 year after reaching 95 percent occupancy and will continue to retain the ENERGY STAR Building Label if the level of performance is maintained.

C. The Offeror may obtain a list of energy service companies qualified under the Energy Policy Act to perform ESPC, as well as additional information on cost-effective energy efficiency, renewables, and water conservation. For the ESPC qualified list, refer to the *www.eren.doe.gov/femp* web site, or call the FEMP Help Desk at 1-800-566-2877.

4.3 DRINKING FOUNTAINS (SEP 2000)

A. BUILDING SHELL:
The Lessor shall provide, on each floor of office space, a minimum of one chilled drinking fountain within every 150 feet, 0 inches of travel distance.

4.4 TOILET ROOMS (SEP 2000)

A. BUILDING SHELL:

1. Separate toilet facilities for men and women shall be provided on each floor occupied by the Government in the building. The facilities shall be located so that employees will not be required to travel more than 200 feet, 0 inches on one floor to reach the toilets. Each toilet room shall have sufficient water closets enclosed with modern stall partitions and doors, urinals (in men's room), and hot (set in accordance with applicable building codes) and cold water. Water closets and urinals shall not be visible when the exterior door is open.

2. Each main toilet room shall contain the following equipment:

   a. a mirror above the lavatory;

   b. a toilet paper dispenser in each water closet stall, that will hold at least two rolls and allow easy, unrestricted dispensing;

   c. a coat hook on the inside face of the door to each water closet stall and on several wall locations by the lavatories;

   d. at least one modern paper towel dispenser, soap dispenser, and waste receptacle for every two lavatories;

   e. a coin-operated sanitary napkin dispenser in women's toilet rooms with a waste receptacle for each water closet stall;

   f. ceramic tile, recycled glass tile, or comparable wainscot from the floor to a minimum height of 4 feet, 6 inches;

   g. a disposable toilet seat cover dispenser; and

   h. a counter area of at least 2 feet, 0 inches in length, exclusive of the lavatories (however, it may be attached to the lavatories) with a mirror above and a ground fault interrupt-type convenience outlet located adjacent to the counter area.

B. If newly installed, toilet partitions shall be made from recovered materials as listed in EPA's CPG.

4.5 TOILET ROOMS: FIXTURE SCHEDULE (SEP 2000)

A. BUILDING SHELL:

1. The toilet fixture schedule specified below shall be applied to each full floor based on one person for each 135 ANSI/BOMA Office Area square feet of office space in a ratio of 50 percent men and 50 percent women.

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2. Refer to the schedule separately for each sex.

NUMBER OF MEN*/WOMEN	WATER CLOSETS	LAVATORIES
1 - 15	1	1
16 - 35	2	2
36 - 55	3	3
56 - 60	4	3
61 - 80	4	4
81 - 90	5	4
91 - 110	5	5
111 - 125	6	5
126 - 150	6	**
> 150	***	

* In men's facilities, urinals may be substituted for 1/3 of the water closets specified.

** Add one lavatory for each 45 additional employees over 125.

*** Add one water closet for each 40 additional employees over 150.

3. For new installations:

   a. Water closets shall not use more than 1.6 gallons per flush.

   b. Urinals shall not use more than 1.0 gallons per flush.

   c. Faucets shall not use more than 2.5 gallons per minute at a flowing water pressure of 80 pounds per square inch.

4.6 JANITOR CLOSETS (SEP 2000)

A. BUILDING SHELL:

Janitor closets with service sink, hot and cold water, and ample storage for cleaning equipment, materials, and supplies shall be provided on all floors. Each janitor closet door shall be fitted with an automatic deadlocking latch bolt with a minimum throw of 1/2 inch.

4.7 HEATING AND AIR CONDITIONING (SEP 2000)

A. BUILDING SHELL:

1. Temperatures shall conform to local commercial equivalent temperature levels and operating practices in order to maximize tenant satisfaction. These temperatures shall be maintained throughout the leased premises and service areas, regardless of outside temperatures, during the hours of operation specified in the lease.

1. Thermostats shall be set to maintain temperatures between 70°F and 74°F during the heating season and between 74°F and 78°F during the cooling season. These temperatures must be maintained throughout the leased premises and service areas, regardless of outside temperatures, during the hours of operation specified in the lease.

2. During non-working hours, heating temperatures shall be set no higher than 55° Fahrenheit, and air conditioning shall not be provided except as necessary to return space temperatures to a suitable level for the beginning of working hours. Thermostats shall be secured from manual operation by key or locked cage. A key shall be provided to the GSA Field Office Manager.

3. Simultaneous heating and cooling are not permitted.

4. Areas having excessive heat gain or heat loss, or affected by solar radiation at different times of the day, shall be independently controlled.

5. *Equipment Performance.* Temperature control for office spaces shall be assured by concealed central heating and air conditioning equipment. The equipment shall maintain space temperature control over a range of internal load fluctuations of plus 0.5 W/sq.ft. to minus 1.5 W/sq.ft. from initial design requirements of the tenant.

6. *HVAC Use During Construction.* The permanent HVAC system may be used to move both supply and return air during the construction process only if the following conditions are met:

   a. a complete air filtration system with 60 percent efficiency filters is installed and properly maintained;

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b. no permanent diffusers are used;

c. no plenum-type return air system is employed;

d. the HVAC duct system is adequately sealed to prevent the spread of airborne particulate and other contaminants; and

e. following the building "flush-out," all duct systems are vacuumed with portable high-efficiency particulate arrestance (HEPA) vacuums and documented clean in accordance with National Air Duct Cleaners Association (NADCA) specifications.

7. *Ductwork Re-use and Cleaning.* Any ductwork to be reused and/or to remain in place shall be cleaned, tested, and demonstrated to be clean in accordance with the standards set forth by NADCA. The cleaning, testing, and demonstration shall occur immediately prior to Government occupancy to avoid contamination from construction dust and other airborne particulates.

8. *Insulation.* All insulation shall contain recovered materials as required by EPA's CPG and related recycled content recommendations.

9. The Lessor shall conduct HVAC system balancing after any HVAC system alterations during the term of the lease and shall make a reasonable attempt to schedule major construction outside of office hours.

B. TENANT IMPROVEMENT INFORMATION:

1. *Zone Control.* Individual thermostat control shall be provided for office space with control areas not to exceed 2,000 ANSI/BOMA Office Area square feet. Areas which routinely have extended hours of operation shall be environmentally controlled through dedicated heating and air conditioning equipment. Special purpose areas (such as photocopy centers, large conference rooms, computer rooms, etc.) with an internal cooling load in excess of 5 tons shall be independently controlled. Concealed package air conditioning equipment shall be provided to meet localized spot cooling of tenant special equipment. Portable space heaters are prohibited from use.

4.8 VENTILATION (SEP 2000)

A. During working hours in periods of heating and cooling, ventilation shall be provided in accordance with the latest edition of ANSI/ASHRAE Standard 62, *Ventilation for Acceptable Indoor Air Quality.*

B. Air filtration shall be provided and maintained with filters having a minimum efficiency rating as determined by ANSI/ASHRAE Standard 52.2, *Method of Testing General Ventilation Air Cleaning Devices for Removal Efficiency by Particle Size.* Pre-filters shall be 30 percent to 35 percent efficient. Final filters shall be 80 percent to 85 percent efficient for particles at 3 microns.

C. Where the Lessor proposes that the Government shall pay utilities, the following shall apply:

1. an automatic air or water economizer cycle shall be provided to all air handling equipment, and

2. the building shall have a fully functional building automation system capable of control, regulation, and monitoring of all environmental conditioning equipment. The building automation system shall be fully supported by a service and maintenance contract.

4.9 VENTILATION: TOILET ROOMS (DEC 1993)

Toilet rooms shall be properly exhausted, with a minimum of 10 air changes per hour.

4.10 ELECTRICAL: GENERAL (SEP 2000)

The Lessor shall be responsible for meeting the applicable requirements of local codes and ordinances. When codes conflict, the more stringent standard shall apply. Main service facilities shall be enclosed. The enclosure may not be used for storage or other purposes and shall have door(s) fitted with an automatic deadlocking latch bolt with a minimum throw of 1/2 inch. Distribution panels shall be circuit breaker type with 10 percent spare power load and circuits.

4.11 ELECTRICAL: DISTRIBUTION (SEP 2000)

A. BUILDING SHELL:

1. Main power distribution switchboards and distribution and lighting panel boards shall be circuit breaker type with copper buses that are properly rated to provide the calculated fault circuits. All power distribution panel boards shall be supplied with separate equipment ground buses. All power distribution equipment shall be required to handle the actual specified and projected loads plus 10 percent spare load capacity. Distribution panels are required to accommodate circuit breakers for the actual calculated needs plus 10 percent spare circuits that will be equivalent to the majority of other circuit breakers in the panel system. All floors shall have 120/208 V, 3-phase, 4-wire with bond, 60 hertz electric service available.

2. Main distribution for standard office occupancy shall be provided at the Lessor's expense. In no event shall such power distribution (not including lighting and HVAC) for the Government-demised area fall below 7 W per ANSI/BOMA Office Area square foot.

3. Convenience outlets shall be installed in accordance with NFPA Standard 70, *National Electrical Code*, or local code, whichever is more stringent.

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B. TENANT IMPROVEMENT INFORMATION:

1. All electrical, telephone, and data outlets within the Government-demised area shall be installed by the Lessor at the expense of the Government in accordance with the design intent drawings. All electrical outlets shall be installed in accordance with NFPA Standard 70, or local code, whichever is more stringent.

2. All tenant outlets shall be marked and coded for ease of wire tracing; outlets shall be circuited separately from lighting. All floor outlets shall be flush with the plane of the finished floor.

3. The Lessor shall ensure that outlets and associated wiring (for electricity, voice, and data) to the workstation(s) shall be safely concealed in partitions, ceiling plenums, in recessed floor ducts, under raised flooring, or by use of a method acceptable to the Contracting Officer. In any case, cable on the floor surface shall be minimized.

4.12 ELECTRICAL: ADDITIONAL DISTRIBUTION SPECIFICATIONS

If the Offeror proposes that building maintenance will be the responsibility of the Government, the Lessor shall provide duplex utility outlets in toilets, corridors, and dispensing areas for maintenance purposes at no cost to the Government. Fuses and circuit breakers shall be plainly marked or labeled to identify circuits or equipment supplied through them.

4.13 TELECOMMUNICATIONS: DISTRIBUTION AND EQUIPMENT (SEP 2000)

A. BUILDING SHELL:

1. Sufficient space shall be provided on the floor(s) where the Government occupies space for the purposes of terminating telecommunications service into the building. The building's telecommunications closets located on all floors shall be vertically-stacked. Telecommunications switchrooms, wire closets, and related spaces shall be enclosed. The enclosure shall not be used for storage or other purposes and shall have door(s) fitted with an automatic door-closer and deadlocking latch bolt with a minimum throw of 1/2 inch.

2. Telecommunications switchrooms, wire closets, and related spaces shall meet applicable Telecommunications Industry Association (TIA) and Electronic Industries Alliance (EIA) standards. These standards include the following:

   a. TIA/EIA-568, *Commercial Building Telecommunications Cabling Standard,*

   b. TIA/EIA 569, *Commercial Building Standard for Telecommunications Pathways and Spaces,*

   c. TIA/EIA-570, *Residential and Light Commercial Telecommunications Wiring Standard,* and

   d. TIA/EIA-607, *Commercial Building Grounding and Bonding Requirements for Telecommunications Standard.*

3. Telecommunications switchrooms, wire closets, and related spaces shall meet applicable NFPA standards. Bonding and grounding shall be in accordance with NFPA Standard 70, *National Electrical Code,* and other applicable NFPA standards and/or local code requirements.

B. TENANT IMPROVEMENT INFORMATION:

Telecommunications floor or wall outlets shall be provided as required. At a minimum, each outlet shall house one 4-pair wire jack for voice and one 4-pair wire jack for data. The Lessor shall ensure that all outlets and associated wiring, copper, coaxial cable, optical fiber, or other transmission medium used to transmit telecommunications (voice, data, video, Internet, or other emerging technologies) service to the workstation shall be safely concealed under raised floors, in floor ducts, walls, columns, or molding. All outlets/junction boxes shall be provided with rings and pull strings to facilitate the installation of cable. Some transmission medium may require special conduit, inner duct, or shielding as specified by the Government.

4.14 TELECOMMUNICATIONS: LOCAL EXCHANGE ACCESS (SEP 2000)

A. BUILDING SHELL:

1. The Government reserves the right to contract its own telecommunications (voice, data, video, Internet or other emerging technologies) service in the space to be leased. The Government may contract with one or more parties to have inside wiring (or other transmission medium) and telecommunications equipment installed.

2. The Lessor shall allow the Government's designated telecommunications providers access to utilize existing building wiring to connect its services to the Government's space. If the existing building wiring is insufficient to handle the transmission requirements of the Government's designated telecommunications providers, the Lessor shall provide access from the point of entry into the building to the Government's floor space, subject to any inherent limitations in the pathway involved.

3. The Lessor shall allow the Government's designated telecommunications providers to affix telecommunications antennae (high frequency, mobile, microwave, satellite, or other emerging technologies), subject to weight and wind load conditions, to roof, parapet, or building envelope as required. Access from the antenna(e) to the leased space shall be provided.

4. The Lessor shall allow the Government's designated telecommunications providers to affix antennae and transmission devices throughout its leased space and in appropriate common areas frequented by the Government's employees so as to allow the use of wireless telephones and communications devices necessary to conduct business.

B. TENANT IMPROVEMENT INFORMATION:

Should the Government's security requirements require sealed conduit to house the telecommunications transmission medium, the Lessor shall provide such conduit at the expense of the Government.

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4.15 DATA DISTRIBUTION (SEP 2000)

A. TENANT IMPROVEMENT INFORMATION:

The Government shall at its expense be responsible for purchasing and installing data cable. The Lessor shall ensure that data outlets and the associated wiring used to transmit data to workstations shall be safely concealed in floor ducts, walls, columns, or below access flooring. The Lessor shall provide outlets, which shall include rings and pull strings to facilitate the installation of the data cable. When cable consists of multiple runs, the Lessor shall provide ladder-type cable trays to insure that Government-provided cable does not come into contact with suspended ceilings. Cable trays shall form a loop around the perimeter of the Government-demised area such that they are within a 30-foot, 0-inch horizontal distance of any single drop.

4.16 ELECTRICAL, TELEPHONE, DATA FOR SYSTEMS FURNITURE (SEP 2000)

A. TENANT IMPROVEMENT INFORMATION:

1. The Lessor shall provide as part of the Tenant Improvement Allowance separate data, telephone, and electric junction boxes for the base feed connections to Government-provided modular or systems furniture, when such feeds are supplied via wall outlets or floor penetrations. When overhead feeds are used, junction boxes shall be installed for electrical connections. Raceways shall be provided throughout the furniture panels to distribute the electrical, telephone, and data cable. The Lessor shall provide all electrical service wiring and connections to the furniture at designated junction points. Each electrical junction shall contain an 8-wire feed consisting of 3 general-purpose 120-V circuits with 1 neutral and 1 ground wire, and a 120-V isolated-ground circuit with 1 neutral and 1 isolated-ground wire. A 20-ampere circuit shall have no more than 8 general-purpose receptacles or 4 isolated-ground "computer" receptacles.

2. The Government shall at its expense be responsible for purchasing data and telecommunications cable. Said cable shall be installed and connected to systems furniture by the Lessor/contractor with the assistance and/or advice of the Government or computer vendor. The Lessor shall provide wall-mounted data and telephone junction boxes, which shall include rings and pull strings to facilitate the installation of the data and telecommunications cable. When cable consists of multiple runs, the Lessor shall provide ladder-type cable trays to insure that Government-provided cable does not come into contact with suspended ceilings. Cable trays shall form a loop around the perimeter of the Government-demised area such that they are within a 30-foot, 0-inch horizontal distance of any single drop. Said cable trays shall provide access to both telecommunications data closets and telephone closets.

3. The Lessor shall furnish and install suitably sized junction boxes in the vicinity of the "feeding points" of the furniture panels. All "feeding points" shall be shown on Government-approved design intent drawings. The Lessor shall temporarily cap off the wiring in the junction boxes until the furniture is installed during Phase 2. The Lessor shall make all connections in the power panel and shall keep the circuit breakers off. The Lessor shall identify each circuit with the breaker number and shall identify the computer hardware to be connected to it. The Lessor shall identify each breaker at the panel and identify the devices that it serves.

4. PHASE 2 involves the Lessor's electrical contractor connecting power poles or base feeds in the junction boxes to the furniture electrical system and testing all pre-wired receptacles in the systems furniture. It also involves other Government contractors who will be installing the data cable in the furniture panels for the terminal and printer locations, installing the connectors on the terminal/printer ends of the cable, and continuity testing each cable. All Phase 2 work shall be coordinated and performed in conjunction with the furniture, telephone, and data cable installers. Much of this work may occur over a weekend on a schedule that requires flexibility and on-call visits.

4.17 ADDITIONAL ELECTRICAL CONTROLS

If the Offeror proposes that the Government pay separately for electricity, no more than 500 square feet of office may be controlled by one switch or automatic light control for all space on the Government meter, either through a building automation system, time clock, occupant sensor, or other comparable system acceptable to the Contracting Officer.

4.18 ELEVATORS (SEP 2000)

A. The Lessor shall provide suitable passenger and freight elevator service to any Government-demised area not having ground level access. Service shall be available during the hours specified in the "Normal Hours" paragraph in the "SERVICES, UTILITIES, MAINTENANCE" section of this SFO. However, one passenger and one freight elevator shall be available at all times for Government use. The freight elevator shall be accessible to the loading areas. When possible, the Government shall be given 24-hour advance notice if the service is to be interrupted for more than 1--1/~~2~~ 2 hours. Normal service interruption shall be scheduled outside of the Government's normal working hours. The Lessor shall also use best efforts to minimize the frequency and duration of unscheduled interruptions.

B. CODE:

Elevators shall conform to the current edition of the American Society of Mechanical Engineers ANSI/(ASME) A17.1, *Safety Code for Elevators and Escalators*, except that elevator cabs are not required to have a visual or audible signal to notify passengers during automatic recall. Elevator lobby smoke detectors shall not activate the building fire alarm system but shall signal the fire department or central station services and capture the elevators. The elevator shall be inspected and maintained in accordance with the current edition of the ANSI/ASME A17.2, *Inspectors' Manual for Elevators*. All elevators shall meet both the ADAAG and the UFAS requirements.

C. SAFETY SYSTEMS:

Elevators shall be equipped with telephones or other two-way emergency signaling systems. The system used shall be marked and shall reach an emergency communication location staffed during normal operating hours when the elevators are in service. When Government occupancy is 3 or more floors above grade, automatic elevator emergency recall is required.

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D. SPEED:
The passenger elevators shall have a capacity to transport in 5 minutes 15 percent of the normal population of all upper floors (based on 150 square feet per person). Further, the dispatch interval between elevators during the up-peak demand period shall not exceed 35 seconds.

E. INTERIOR FINISHES:
Elevator cab walls shall be hardwood, marble, granite, or an equivalent pre-approved by the Contracting Officer. Elevator cab floors shall be marble, granite, terrazzo, or an equivalent pre-approved by the Contracting Officer.

4.19 LIGHTING: INTERIOR AND PARKING (SEP 2000)

1. The Lessor shall provide interior lighting in accordance with the following:

   a. Deep-cell parabolic louver 2'-0" wide x 4'-0" long or 2'-0" wide x 2'-0" long (or building standard that meets or exceeds this standard) fluorescent lighting fixtures with energy-efficient lamps (T8 or better) and electronic ballasts for standard interior lighting. Such fixtures shall produce and maintain a uniform lighting level of 50 foot-candles at working surface height throughout work spaces, 20 foot-candles in corridors and 10 foot-candles in other non-working areas. Lighting fixtures up to the ratio stated under the paragraph entitled "Building Shell Requirements" shall be provided as part of the building shell. Additional lighting necessary to meet the above-stated foot-candle levels shall be provided as part of the Tenant Improvement Allowance.

   b. Exterior parking areas, vehicle driveways, pedestrian walkways, and building perimeter shall have a minimum of 1 foot-candle of illumination and shall be designed based on Illuminating Engineering Society of North America (IESNA) standards. Exterior lighting and indoor parking shall be sufficient to accommodate security monitoring (i.e., closed circuit television camera). Indoor parking shall have a minimum of 10 foot-candles and shall be designed based on IESNA standards. This shall be provided as part of the building shell.

   c. The Lessor shall provide occupancy sensors and/or scheduling controls through the building automation system to reduce the hours that the lights are on when the space is unoccupied. Daylight dimming controls shall be used in atriums or other space where daylight can contribute to energy savings. This shall be provided as part of the building shell.

   d. Lighting shall be controlled by occupancy sensors arranged to control open areas, individual offices, conference rooms, toilet rooms within the Government-demised area, and all other programmed spaces or rooms within the leased space. The control system shall provide an optimal mix of infrared and ultrasonic sensors suitable for the configuration and type of space. Occupancy sensors shall be located so that they have a clear view of the room or area they are monitoring. No more than 1,000 ANSI/BOMA Office Area square feet of open space shall be controlled by occupancy sensor. All occupancy sensors shall have manual switches to override the light control. Such switches shall be located by door openings in accordance with both the ADAAG and the UFAS. This shall be provided as part of the building shell. If light switches are to be used instead of occupancy sensors or in combination with occupancy sensors, the Offeror shall notify the Government during the negotiation process.

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5.0 SERVICES, UTILITIES, MAINTENANCE

5.1 SERVICES, UTILITIES, MAINTENANCE: GENERAL
Services, utilities, and maintenance shall be provided by the Lessor as part of the rental consideration. The Lessor shall have a building superintendent or a locally designated representative available to promptly correct deficiencies.

5.2 NORMAL HOURS
Services, utilities, and maintenance shall be provided daily, extending 7 a.m. to 7 p.m. except Saturdays, Sundays, and federal holidays.

5.3 OVERTIME USAGE (JAN 1997)

A. The Government shall have access to the leased space at all times without additional payment, including the use, during other than normal hours, of necessary services and utilities such as elevators, toilets, lights, and electric power.

B. Reimbursement to the Lessor for overtime heating or cooling will be at the hourly rate established in the contract.

5.4 UTILITIES
The Lessor shall ensure that utilities necessary for operation are provided and that all associated costs are included as a part of the established rental rate.

5.5 BUILDING OPERATING PLAN
If the cost of utilities is not included as part of the rental consideration, the Offeror shall submit a building operating plan with the offer. Such plan shall include a schedule of startup and shutdown times for operation of each building system, such as lighting, HVAC, and plumbing which is necessary for the operation of the building. Such plan shall be in operation on the effective date of the lease.

5.6 JANITORIAL SERVICES (SEP 2000)

A. Cleaning shall be performed after tenant working hours unless daytime cleaning is specified as a special requirement elsewhere in this SFO.

B. SELECTION OF CLEANING PRODUCTS:
The Lessor shall make careful selection of janitorial cleaning products and equipment to:

1. use products that are packaged ecologically;

2. use products and equipment considered environmentally beneficial and/or recycled products that are phosphate-free, non-corrosive, non-flammable, and fully biodegradable; and

3. minimize the use of harsh chemicals and the release of irritating fumes.

4. Examples of acceptable products may be found at *http://pub.fss.gsa.gov/environ/clean-prod-catalog.html.*

C. SELECTION OF PAPER PRODUCTS:
The Lessor shall select paper and paper products (i.e., bathroom tissue and paper towels) with recycled content conforming to EPA's CPG.

D. The Lessor shall maintain the leased premises, including outside areas, in a clean condition and shall provide supplies and equipment. The following schedule describes the level of services intended. Performance will be based on the Contracting Officer's evaluation of results, not the frequency or method of performance.

1. *Daily.* Empty trash receptacles, and clean ashtrays. Sweep entrances, lobbies, and corridors. Spot sweep floors, and spot vacuum carpets. Clean drinking fountains. Sweep and damp mop or scrub toilet rooms. Clean all toilet fixtures, and replenish toilet supplies. Dispose of all trash and garbage generated in or about the building. Wash inside and out or steam clean cans used for collection of food remnants from snack bars and vending machines. Dust horizontal surfaces that are readily available and visibly require dusting. Spray buff resilient floors in main corridors, entrances, and lobbies. Clean elevators and escalators. Remove carpet stains. Police sidewalks, parking areas, and driveways. Sweep loading dock areas and platforms. Clean glass entry doors to the Government-demised area.

2. *Three Times a Week.* Sweep or vacuum stairs.

3. *Weekly.* Damp mop and spray buff all resilient floors in toilets and health units. Sweep sidewalks, parking areas, and driveways (weather permitting).

4. *Every Two Weeks.* Spray buff resilient floors in secondary corridors, entrance, and lobbies. Damp mop and spray buff hard and resilient floors in office space.

5. *Monthly.* Thoroughly dust furniture. Completely sweep and/or vacuum carpets. Sweep storage space. Spot clean all wall surfaces within 70 inches of the floor.

6. *Every Two Months.* Damp wipe toilet wastepaper receptacles, stall partitions, doors, window sills, and frames. Shampoo entrance and elevator carpets.

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7. *Three Times a Year.* Dust wall surfaces within 70 inches of the floor, vertical surfaces and under surfaces. Clean metal and marble surfaces in lobbies. Wet mop or scrub garages.

8. *Twice a Year.* Wash all interior and exterior windows and other glass surfaces. Strip and apply four coats of finish to resilient floors in toilets. Strip and refinish main corridors and other heavy traffic areas.

9. *Annually.* Wash all venetian blinds, and dust 6 months from washing. Vacuum or dust all surfaces in the building of 70 inches from the floor, including light fixtures. Vacuum all draperies in place. Strip and refinish floors in offices and secondary lobbies and corridors. Shampoo carpets in corridors and lobbies. Clean balconies, ledges, courts, areaways, and flat roofs.

10. *Every Two Years.* Shampoo carpets in all offices and other non-public areas.

11. *Every Five Years.* Dry clean or wash (as appropriate) all draperies.

12. *As Required.* Properly maintain plants and lawns. Remove snow and ice from entrances, exterior walks, and parking lots of the building. Provide initial supply, installation, and replacement of light bulbs, tubes, ballasts, and starters. Replace worn floor coverings (this includes the moving and returning of furnishings). Control pests as appropriate, using Integrated Pest Management techniques.

5.7 SCHEDULE OF PERIODIC SERVICES

Within 60 days after occupancy by the Government, the Lessor shall provide the Contracting Officer with a detailed written schedule of all periodic services and maintenance to be performed other than daily, weekly, or monthly.

5.8 SECURITY (SEP 2000)

The Lessor shall provide a level of security which reasonably deters unauthorized entry to the space leased during non-duty hours and deters loitering or disruptive acts in and around the space leased. The Lessor shall ensure that security cameras and lighting are not obstructed. During the lease term, the Government may perform periodic security surveys of the facility and may require relevant building information to be provided by the Lessor.

5.9 SECURITY: ADDITIONAL REQUIREMENTS

A. The Government reserves the right to require the Lessor to submit completed fingerprint charts and personal history statements for each employee of the Lessor as well as employees of the Lessor's contractors or subcontractors who will provide building operating services of a continuing nature for the property in which the leased space is located. The Government may also require this information for employees of the Lessor, the Lessor's contractors, or subcontractors who will be engaged to perform alterations or emergency repairs for the property.

B. If required, the Contracting Officer shall furnish the Lessor with Form FD-258, Fingerprint Chart, and Form 176, Statement of Personal History, to be completed for each employee and returned by the Lessor to the Contracting Officer (or the Contracting Officer's designated representative) within 10 working days from the date of the written request to do so. Based on the information furnished, the Government will conduct security checks of the employees. The Contracting Officer will advise the Lessor in writing if an employee is found to be unsuitable or unfit for the employee's assigned duties. Effective immediately, such an employee cannot work or be assigned to work on the property in which the leased space is located. The Lessor shall be required to provide the same data within 10 working days from the addition of new employee(s) to the work force. In the event the Lessor's contractor/subcontractor is subsequently replaced, the new contractor/subcontractor is not required to submit another set of these forms for employees who were cleared through this process while employed by the former contractor/subcontractor. The Contracting Officer may require the Lessor to submit Form FD-258 and Form 176 for every employee covered by this paragraph on a 3-year basis.

5.10 SECURITY: ADDITIONAL REQUIREMENTS FOR SENSITIVE BUT UNCLASSIFIED INFORMATION

The Public Building Service (PBS) of the GSA has set forth policy on the dissemination of sensitive but unclassified (SBU) paper and electronic building information for GSA's controlled space, including owned, leased, and delegated federal facilities. The PBS Order number is PBS3490.1 and it is dated March 8, 2002. A major goal of GSA and the Federal Government is the safety and security of people and facilities under the charge and control of GSA. The order outlines the PBS security procedures needed to reduce the risk that the material will be used for dangerous or illegal purposes. GSA Associates and GSA contractors handling the SBU documents shall use reasonable care for dissemination of information. It is the responsibility of the person or firm disseminating the information to ensure the recipient is an authorized user and to keep records of recipients.

For the length of the contract or project, each contractor, subcontractor, supplier, or design consultant will be required to appoint a point of contact to be responsible for the security of SBU documents and to complete the Form.

During the lease build out and the remaining term of the lease, the lessor shall obtain a Form B from all subcontractors and suppliers to whom they will be releasing any SBU documentation that have not previously completed Form B. They shall obtain the Form and immediately forward to GSA. Requests for SBU information from GSA client agencies shall be referred to the GSA Contracting Officer.

When the lessor has completed build-out for a lease, the contractor shall provide a written statement on behalf of the firm and all subcontractors and suppliers that the contractor and all subcontractors and suppliers have properly disposed of the Sensitive But Unclassified building documents. Documents no longer needed shall be destroyed. Destruction shall be done by either burning or shredding hard copy and or physically destroying CD's, deleting and removing filers from electronic recycling bins, and removing material from computer hard drives using a permanent erase utility or similar software.

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Failure by the lessor to provide these statements in a reasonable timeframe may result in suspension of rental payments.

5.11 MAINTENANCE AND TESTING OF SYSTEMS (SEP 2000)

A. The Lessor is responsible for the total maintenance and repair of the leased premises. Such maintenance and repairs include site and private access roads. All equipment and systems shall be maintained to provide reliable, energy-efficient service without unusual interruption, disturbing noises, exposure to fire or safety hazards, uncomfortable drafts, excessive air velocities, or unusual emissions of dirt. The Lessor's maintenance responsibility includes initial supply and replacement of all supplies, materials, and equipment necessary for such maintenance. Maintenance, testing, and inspection of appropriate equipment and systems shall be done in accordance with applicable codes, and inspection certificates shall be displayed as appropriate. Copies of all records in this regard shall be forwarded to the GSA Field Office Manager or a designated representative.

B. Without any additional charge, the Government reserves the right to require documentation of proper operations or testing prior to occupancy of such systems as fire alarm, sprinkler, emergency generator, etc. to ensure proper operation. These tests shall be witnessed by a designated representative of the Contracting Officer.

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6.0 SAFETY AND ENVIRONMENTAL MANAGEMENT

6.1 OCCUPANCY PERMIT (SEP 2000)

The Lessor shall provide a valid occupancy permit for the intended use of the Government and shall maintain and operate the building in conformance with current local codes and ordinances. If the local jurisdiction does not issue occupancy permits, the Offeror shall consult the Contracting Officer to determine if other documentation may be needed.

6.2 FIRE AND LIFE SAFETY (SEP 2003)

A. Offered space must meet or be upgraded to meet the applicable egress requirements in NFPA Standard No. 101, *Life Safety Code,* or equivalent prior to occupancy. The space must provide access to a minimum of two remote exits on each floor of Government occupancy. Scissor stairs shall only be counted as one exit stairway and 'open air' exterior fire escapes shall not be counted as an approved exit.

B. If offered space is 3 or more floors above the lowest level of fire department vehicle access, the Offeror must provide written confirmation that the building has a building wide fire alarm system in compliance with either the requirements of NFPA Standard No. 101, maintained in accordance with NFPA Standard No. 72 (current as of the date of this SFO) or the requirements of the local building and fire codes and ordinances (current as of the date of this SFO) adopted by the jurisdiction in which the building is located.

C. If offered space is 6 or more floors above the lowest level of fire department access, additional fire and life safety requirements will apply.

D. All offerors will be required to complete a Fire Protection, Life Safety and Environmental Checklist (either Form A-General or Form B-Certified). Checklist A-General may be completed by the offeror, offeror's technical representative, or the facilities manager. Checklist B-Certified, must be completed and certified by a Fire Protection Engineer and is required when Government space is on or above the sixth floor, or upon request.

6.3 SPRINKLER SYSTEM (SEP 2003)

A. Below-grade space to be occupied by Government and all areas in a building referred to as "hazardous areas" in National Fire Protection Association (NFPA) Standard No.101, Life Safety Code, shall be protected by an automatic sprinkler system or an equivalent level of safety.

B. Buildings in which any portion of the offered space is on or above the sixth floor, the entire building shall be protected by an automatic sprinkler system. The sprinkler system shall be installed in accordance with the requirements of NFPA Standard No. 13, and maintained in accordance with the requirements of NFPA Standard No. 25.

C. If an offeror proposes to satisfy any requirement of the above sub-paragraphs by providing an equivalent level of safety, the offeror shall submit, for Government review and approval, a fire protection engineering analysis, performed by a qualified fire protection engineer, demonstrating that an equivalent level of safety for the offered building exists. The offeror shall contact the Contracting Officer for further information regarding Government review and approval of the "equivalent level of safety" analyses. Refer to 41 CFR Part 102-80 for guidance on conducting an equivalent level of safety analysis.

D. Definitions:
(1) "Equivalent level of safety" means an alternative design or system (which may include automatic sprinkler systems), based upon fire protection engineering analysis, which achieves a level of safety equal to or greater than that provided by automatic sprinkler systems.
(2) "Automatic sprinkler system" for fire protection purposes means an electronically supervised, integrated system of underground and overhead piping, designed in accordance with NFPA Standard No. 13. The system is usually activated by heat from fire and discharges water over the fire area. The system includes a suitable water supply.

6.4 MANUAL FIRE ALARM SYSTEMS (SEP 2000)

A. Fire alarm systems shall be provided in accordance with the requirements of NFPA Standard No. 101 (current as of the date of this SFO) or be in compliance with the local building and fire codes, and local ordinances (current as of the date of this SFO) adopted by the jurisdiction in which the offered space is located.

B. The fire alarm system shall be maintained by the lessor in accordance with NFPA Standard No. 72. The fire alarm system wiring and equipment must be electrically supervised and automatically notify the local fire department (NFPA Standard No. 72) or approved central station. Emergency power must be provided in accordance with NFPA Standards 70 and 72.

6.5 OSHA REQUIREMENTS (SEP 2000)

The Lessor shall maintain buildings and space in a safe and healthful condition according to OSHA standards.

6.6 ASBESTOS (SEP 2000)

The leased space shall be free of all asbestos-containing materials, except undamaged asbestos flooring in the space or undamaged boiler or pipe insulation outside the space, in which case an asbestos management program conforming to EPA guidance shall be implemented.

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6.7 INDOOR AIR QUALITY (SEP 2000)

A. The Lessor shall control contaminants at the source and/or operate the space in such a manner that the GSA indicator levels for carbon monoxide (CO), carbon dioxide (CO_2), and formaldehyde (HCHO) are not exceeded. The indicator levels for office areas shall be: CO - 9 ppm time-weighted average (TWA - 8-hour sample); CO_2 - 1,000 ppm (TWA); HCHO - 0.~~1~~ 1 ~~ppm~~ ppm (TWA).

B. The Lessor shall make a reasonable attempt to apply insecticides, paints, glues, adhesives, and HVAC system cleaning compounds with highly volatile or irritating organic compounds, outside of working hours. The Lessor shall provide at least 72 hours advance notice to the Government before applying noxious chemicals in occupied spaces and shall adequately ventilate those spaces during and after application.

C. The Lessor shall promptly investigate indoor air quality (IAQ) complaints and shall implement the necessary controls to address the complaint.

D. The Government reserves the right to conduct independent IAQ assessments and detailed studies in space that it occupies, as well as in space serving the Government-demised area (e.g., common use areas, mechanical rooms, HVAC systems, etc.). The Lessor shall assist the Government in its assessments and detailed studies by 1) making available information on building operations and Lessor activities; 2) providing access to space for assessment and testing, if required; and 3) implementing corrective measures required by the Contracting Officer.

E. The Lessor shall provide to the Government material safety data sheets (MSDS) upon request for the following products prior to their use during the term of the lease: adhesives, caulking, sealants, insulating materials, fireproofing or firestopping materials, paints, carpets, floor and wall patching or leveling materials, lubricants, clear finish for wood surfaces, janitorial cleaning products, pesticides, rodenticides, and herbicides. The Government reserves the right to review such products used by the Lessor within 1) the Government-demised area; 2) common building areas; 3) ventilation systems and zones serving the leased space; and 4) the area above suspended ceilings and engineering space in the same ventilation zone as the leased space.

6.8 RADON IN AIR (SEP 2000)

If space planned for occupancy by the Government is on the second floor above grade or lower, the Lessor shall, prior to occupancy, test the leased space for 2 days to 3 days using charcoal canisters or electret ion chambers to ensure that radon in air levels are below EPA's action concentration of 4 picoCuries per liter. After the initial testing, a follow-up test for a minimum of 90 days using alpha track detectors or electret ion chambers shall be completed.

6.9 RADON IN WATER (SEP 2000)

A. The Lessor shall demonstrate that water provided in the leased space is in compliance with EPA requirements and shall submit certification to the Contracting Officer prior to the Government occupying the space.

B. If the EPA action level is reached or exceeded, the Lessor shall institute appropriate abatement methods which reduce the radon levels to below this action level.

6.10 HAZARDOUS MATERIALS (OCT 1996)

The leased space shall be free of hazardous materials according to applicable federal, state, and local environmental regulations.

6.11 RECYCLING (SEP 2000)

Where state and/or local law, code, or ordinance require recycling programs for the space to be provided pursuant to this SFO, the successful Offeror shall comply with such state and/or local law, code, or ordinance in accordance with GSA Form 3517, General Clauses, 552.270-8, *Compliance with Applicable Law.* In all other cases, the successful Offeror shall establish a recycling program in the leased space where local markets for recovered materials exist. The Lessor agrees, upon request, to provide the Government with additional information concerning recycling programs maintained in the building and in the leased space.

INITIALS: _____ & _____
LESSOR GOV'T

GENERAL CLAUSES
(Acquisition of Leasehold Interests in Real Property)

1. 52.252-2 CLAUSES INCORPORATED BY REFERENCE (Variation) (DEC 2003)

   This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make the full text available or the full text may be found on the Internet as GSA Form 3517B at http://www.gsa.gov/leasingform.

   The term "usable" in reference to square footage in any of these clauses means "ANSI/BOMA Office Area."

2. The following clauses are incorporated by reference:

Category	Clause No.	48 CFR Ref.	Clause Title
DEFINITIONS	1	552.270-4	Definitions (SEP 1999)
GENERAL	2	552.270-5	Subletting and Assignment (SEP 1999)
	3	552.270-11	Successors Bound (SEP 1999)
	4	552.270-23	Subordination, Nondisturbance and Attornment (SEP 1999)
	5	552.270-24	Statement of Lease (SEP 1999)
	6	552.270-25	Substitution of Tenant Agency (SEP 1999)
	7	552.270-26	No Waiver (SEP 1999)
	8	552.270-27	Integrated Agreement (SEP 1999)
	9	552.270-28	Mutuality of Obligation (SEP 1999)
PERFORMANCE	10	552.270-17	Delivery and Condition (SEP 1999)
	11	552.270-18	Default in Delivery - Time Extensions (SEP 1999)
	12	552.270-19	Progressive Occupancy (SEP 1999)
	13	552.270-21	Effect of Acceptance and Occupancy (SEP 1999)
	14	552.270-6	Maintenance of Building and Premises-Right of Entry (SEP 1999)
	15	552.270-10	Failure in Performance (SEP 1999)
	16	552.270-22	Default by Lessor During the Term (SEP 1999)
	17	552.270-7	Fire and Casualty Damage (SEP 1999)
	18	552.270-8	Compliance with Applicable Law (SEP 1999)
	19	552.270-12	Alterations (SEP 1999)
	20	552.270-29	Acceptance of Space (SEP 1999)
INSPECTION	21	552.270-9	Inspection-Right of Entry (SEP 1999)
PAYMENT	22	552.232-75	Prompt Payment (SEP 1999)
	23	552.232-76	Electronic Funds Transfer Payment (MAR 2000)
	24	552.232-70	Invoice Requirements (SEP 1999)
	25	52.232-23	Assignment of Claims (JAN 1986) (Applicable to leases over $2,500)
	26	552.270-20	Payment (SEP 1999) (Variation)

STANDARDS OF CONDUCT	27	552.203-5	Covenant Against Contingent Fees (FEB 1990) (Applicable to leases over $100,000.)
	28	52.203-7	Anti-Kickback Procedures (JUL 1995)
	29	52.223-6	Drug-Free Workplace (MAY 2001)
ADJUSTMENTS	30	552.203-70	Price Adjustment for Illegal or Improper Activity (SEP 1999) (Applicable to leases over $100,000.)
	31	52.215-10	Price Reduction for Defective Cost or Pricing Data (OCT 1997)
	32	552.270-13	Proposals for Adjustment (SEP 1999)
	33	552.270-14	Changes (SEP 1999)
AUDITS	34	552.215-70	Examination of Records by GSA (FEB 1996)
	35	52.215-2	Audit and Records—Negotiation (JUN 1999)
DISPUTES	36	52.233-1	Disputes (JULY 2002)
LABOR STANDARDS	37	52.222-26	Equal Opportunity (APR 2002) (Applicable to leases over $10,000)
	38	52.222-24	Preaward On-Site Equal Opportunity Compliance Evaluation (FEB 1999) (Applicable to leases over $10,000,000.)
	39	52-222-21	Prohibition of Segregated Facilities (FEB 1999) (Applicable to leases over $10,000.)
	40	52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (DEC 2001) (Applicable to leases over $10,000.)
	41	52.222-36	Affirmative Action for Workers with Disabilities (JUN 1998) (Applicable to leases over $2,500.)
	42	52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (DEC 2001) (Applicable to leases over $10,000.)
SUBCONTRACTING	43	52.209-6	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (JUL 1995) (Applicable to leases over $25,000.)
	44	52.215-12	Subcontractor Cost or Pricing Data (OCT 1997)
	45	52.219-8	Utilization of Small Business Concerns (OCT 2000)
	46	52.219-9	Small Business Subcontracting Plan (JAN 2002) (Applicable to leases over $500,000.)
	47	52.219-16	Liquidated Damages - Subcontracting Plan (JAN 1999) (Applicable to leases over $500,000.)

The information collection requirements contained in this solicitation/contract, that are not required by regulation, have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act and assigned the OMB Control No. 3090-0163.

REPRESENTATIONS AND CERTIFICATIONS (Short Form) (Simplified Acquisition of Leasehold Interests in Real Property for Leases Up to $100,000 Annual Rent)	Solicitation Number **4VA0224**	Dated

Complete appropriate boxes, sign the form, and attach to offer.

The Offeror makes the following Representations and Certifications. NOTE: The "Offeror," as used on this form, is the owner of the property offered, not an individual or agent representing the owner.

1. SMALL BUSINESS REPRESENTATION (DEC 2003)

(a) (1) The North American Industry Classification System (NAICS) code for this acquisition is 531190.

(2) The small business size standard applicable to this acquisition is average annual gross revenues of $17.5 million of less for the preceding three fiscal years.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) *Representations.*

(1) The Offeror represents as part of its offer that it [ ] is, [ ] is not a small business concern.

(2) [*Complete only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision.*] The Offeror represents, for general statistical purposes, that it [ ] is, [ ] is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) [*Complete only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision.*] The Offeror represents as part of its offer that it [ ] is, [ ] is not a women-owned small business concern.

(4) [*Complete only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision.*] The Offeror represents as part of its offer that it [ ] is, [ ] is not a veteran-owned small business concern.

(5) [*Complete only if the Offeror represented itself as a veteran-owned small business concern in paragraph (b)(4) of this provision.*] The Offeror represents as part of its offer that it [ ] is, [ ] is not a service-disabled veteran-owned small business concern.

(6) [*Complete only if the Offeror represented itself as a small business concern in paragraph (b)(1) of this provision.*] The Offeror represents, as part of its offer, that—

(i) It [ ] is, [ ] is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal office, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126; and

(ii) It [ ] is, [ ] is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (b)(6)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [*The Offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture:* _____.] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

2. **52.222-22 - PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1999)**

(Applicable to leases over $10,000.)

The Offeror represents that—

(a) It [ ] has, [ ] has not participated in a previous contract or subcontract subject either to the Equal Opportunity clause of this solicitation;

(b) It [ ] has, [ ] has not filed all required compliance reports; and

(c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards. (Approved by OMB under Control Number 1215-0072.)

3. **52.222-25 - AFFIRMATIVE ACTION COMPLIANCE (APR 1984)**

(Applicable to leases over $10,000 and which include the clause at FAR 52.222-26, Equal Opportunity.)

The Offeror represents that—

(a) It [ ] has developed and has on file, [ ] has not developed and does not have on file, at each establishment affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or

(b) It [ ] has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor. (Approved by OMB under Control Number 1215-0072.)

4. **52.203-11 – CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (APR 1991)**

(Applicable to leases over $100,000.)

(a) The definitions and prohibitions contained in the clause, at FAR 52.203-12, Limitation on Payments to Influence Certain Federal Transactions, are hereby incorporated by reference in paragraph (b) of this certification.

(b) The Offeror, by signing its offer, hereby certifies to the best of his or her knowledge and belief that on or after December 23, 1989,—

(1) No Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with the awarding of a contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

(2) If any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress on his or her behalf in connection with this solicitation, the Offeror shall complete and submit, with its offer, OMB standard form LLL, Disclosure of Lobbying Activities, to the Contracting Officer; and

(3) He or she will include the language of this certification in all subcontract awards at any tier and require that all recipients of subcontract awards in excess of $100,000 shall certify and disclose accordingly.

(c) Submission of this certification and disclosure is a prerequisite for making or entering into this contract imposed by section 1352, title 31, United States Code. Any person who makes an expenditure prohibited under this provision or who fails to file or amend the disclosure

form to be filed or amended by this provision, shall be subject to a civil penalty of not less than $10,000, and not more than $100,000, for each such failure.

5. 52.204-3 - TAXPAYER IDENTIFICATION (OCT 1998)

(a) *Definitions.*

"Common parent," as used in this provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the Offeror is a member.

"Taxpayer Identification Number (TIN)," as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the Offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

(b) All Offerors must submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements described in Federal Acquisition Regulation (FAR) 4.904, the failure or refusal by the Offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(c) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the Offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the Offeror's TIN.

(d) *Taxpayer Identification Number (TIN).*

[ ] TIN: _____
[ ] TIN has been applied for.
[ ] TIN is not required because:
[ ] Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;
[ ] Offeror is an agency or instrumentality of a foreign government;
[ ] Offeror is an agency or instrumentality of the Federal government;

(e) *Type of organization.*

[ ] Sole proprietorship;
[ ] Partnership;
[ ] Corporate entity (not tax-exempt);
[ ] Corporate entity (tax-exempt);
[ ] Government entity (Federal, State, or local);
[ ] Foreign government;
[ ] International organization per 26 CFR 1.6049-4;
[ ] Other _____

(f) *Common Parent.*

[ ] Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.
[ ] Name and TIN of common parent:

Name _____

TIN _____

6. 52.204-6 – Data Universal Numbering System (DUNS) Number (OCT 2003)

(a) The Offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" or "DUNS+4" followed by the DUNS number or "DUNS+4" that identifies the Offeror's name and address exactly as stated in the offer. The DUNS number is a nine-digit number assigned by Dun and Bradstreet, Inc. The DUNS+4 is the DUNS number

plus a 4-character suffix that may be assigned at the discretion of the Offeror to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see Subpart 32.11) for the same parent concern.

(b) If the Offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

(1) An Offeror may obtain a DUNS number—
- (i) If located within the United States, by calling Dun and Bradstreet at 1-866-705-5711 or via the Internet at http://www.dnb.com; or
- (ii) If located outside the United States, by contacting the local Dun and Bradstreet office.

(2) The Offeror should be prepared to provide the following information:
- (i) Company legal business name.
- (ii) Tradestyle, doing business, or other name by which your entity is commonly recognized.
- (iii) Company physical street address, city, state and zip code.
- (iv) Company mailing address, city, state and zip code (if separate from physical).
- (v) Company telephone number.
- (vi) Date the company was started.
- (vii) Number of employees at your location.
- (viii) Chief executive officer/key manager.
- (ix) Line of business (industry).
- (x) Company Headquarters name and address (reporting relationship within your entity).

7. DUNS NUMBER (JUN 2004)

Notwithstanding the above instructions, in addition to inserting the DUNS Number on the offer cover page, the Offeror shall also provide its DUNS Number as part of this submission:

DUNS # _____

8. CENTRAL CONTRACTOR REGISTRATION (JUN 2004)

The Central Contractor Registration (CCR) System is a centrally located, searchable database which assists in the development, maintenance, and provision of sources for future procurements. The Offeror must be registered in the CCR prior to lease award. The Offeror shall register via the Internet at http://www.ccr.gov. To remain active, the Offeror/Lessor is required to update or renew its registration annually.

Registration is active. Yes [ ] No [ ] Will register [ ]

OWNER	NAME, ADDRESS (INCLUDING ZIP CODE)	TELEPHONE NUMBER
	_____ Signature	Date

D K

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the lease of 17,253 usable (19,841 rentable) square feet of office and related space located within City-owned property known as the Commonwealth Building for a term of up to ten years subject to a provision whereby either party may terminate the lease after five years, without cause, upon two years written notice; authorizing the appropriate City officials to execute a Lease Agreement therefore; and dispensing with the second reading of this ordinance by title.

WHEREAS, the City has, by advertisement published once a week for two consecutive weeks in a paper of general circulation published in the City, publicly invited bids for the award of a lease agreement for 17,253 usable (19,841 rentable) square feet of office space located inside the Commonwealth Building located at 220 Church Avenue, SW, Roanoke, VA, 24011 ("Property");

WHEREAS, _____ bids for the lease extension were received and publicly opened at the Council meeting held on August 15, 2005;

WHEREAS, the bid of _____, to be awarded the lease of certain space located in the Property for a term of up to ten years, subject to a provision whereby either party may terminate the lease after five years, without cause, upon two years written notice, was publicly opened at the Council meeting on August 15, 2005;

WHEREAS, at such Council meeting, a public hearing was held at which all persons were accorded a full and fair opportunity to comment with respect to the proposed lease of office space; and

WHEREAS, Council found the bid of _____, was the highest and most responsive bid made to the City for such office space, and Council is desirous of

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The bid of _____, to lease from the City 17, 253 usable (19,841 rentable) square feet of space located in the Commonwealth Building, lying at 220 Church Avenue, S.W., 24011, for a term of up to ten years, subject to a provision whereby either party may terminate the agreement without cause after the first five years and upon two years written notice, for use as office space, commencing on _____, 2005, or as soon as all legal requirements have been met, for an annual rental fee of _____ for each of the first five years and ___ for each of the remaining five years, is hereby ACCEPTED.

2. The City Manager and City Clerk are hereby authorized, for and on behalf of the City, to execute a lease agreement between the City and _____ for the Property, and to be in a form approved by the City Attorney. The Lease Agreement shall be for a term of up to ten years, subject to a provision whereby either party may terminate the lease without cause after the first five years and upon two years written notice, commencing on _____, 2005, or as soon as all legal requirements have been met, for an annual rental fee of _____ for each of the first five years and ____ for each of the remaining five years.

3. Any other bids received for this project are hereby REJECTED, and the City Clerk is directed to so notify each such bidder and to express to each the City's appreciation for such bids.

4. The City Manager is further authorized to file such further action and/or execute such further documents as may be necessary to implement and administer such agreement.

5. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Petition by Roanoke Investments Associated, Inc., represented by Eugene M. Elliott, Jr., Attorney, to amend proffered conditions on 2.615-acre tract of land located at 3361 Melrose Avenue, NW, and identified as Tax Map No. 2660519

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 21, 2005. By a vote of 7-0, the Commission recommended approval of the request to amend proffered conditions.

Background:

A petition was filed on June 1, 2005, to amend the proffered conditions on property located at 3361 Melrose Avenue, NW, identified as Tax Map No. 2660519. An amended petition was filed on July 13, 2005. A second amended petition was filed on July 27, 2005. The majority of the property (2.184 acres) was rezoned from C-2, General Commercial District, to LM, Light Industrial District, on March 1, 1985. On January 16, 1990, an adjoining property (0.43 acres) was rezoned from RS-3, Residential Single-Family District, to LM and was combined with the larger parcel. At that time, the proffered condition on the larger parcel was amended and the current condition was placed on both parcels.

The petition requests that the following proffer be <u>repealed</u>:

The property shall be used only for one or more of the following purposes:

Manufacturing establishments primarily engaged in the assembly of electrical appliances and telephonic, electronic or small mechanical equipment, instruments or devices; the manufacture of parts of use in any such appliances, equipment, instruments, or devices; or the assembly and/or packaging of textile materials.

No outside storage will be permitted on the property in connection with any use.

The petition further requests that the following proffers be adopted:

1. The following uses shall not be permitted on the property:
   (a) Outdoor advertising;
   (b) Tractor trailer depots and repair facilities;
   (c) General service establishments engaged in the repair or maintenance of motor vehicles or trailers;
   (d) New commercial vehicle sales and service establishments;
   (e) Towing services;
   (f) Mobile home sales;
   (g) Motor vehicle or trailer painting and body repair establishments;
   (h) Wrecker services;
   (i) Used commercial motor vehicle sales and service.

2. There shall be no outdoor storage permitted on the property.

3. Landscaping shall be installed and maintained in accordance with the attached landscape plan prepared by Country Charm Landscape and dated July 21, 2005, attached hereto as Exhibit 1-A.

The petitioner indicates the proposed use of the property as "production and storage of marketing materials, and as software design, production and maintenance." The concept plan indicates use of the existing building. The proposed use and concept plan are not being proffered.

Surrounding land uses include residential, commercial, and industrial land uses. To the north is a 3.3 acre parcel used by Roanoke Country Club as an office and for parking associated with the golf club. The property is zoned C-1, Office District. To the northeast is a single-family dwelling on a large parcel owned by Roanoke Country Club, zoned RS-3, Residential Single-Family District. To the east is a vacant parcel that is split-zoned; the parcel is RS-3, Residential Single-Family District, on the

northern half and C-2, General Commercial District, on the southern half. Another adjacent parcel, occupied by a Virginia ABC retail store, is zoned C-2, General Commercial District. To the west are several residential uses and vacant parcels zoned C-1, Office District. To the south on the other side of Melrose Avenue are the Dixie Products showroom (zoned LM, Light Manufacturing District, conditional) and a car wash (zoned LM, Light Manufacturing District).

Considerations:

In the 1985 and 1990 rezonings, the use of the property was limited to a single land use through voluntary proffers. The proffered use essentially has the outward characteristics of an office use. While this limitation met the needs of the particular tenants at the time, it seriously hinders the future adaptive reuse and viability of the building and site.

Vision 2001-2020 recommends:

- Redevelopment of underused commercial and industrial sites as a Strategic Initiative (p. 58).
- Revise zoning to permit small mixed-use (flex-space) development (p.62).

While the two above recommendations are not directly applicable, the underlying principles apply to this case. They point to the need for flexibility to allow reuse of buildings. Also, the distinction between office and industrial uses is becoming increasingly blurred as these uses are frequently pursued as principal uses within the same building.

The *Villa Heights/Fairland Neighborhood Plan* contains the following policy and action recommendations:

- Support, retain, and expand business development that is compatible with neighborhood character and scale.

- Ensure good relationships between residential and commercial development through thoughtful site and building design and landscaping.

- Support new development in the area that will encourage the appropriate use, design, and scale consistent with existing land use.

- The future land use plan identifies the property for industrial use based on the conditional LM zoning which has existed on the property since 1982.

Many of the uses permitted in the LM district would be incompatible with surrounding residential land uses and would not support the development goals of the Villa Heights/Fairland plan. Staff discussed these concerns with Mr. Elliott. In response, Mr. Elliot filed an amended petition which proffers that certain incompatible uses will not be permitted. In addition, outdoor storage would not be a permitted activity.

In response to staff's concern about the lack of landscaping on the site, the second amended petition contains a proffered landscape plan which proposes the addition of 16 trees to mitigate the site's relationship to surrounding properties and the street frontages, as well as the large expanse of parking.

Recommendation:

By a vote of 7-0, the Commission recommended that City Council approve the second amended petition to amend proffered conditions. The amendment of proffered conditions will allow flexible, adaptive reuse of the building, which is consistent with the economic development policies of *Vision 2001-2020* and the *Villa Heights/Fairland Neighborhood Plan.* The Planning Commission should recommend approval to City Council.

Respectfully submitted,

Richard A. Rife

Richard A. Rife, Chairman
City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager
William M. Hackworth, City Attorney
Eugene M. Elliott, Jr., Attorney for the Petitioner

3361 Melrose Avenue S.W.
Tax Map No. 2660519
Zoning Districts
Subject Property
RS-3
C-1
C-2
LM
RM-1
MELROSE
COUNTRY CLUB
OLIVET
VIERMONT
2660124
2660119
2660123
2660118
2660117
2660120
2660131
2660116
2660115
2660114
2660129
2660113
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2660515
2660505
2660518
2660410
2660421
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2660418
2660621
2550101
2850102

SECOND AMENDED PETITION TO AMEND PROFFERED CONDITIONS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Amendment of Proffered Conditions for New Tract 1(2.615 Acres) Fairview, 3361 Melrose Avenue, NW, Tax Map No. 2660519

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

By Ordinance No. 29906-11690, at the request of Roanoke Investments Associated, Inc., City Council rezoned the property identified as Tax Map No. 2660519 from RS-3 to LM, with proffered conditions. A map of the property and concept plan is attached hereto as Exhibit 1.

The Petitioner, Roanoke Investments Associated, Inc., owns said land in the City of Roanoke and requests that the conditions relating to said property be amended. The Petitioner has a commitment to lease the entire 29,000 square foot building located at 3361 Melrose Avenue, NW, subject to the amendment of the existing proffers on the premises, to National Business College for use in connection with its Marketing Department and IT Department. Approximately seventy-five (75) jobs would come into the City of Roanoke. Production and storage of marketing materials would occur on the premises, as well as software design, production and maintenance, for the sixteen (16) locations of NBC facilities located throughout Virginia.

The Petitioner hereby requests that the following proffers enacted by Ordinance No. 29906-11690 be repealed:

The property shall be used only for one or more of the following purposes:

Manufacturing establishments primarily engaged in the assembly of

electrical appliances and telephonic, electronic or small mechanical equipment, instruments or devices; the manufacture of parts for use in any such appliances, equipment, instruments, or devices; or the assembly and/or packaging of textile materials.

No outside storage will be permitted on the property in conjunction with any use.

Your Petitioner further requests that the following Proffers be adopted:

1. The following uses shall not be permitted on the property:

   (a) Outdoor advertising;

   (b) Tractor trailer depots and repair facilities;

   (c) General service establishments engaged in the repair or maintenance of motor vehicles or trailers;

   (d) New commercial vehicle sales and service establishments;

   (e) Towing services;

   (f) Mobile home sales;

   (g) Motor vehicle or trailer painting and body repair establishments;

   (h) Wrecker services;

   (i) Used commercial motor vehicle sales and service.

2. There shall be no outdoor storage permitted on the property.

3. Landscaping shall be installed and maintained in accordance with the attached landscape plan prepared by Country Charm Landscape and dated July 21, 2005, attached hereto as Exhibit 1-A.

Owner believes that repealing and amending the existing proffers is consistent with the intent of the existing City Zoning Ordinance and the City's Comprehensive Plan, given

the present, ever increasing commercial/industrial character of the neighborhood along Melrose Avenue, NW.

The Petitioner believes that the subject amendment of proffers will further the intent and purposes of the City Zoning Ordinance and its Comprehensive Plan in that it will allow for a better use of the subject property.

Attached as Exhibit 2 are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the subject property.

WHEREFORE, the Petitioner requests that the above-described repeal of the proffers be approved as herein set out in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 27 day of July, 2005.

Roanoke Investments Associated, Inc., owner

By: _____
President

Eugene M. Elliott, Jr.(VSB#12604)
Suite 910, Wachovia Bldg.
213 So. Jefferson Street
Roanoke, Va. 24011-1787
(540) 981-0164
Counsel for Petitioner

EXHIBIT 1

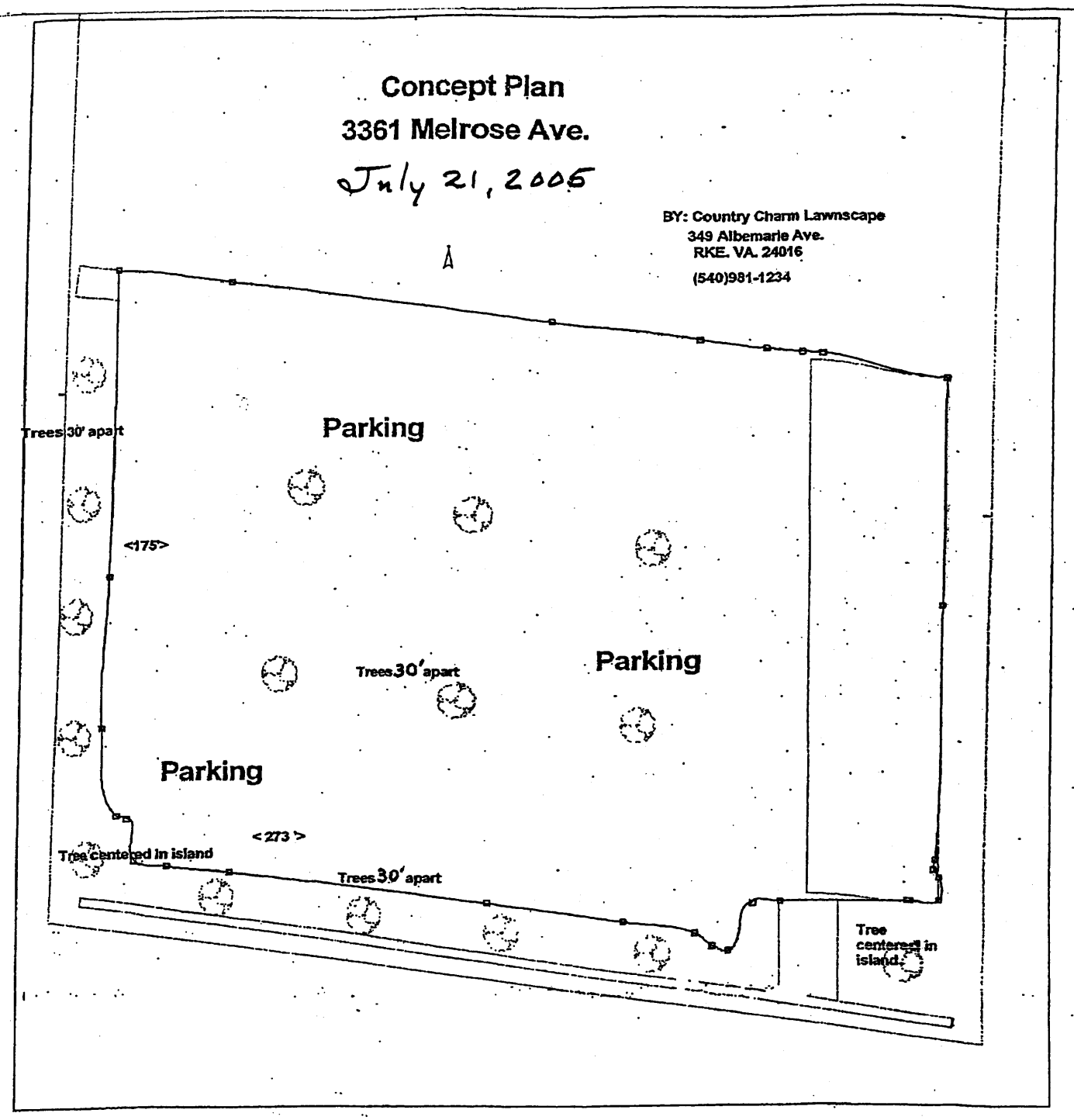
Concept Plan
3361 Melrose Ave.
July 21, 2005
BY: Country Charm Lawnscape
349 Albemarle Ave.
RKE. VA. 24016
(540)981-1234
A
Trees 30' apart
Parking
<175>
Trees 30' apart
Parking
Parking
<273>
Tree centered in island
Trees 30' apart
Tree centered in island.

EXHIBIT 1-A

COUNTRY CHARM LAWNSCAPE
July 21, 2005

Landscaping Plan for 3361 Melrose Avenue, NW:

1. **See attached plantings diagram.**
2. **All perimeter plantings shown on diagram to be large deciduous trees with a minimum canopy of 250 square feet at twenty years maturity.**
3. **All interior plantings shown on diagram to be small deciduous trees with a minimum canopy of one hundred square feet at twenty years maturity.**
4. **All plantings to be located as indicated on diagram subject to minor relocation due to possible locations of underground utilities; minimum number of trees to be planted shall be 16.**
5. **All plantings shall be maintained and replaced as necessary on an annual basis.**

EXHIBIT 2

Official Tax No./ Street Address	Name of Property Owner	Mailing Address
2660501 1039 Country Club Dr.,NW	Roanoke Country Club, Inc.	PO Box 6069 Roanoke, VA 24017
2660503 3323 Melrose Ave, NW	Roanoke Country Club, Inc.	PO Box 6069 Roanoke, VA 24017
2660518 3341 Melrose Ave, NW	Alton B. Prillaman	2803 Stephenson Ave., SW Roanoke, VA 24014
2660110 Lts 6-10, pts 2-5 Cavalier Park	Roanoke Country Club, Inc.	PO Box 6069 Roanoke, VA 24017
2660112 1018 Country Club Dr, NW	John R & Everleen H. Angle	1018 Country Club Dr.,NW Roanoke, VA 24017
2660113 Lots 13-14 Cavalier Park	John R & Everleen H. Angle	1018 Country Club Dr.,NW Roanoke, VA 24017
2660114 1026 Country Club Dr, NW	Walter J. & Randell Wilkerson	1026 Country Club Dr, NW Roanoke, VA 24017
2660115 Lots 21-22, Cavalier Park	Clarence L. & Kristie L. Hale	1036 Country Club Dr. NW Roanoke, VA 24017
2660129 1024 Country Club Dr, NW	Cassandra M Williams	1024 Country Club Dr, NW Roanoke, VA 24017
2660421 3406 Melrose Ave, NW	Curtis M. Dillon William G. Crouch, Jr.	285 Mountain Valley Rd Hardy, VA 24121
2660414 3364 Melrose Ave, NW	Michael L. & Katrina K. Bell	PO Box 97 Salem, VA 24153
2660424 3360 Melrose Ave, NW	June Swann Hoal	3621 Oaklawn Ave, NW Roanoke, VA 24012
2660417 3342 Melrose Ave, NW	HASI Partnership	PO Box 6023 Roanoke, VA 24017

SJT 8/1/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 266, Sectional 1976 Zone Map, City of Roanoke, by amending certain conditions presently binding upon certain property previously conditionally zoned LM, Light Manufacturing District; and dispensing with the second reading by title of this ordinance.

WHEREAS, Roanoke Investments Associated, Inc. has made application to the Council of the City of Roanoke to amend certain conditions presently binding upon a tract of land located at 3361 Melrose Avenue, N.W., being designated as Official Tax No. 2660519, which property was previously rezoned LM, Light Manufacturing, with proffers, by the adoption of Ordinance No. 29906, adopted January 16, 1990;

WHEREAS, Roanoke Investments Associated, Inc. seeks to have the subject property zoned C-2, General Commercial District, with proffers as set forth in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on March 25, 2005.

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on April 18, 2005, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation

made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the conditions now binding upon a tract of land located at 3361 Melrose Avenue, N.W., being designated as Official Tax No. 2660519, should be amended as requested, so that the property is zoned LM, Light Manufacturing, with proffers as set forth in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on July 27, 2005.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Sections 36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 266 of the Sectional 1976 Zone Map, City of Roanoke, be amended to reflect the changes in proffered conditions as shown in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on July 27, 2005, and as set forth in the report of the Planning Commission dated August 15, 2005, so that the subject property is zoned LM, Light Manufacturing, with such proffers.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Petition by Boone Homes, Inc. of Roanoke, represented by Edward A. Natt, Attorney, to amend proffered conditions on a 10.224-acre tract of land on Franklin Road, identified as Tax Map No. 1290175

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 21, 2005. By a vote of 7-0, the Commission recommended approval of the amendment of proffered conditions.

Background:

On June 2, 2005, a petition was filed to amend proffered conditions on a 10.224-acre parcel identified as Tax Map No. 1290175. An amended petition was filed on June 23, 2005. A second amended petition was filed on August 1, 2005. The property is a section of the Southwood development. The property was rezoned from RM-2 to RPUD on December 18, 1995. The conditions that are currently in effect were established by Ordinance No. 35152-120400, which amended the conditions previously placed on the property. Three changes to these proffered conditions are requested.

The petition requests that the following proffers be <u>repealed</u>:

(1) The property will be developed in substantial conformity with the site plan entitled "Development Concept for Section No. 3,

Southwood, Prepared for Boone, Boone and Loeb, Inc." prepared by Lumsden and Associates, dated August 31, 2000, a copy of which is attached hereto as Exhibit 3 [reference to former petition], subject to any changes required by the City during site plan review.

(2) No parallel on-street parking will be permitted on streets less than 30 feet in width serving residential units.

(3) That portion of the 23.571-acre parcel not being developed with the erection of structures or sidewalks as shown on the site plan identified in Paragraph 1 shall be retained as open space.

(4) The residences constructed on the property shall not exceed 1-1/2 stories, but in no case be higher than 31 feet from top of the floor of the first floor. Exposed basement and sub-footing heights would not be included in the 31-foot height limitation.

(5) The grading of the property shall substantially conform with the approximate limits shown on the grading plan entitled "Proposed Grading Plan for Section No.3, Southwood," prepared by Lumsden Associates, P.C. under date of October 13, 2000, submitted as Exhibit 5 [reference to former petition].

(6) Landscaping shall be in accordance with the plan submitted as Exhibit 4 [reference to former petition] and shall include street trees, evergreen trees and hedges. In addition, any existing tree cover on the permanent open space which is disturbed during development of the property shall be replanted with one-half white pines and one-half deciduous trees which, at the time of planting, shall be a minimum of three to four feet in height and planted on a maximum of 30-foot on center. Replanted material shall be maintained by the property owner.

(7) On-site signage will be limited to identification signage at the main entrance and identification and direction signage within the development.

(8) The exterior of the residences shall be predominantly brick on all facades.

(9) Driveways shall be blacktopped.

(10) Sidewalks shall be installed as shown on Exhibit 4 [reference to former petition].

(11) A homeowner's association shall be established to maintain the exterior of constructed residences and the grounds. Documentation of the establishment of the Association shall be provided to the City prior to the issuance of a Certificate of Occupancy.

The petition requests that the following proffers be adopted:

(1) The property will be developed in substantial conformity with the site plan entitled "Development Concept for Section No. 3, Southwood, Prepared for Boone, Boone and Loeb, Inc." prepared by Lumsden and Associates, dated August 31, 2000, a copy of which is attached hereto as **Exhibit 2**, subject to any changes required by the City during site plan review.

(2) That portion of the 23.571-acre parcel not being developed with the erection of structures or sidewalks as shown on the site plan identified in Paragraph 1 shall be retained as open space.

(3) The residences constructed on the property shall not exceed 1-1/2 stories, but in no case be higher than 31 feet from top of the floor of the first floor. Exposed basement and sub-footing heights would not be included in the 31-foot height limitation.

(4) The grading of the property shall substantially conform with the limits shown on the grading plan entitled "Southwood Amended Grading Limits, Section No. 5, The Coach Homes of Southwood," prepared by Lumsden Associates, P.C. under date of May 5, 2005, submitted as **Exhibit 6**.

(5) Landscaping shall be in accordance with the plan submitted as Exhibit 4 enacted as part of Ordinance No. 35152-120400, attached hereto as **Exhibit 7**, and shall include street trees, evergreen trees and hedges. In addition, any existing tree cover on the permanent open space which is disturbed during development of the property shall be replanted with one-half white pines which, at the time of planting, shall be a minimum of three to four feet in height, and one-half deciduous trees which, at the time of planting, shall be two and one-half inches in caliper. All trees shall be planted so as not to exceed a spacing of thirty (30) feet on center. Replanted material shall be maintained by the property owner.

(6) On-site signage will be limited to identification signage at the main entrance and identification and direction signage within the development.

(7) The exterior of the residences shall be ninety percent (90%) brick excluding siding on dormers and siding on rear gables.

(8) Driveways shall be blacktopped.

(9) Sidewalks shall be installed as shown on the original submittal.

(10) A homeowner's association shall be established to maintain the exterior of constructed residences and the grounds. Documentation of the establishment of the Association shall be provided to the City prior to the issuance of a Certificate of Occupancy.

The proposed amendment creates substantive changes to conditions (2), (5), (6), and (8). Condition (2) relating to prohibition of on-street parking is being removed. Amended condition (5) extends the limits of the area to be graded. Condition (6) is being amended to establish a minimum caliper of 2 ½ inches for deciduous trees to be planted to replace those lost as a result of grading in the permanent open space. Condition (8) is being amended to establish definitive minimum for the amount of brick to be used on the exterior of dwellings.

Considerations:

The proposed revision to the plan substantially increases the area to be graded in the in the reserved open space. The area is a wooded, steep hillside that ranges in grade from 28-35% slope. The revised grading plan extends the area to be graded an average of 28 feet farther down the hillside than shown in the original plan. The hillside abuts the Roy Webber Expressway. Proposed mitigation is through reforestation by planting a 50/50 mixture of deciduous and coniferous trees on 30-foot centers. The Zoning Administrator will require that the reforestation take place prior to issuance of any Certificates of Occupancy for this section of the development.

The original grading plan resulted in less disturbed area, but required an artificial structure to retain the hillside. Notes on the plan indicate that the reason for the request is to avoid the need to construct a retaining wall which would range from 5 to 10 feet in height. The proposed amendment extends the graded area, but will eventually result in natural contours. With both proposals, there is an effort toward mitigation through reforestation.

Conditions (6) and (8) are being amended to provide definitive language. Condition (6), as currently written, only establishes a minimum height for trees at planting, which is appropriate for coniferous trees. However, the common measurement used for deciduous trees is a minimum caliper. Condition (8) replaces the term "predominantly brick" with a definitive 90% minimum, exclusive of dormers and gables.

The *Franklin Road/Colonial Avenue Area Plan* designates the parcel for mixed residential development.

Policy ECP3 of *Vision 2001-2020* states, "Roanoke will protect steep slopes, ridgetops, and viewsheds within the city as important environmental and scenic resources and will cooperate regionally to protect such resources located outside the City." Both the original plan and the revised plan result in the removal of significant areas of mature forest on a steep hillside, which should be avoided as much as possible in light of the *Vision 2001-2020* policy cited above. The resulting natural topography of the proposed plan is more desirable than a retaining wall and the tradeoff of having to increase the area graded is appropriate.

Recommendation:

By a vote of 7-0, the Commission recommended that City council approve the amendment of proffered conditions set forth in the petition. The revised grading plan, while it removes more forested area, will result in natural topography over the long term. Removal of the prohibition on on-street parking, designating a minimum caliper for deciduous trees, and designating a minimum amount of brick exterior are appropriate.

Respectfully submitted,

Richard A. Rife
RAT

Richard A. Rife, Chairman
City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager
William M. Hackworth, City Attorney
Edward Natt, Attorney for the Petitioner

SECOND AMENDED PETITION TO AMEND PROFFERS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Amendment of Proffered Conditions for a tract of land on Franklin Road identified as Tax Map No. 1290175, containing 10.2240 acres (Section 5, Southwood) and zoned Residential Planned Unit Development (RPUD)

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

By Ordinance No. 35152-120400 adopted December 4, 2000, at the request of BOONE, BOONE & LOEB, INC., City Council amended proffers for the property contained in Ordinance No. 34406-080299 (adopted August 2, 1999) and Ordinance No. 32777-121895 (adopted December 18, 1995). A copy of said Ordinance No. 351520-120400 is attached hereto as **Exhibit 1**, together with the site plan submitted therewith being attached hereto as **Exhibit 2**. Said parcel of land contains 10.2240 acres, more or less, and is zoned Residential Planned Unit Development (RPUD). A map of the subject property is attached hereto as **Exhibit 3**. A location map of the property is attached as **Exhibit 4**. A legal description of the subject property is attached as **Exhibit 5**.

Your Petitioner herein, BOONE HOMES, INC. OF ROANOKE, a Virginia corporation, is the current owner of said parcel.

Your Petitioner requests that the conditions relating to said property be amended as hereinafter set out.

Your Petitioner believes that the subject amendment of proffers will further the intent and purposes of the City Zoning Ordinance and its Comprehensive Plan in that

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ATT, HELSCHER, YOST,
WELL & FERGUSON, PLC
ATTORNEYS-AT-LAW
ROANOKE, VIRGINIA
24018-0049

such amendment will allow the grading of the property to be undertaken in a manner that meets the City's requirements.

Your Petitioner hereby requests that the following Proffers established by Ordinance No. 35152-120400 dated December 4, 2000, as hereinafter set out, be **REPEALED**:

> (1) The property will be developed in substantial conformity with the site plan entitled "Development Concept for Section No. 3, Southwood, Prepared for Boone, Boone and Loeb, Inc." prepared by Lumsden and Associates, dated August 31, 2000, a copy of which is attached hereto as Exhibit 3, subject to any changes required by the City during site plan review.
>
> (2) No parallel on-street parking will be permitted on streets less than 30 feet in width serving residential units.
>
> (3) That portion of the 23.571-acre parcel not being developed with the erection of structures or sidewalks as shown on the site plan identified in Paragraph 1 shall be retained as open space.
>
> (4) The residences constructed on the property shall not exceed 1-1/2 stories, but in no case be higher than 31 feet from top of the floor of the first floor. Exposed basement and sub-footing heights would not be included in the 31-foot height limitation.
>
> (5) The grading of the property shall substantially conform with the approximate limits shown on the grading plan entitled "Proposed Grading Plan for Section No. 3, Southwood," prepared by Lumsden Associates, P.C. under date of October 13, 2000, submitted as Exhibit 5.
>
> (6) Landscaping shall be in accordance with the plan submitted as Exhibit 4 and shall include street trees, evergreen trees and hedges. In addition, any existing tree cover on the permanent open space which is disturbed during development of the property shall be replanted with one-half white pines and one-half deciduous trees which, at the time of planting, shall be a minimum of three to four feet in height and planted on a maximum of 30-foot on center.

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Replanted material shall be maintained by the property owner.

(7) On-site signage will be limited to identification signage at the main entrance and identification and directional signage within the development.

(8) The exterior of the residences shall be predominantly brick on all facades.

(9) Driveways shall be blacktopped.

(10) Sidewalks shall be installed as shown on Exhibit 4.

(11) A homeowner's association shall be established to maintain the exterior of constructed residences and the grounds. Documentation of the establishment of the Association shall be provided to the City prior to the issuance of a Certificate of Occupancy.

Your Petitioner further requests that the following Proffers be **ADOPTED**:

(1) The property will be developed in substantial conformity with the site plan entitled "Development Concept for Section No. 3, Southwood, Prepared for Boone, Boone and Loeb, Inc." prepared by Lumsden and Associates, dated August 31, 2000, attached hereto as **Exhibit 2**, subject to any changes required by the City during site plan review.

(2) That portion of the 23.571-acre parcel not being developed with the erection of structures or sidewalks as shown on the site plan identified in Paragraph (1) shall be retained as open space.

(3) The residences constructed on the property shall not exceed 1-1/2 stories, but in no case be higher than 31 feet from top of the floor of the first floor. Exposed basement and sub-footing heights would not be included in the 31-foot height limitation.

(4) The grading of the property shall substantially conform with the limits shown on the grading plan entitled "Southwood Amended Grading Limits, Section No. 5, The Coach Homes of Southwood," prepared by Lumsden Associates, P.C. under date of May 5, 2005, submitted as

ERHOUDT, PRILLAMAN,
IT, HELSCHER, YOST,
ELL & FERGUSON, PLC
ATTORNEYS-AT-LAW
ROANOKE, VIRGINIA
24018-0049

Exhibit 6.

(5) Landscaping shall be in accordance with the plan submitted as Exhibit 4 enacted as part of Ordinance No. 35152-120400, attached hereto as **Exhibit 7**, and shall include street trees, evergreen trees and hedges. In addition, any existing tree cover on the permanent open space which is disturbed during development of the property shall be replanted with one-half white pines which, at the time of planting, shall be a minimum of three to four feet in height, and one-half deciduous trees which, at the time of planting, shall be two and one-half inches in caliper. All trees shall be planted so as not to exceed a spacing of thirty (30) feet on center. Replanted material shall be maintained by the property owner. All such landscaping and all such replacement trees shall be maintained by the owner or owners of Tax Map No. 1290175.

(6) On-site signage will be limited to identification signage at the main entrance and identification and directional signage within the development.

(7) The exterior of the residences shall be ninety percent (90%) brick excluding siding on dormers and siding on rear gables.

(8) Driveways shall be blacktopped.

(9) Sidewalks shall be installed as shown on **Exhibit 4** enacted as part of Ordinance No. 35152-120400.

(10) A homeowner's association shall be established to maintain the exterior of constructed residences and the grounds. Documentation of the establishment of the Association shall be provided to the City prior to the issuance of a Certificate of Occupancy.

Attached as **Exhibit 8** are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the subject property.

WHEREFORE, your Petitioner requests that the above-described amended proffers be approved as herein set out in accordance with the provisions of the Zoning

ERHOUDT, PRILLAMAN,
TT, HELSCHER, YOST,
ELL & FERGUSON, PLC
ATTORNEYS-AT-LAW
ROANOKE, VIRGINIA
24018-0049

Ordinance of the City of Roanoke.

Respectfully submitted this 29 day of August, 2005.

Petitioner/Owner:

BOONE HOMES, INC. OF ROANOKE

BY _____

ITS _____

_____

Edward A. Natt, Esq.
OSTERHOUDT, PRILLAMAN, NATT,
HELSCHER, YOST, MAXWELL &
FERGUSON, P.L.C.
P. O. Box 20487
Roanoke, VA 24018-0049
Phone: (540) 725-8180
Fax: (540) 774-0961
VSB #1104

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IATT, HELSCHER, YOST,
(WELL & FERGUSON, PLC
ATTORNEYS-AT-LAW
ROANOKE, VIRGINIA
24018-0049

Post-it® Fax Note 7671
To CAROL
Co./Dept.
Phone # RE: SOUT
Fax #

EXHIBIT
1

IN THE COUNCIL OF THE CIT

The 4th day of December, 2000.

No. 35152-120400.

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 129, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned C-1, Office District.

WHEREAS, Boone, Boone and Loeb, Inc., filed an application to the Council of the City of Roanoke to amend certain conditions presently binding upon a tract of land containing 23.571-acres, more or less, lying between I-581 and Franklin Road, S.W., being a portion of a larger parcel designated as Official Tax No. 1290107, which property was previously conditionally rezoned by the adoption of Ordinance No. 34406-080299 adopted August 2, 1999, and Ordinance No. 32777-121895, adopted December 18, 1995.

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held by City Council on said application at its meeting on November 20, 2000, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest

and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the conditions now binding upon a tract of land containing 23.571-acres, more or less, lying between I-581 and Franklin Road, S.W., and being a portion of a larger parcel designated as Official Tax No. 1290107, and the matters presented at the public hearing, should be amended as requested.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 129 of the Sectional 1976 Zone Map, City of Roanoke, be amended to reflect the changes in proffered conditions as shown in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on November 9, 2000, and as set forth in the report of the Planning Commission dated November 20, 2000, and that Ordinance No. 34406-080299, adopted August 2, 1999, and Ordinance No. 32777-121895, adopted December 18, 1995, be amended to reflect the changes in the proffered condition.

ATTEST:

Mary F. Parker

City Clerk.

SECOND AMENDED
PETITION TO AMEND PROFFERS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE: Request of Boone, Boone and Loeb, Inc., to amend Proffers contained in Ordinance No. 34406-080299 and Ordinance No. 32777-121895 with respect to Tax Map No. 1290107 as said proffers relate to 23.571 acres of those six tracts of land containing 60.53 acres located between I-581 and Franklin Road in the City of Roanoke governed by Ordinance No. Ordinance No. 34406-080299 and Ordinance No. 32777-121895

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

Retirement Community, Inc., owns land in the City of Roanoke originally containing 60.53 acres, more or less, which parcel was comprised of 52.83 acres being identified as Tax Map Nos. 1290105 and 1290171 and a portion of Tax Map No. 1290107, and zoned RPUD, Residential Planned Unit Development, subject to certain proffers, and 7.70 acres, being identified as Tax Map No. 1290108 and a portion of Tax Map No. 1290107, and zoned C-2, General Commercial District, subject to certain proffers.

The Petitioner, Boone, Boone and Loeb, Inc. is the contract purchaser for 23.571 acres of said parcel identified as a part of Tax Map 1290107. A map of the 23.571 acres is attached here to as Exhibit 1 and a metes and bounds description is attached hereto as Exhibit 2.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioners request that the Proffers heretofore adopted with Ordinance No. 34406-080299 and Ordinance No. 32777-121895 be amended as hereinafter set out.

The Petitioners believe that the amendment of the Proffers relating to said property will enable the development of the property in an appropriate manner.

STERHOUDT, FERGUSON, NATT, AGEE & KIDD
ATTORNEYS-AT-LAW
ROANOKE, VIRGINIA
24018-1699

The Petitioners, therefore, petition the City Council to amend Ordinance No. 34406-080299 adopted August 2, 1999, and Ordinance No. 32777-121895 adopted December 18, 1995, to provide that the proffers relating to the 23.571 acre parcel shall read as follows:

1. The property will be developed in substantial conformity with the site plan entitled "Development Concept for Section No. 3, Southwood, Prepared for Boone, Boone and Loeb, Inc.," prepared by Lumsden and Associates, dated August 31, 2000, a copy of which is attached hereto as Exhibit 3, subject to any changes required by the City during site plan review.

2. No parallel on-street parking will be permitted on streets less than 30 feet in width serving residential units.

3. That portion of the 23.571-acre parcel not being developed with the erection of structures or sidewalks as shown on the site plan identified in Paragraph 1 shall be retained as open space.

4. The residences constructed on the property shall not exceed 1-1/2 stories, but in no case be higher than 31 feet from top of the floor of the first floor. Exposed basement and sub-footing heights would not be included in the 31 foot height limitation.

5. The grading of the property shall substantially conform with the approximate limits shown on the grading plan entitled "Proposed Grading Plan for Section No. 3, Southwood", prepared by Lumsden Associates, P.C. under date of October 13, 2000, submitted as Exhibit 5.

6. Landscaping shall be in accordance with the plan submitted as Exhibit 4 and shall include street trees, evergreen trees and hedges. In addition, any existing tree cover on the permanent open space which is disturbed during development of the property shall be replanted with one-half white pines and one-half deciduous trees which, at the time of planting, shall be a minimum of three to four feet in height and planted on a maximum of 30-foot on center. Replanted material shall be maintained by the property owner.

7. On-site signage will be limited to identification signage at the main entrance and identification and directional signage within the development.

8. The exterior of the residences shall be predominantly brick on all facades.

STERHOUDT, FERGUSON,
NATT, AGEE & KIDD
ATTORNEYS-AT-LAW
ROANOKE, VIRGINIA
24016-1699

9. Driveways shall be blacktopped.

10. Sidewalks shall be installed as shown on Exhibit 4.

11. A homeowner's association shall be established to maintain the exterior of constructed residences and the grounds. Documentation of the establishment of the Association shall be provided to the City prior to the issuance of a Certificate of Occupancy.

Attached as Exhibit 6 are the names, addresses and tax numbers of the owners of all lots or property immediately adjacent to or immediately across a street or road from the property to be rezoned.

WHEREFORE, the Petitioner requests that the above-described amendment be approved in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 5 day of November, 2000.

Respectfully submitted,

BOONE, BOONE AND LOEB, INC.

BY _____
Of Counsel

BOONE, BOONE AND LOEB, INC.

_____ Vice-President

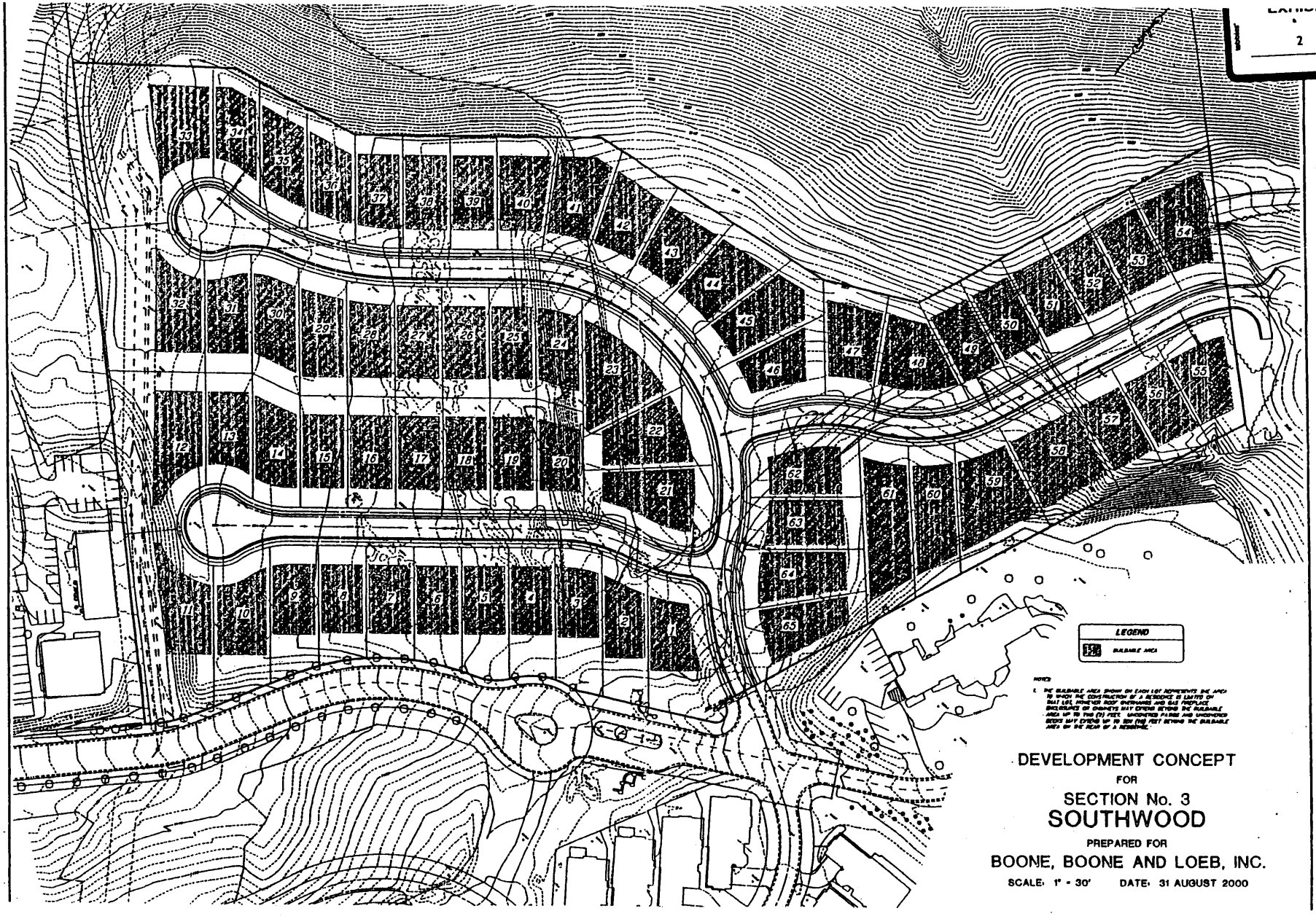
RETIREMENT COMMUNITY, INC.

_____ 11/08/00 Owner

STERHOUDT, FERGUSON,
NATT, AGEE & KIDD
ATTORNEYS-AT-LAW
ROANOKE, VIRGINIA
24018-1699

EXHIBIT

2



NOTES:

1. THE BUILDABLE AREA SHOWN ON EACH LOT REPRESENTS THE AREA TO WHICH THE CONSTRUCTION OF A RESIDENCE IS LIMITED ON THAT LOT. HOWEVER ROOF OVERHANGS AND GAS FIREPLACE ENCLOSURES OR CABINETS MAY EXTEND BEYOND THE BUILDABLE AREA UP TO TWO (2) FEET. UNCOVERED PATIOS AND UNCOVERED DECKS MAY EXTEND UP TO SIX (6) FEET BEYOND THE BUILDABLE AREA ON THE REAR OF A RESIDENCE.

DEVELOPMENT CONCEPT

FOR

SECTION No. 3
SOUTHWOOD

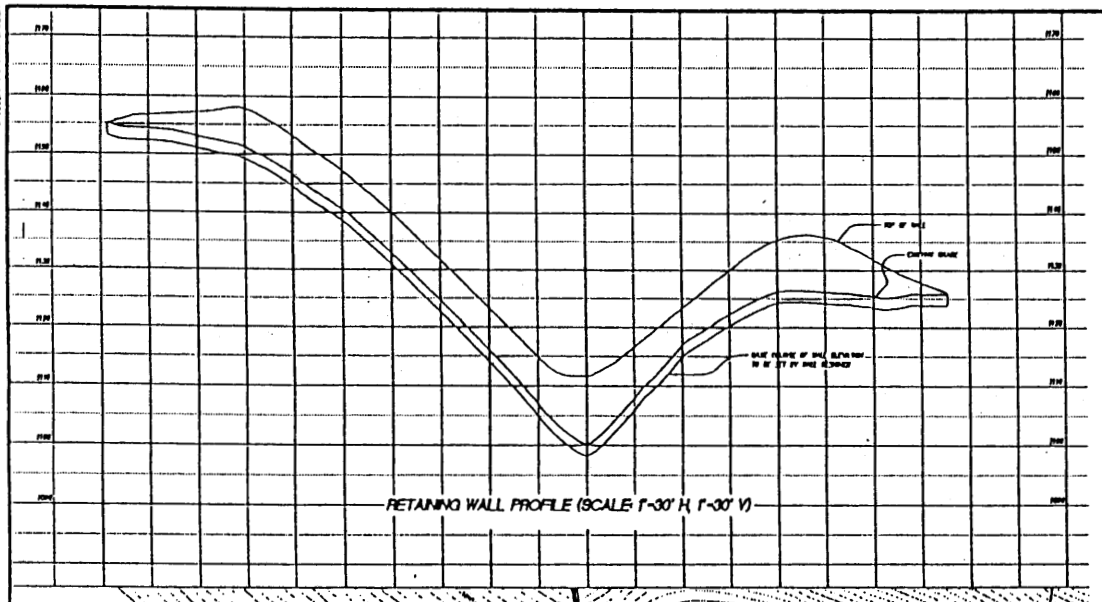
PREPARED FOR

BOONE, BOONE AND LOEB, INC.

SCALE: 1" = 30' DATE: 31 AUGUST 2000

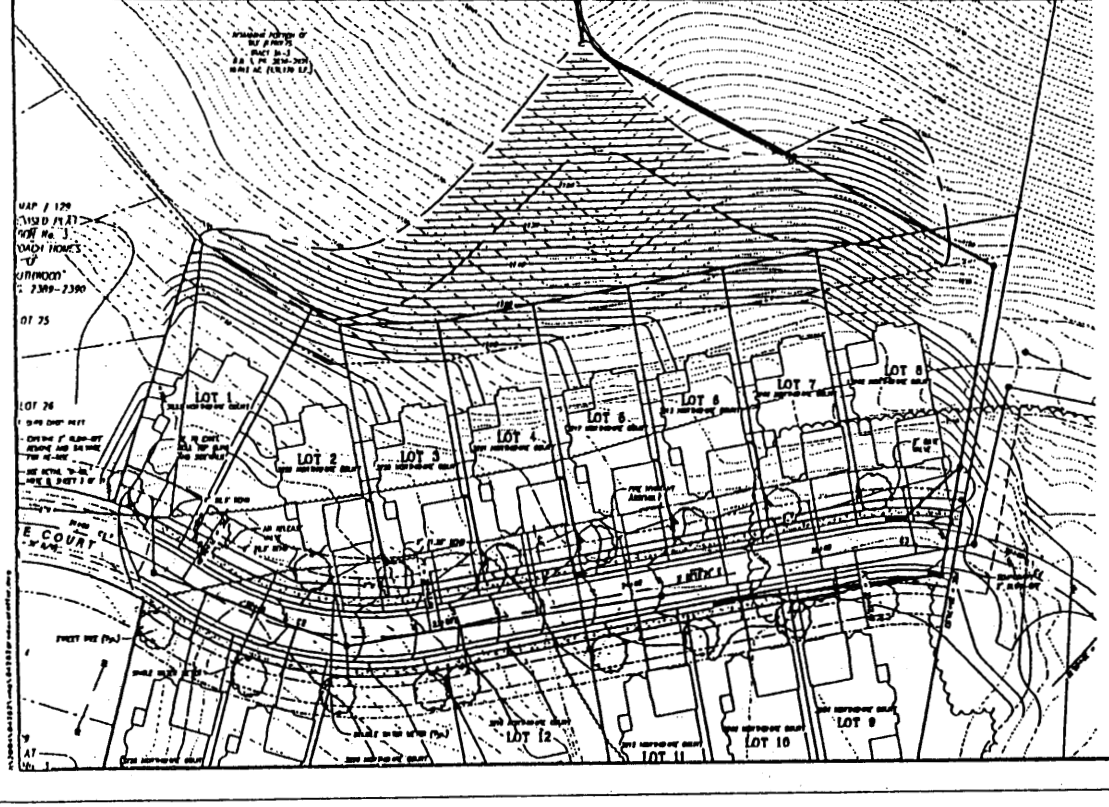
EXHIBIT

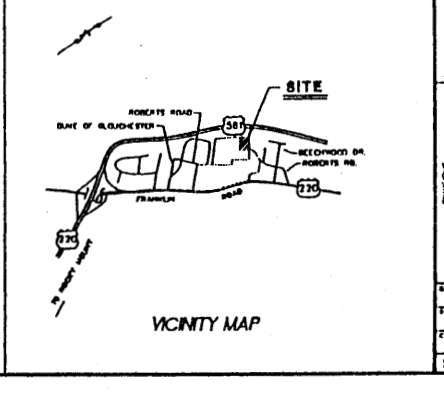
3



AMENDMENT TO PROFFERED GRADING PLAN

IN LIEU OF A SUBSTANTIAL RETAINING WALL NECESSARY TO CONFORM WITH THE EXISTING PROFFERED GRADING PLAN FOR THE SOUTHWOOD DEVELOPMENT, AS ILLUSTRATED BY THE PROFILE SHOWN ON THIS SHEET (ABOVE), THE OWNER AND APPLICANT, BOONE HOMES, INC., REQUESTS THAT THE PROFFERED GRADING PLAN BE AMENDED TO ALLOW FILL MATERIAL TO BE USED BEYOND THE PREVIOUSLY ESTABLISHED LIMITS OF GRADING. THE PROPOSED EXPANSION TO THE LIMIT OF GRADING IS ILLUSTRATED ON THIS SHEET (BELOW), AS BOUNDED BY THE DASHED LINE.





VICINITY MAP

LUMSDEN ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
ROANOKE, VIRGINIA

SOUTHWOOD
AMENDED GRADING LIMITS

SECTION No. 5
THE COACH HOMES OF SOUTHWOOD
PREPARED FOR
BOONE HOMES, INC.
SITUATED IN
THE CITY OF ROANOKE, VIRGINIA

REVISIONS			
NO.	DATE	DESCRIPTION	

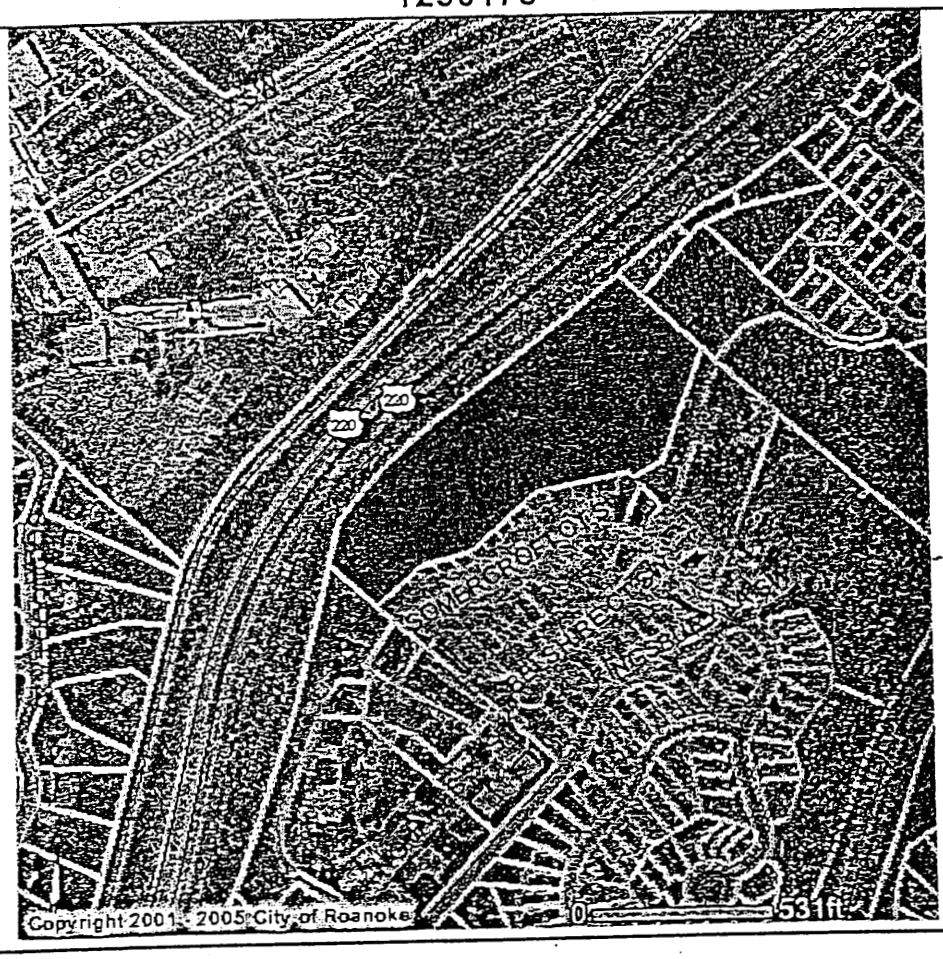
DATE May 5, 2005
SCALE 1"=30'
COMMISSION NO. 04-282
SHEET 1 OF 1

Map Output

EXHIBIT

4

1290175



EXHIBIT

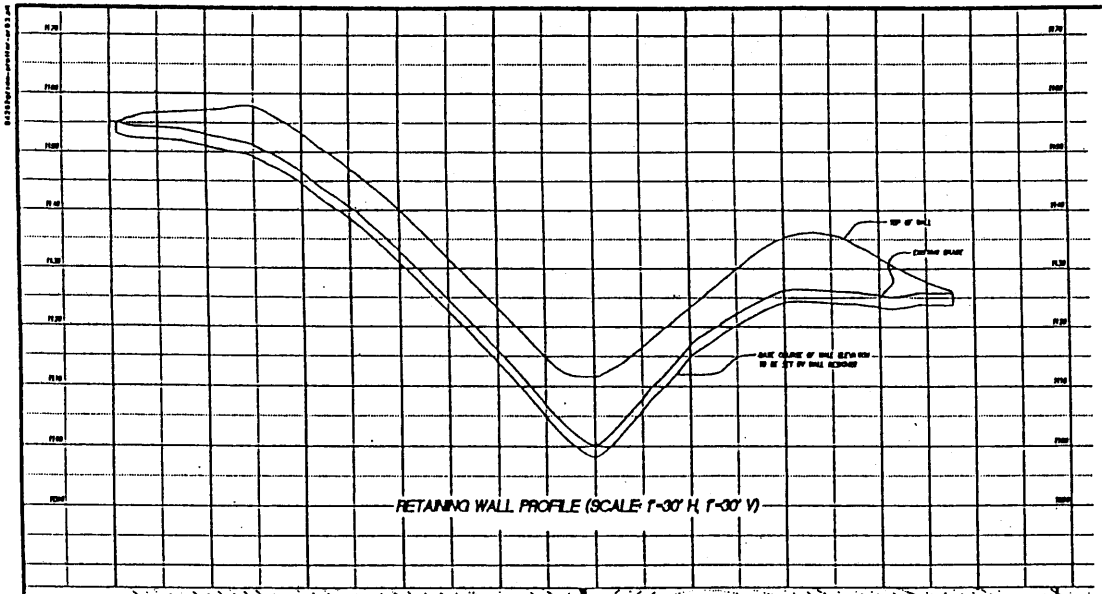
5

Legal Description

BEGINNING at a point on the westerly side of Kingsbury Lane at the northeast corner of the property of Roanoke Associates (D.B. 1355, Pg. 478 - Tax Map No. 1290134); thence leaving Kingsburg Lane N. 46° 08' 08" W. 887.81 feet to a point on the easterly right-of-way of U. S. Route 220; thence with the same N. 15° 31' 50" E. 128.68 feet; thence with a curved line to the right having a chord bearing and distance of N. 46° 04' 30" E. 395.40 feet, a distance of 396.73 feet to a point; thence N. 54° 29' 48" E. 693.26 feet to a point; thence leaving the easterly right-of-way of U. S. Route 220, S. 46° 47' 47" E. 613.82 feet to a point; thence S. 22° 15' 34" W. 577.15 feet to a point; thence S. 23° 00' 46" W. 50.00 feet to a point; thence with a curved line having a chord bearing distance of N. 66° 35' 13" W. 4.54 feet, a length of 4.54 feet; thence continuing with the curved line having a chord bearing and distance of N. 01° 59' 13" W. 21.61 feet, a length of 26.89 feet to a point; thence S. 62° 12' 47" W. 154.11 feet; thence with a curved line having a chord bearing and distance of S. 80° 12' 39" W. 16.97 feet, a length of 17.04 feet; thence continuing with the curved line having a chord bearing and distance of S. 53° 12' 41" W. 50.71 feet, a length of 51.54 feet; thence continuing with a curved line having a chord bearing and distance of N. 53° 12' 41" E. 40.94 feet, a distance of 41.60 feet; thence continuing with a curved line having a chord bearing and distance of S. 49° 45' W. 192.09 feet, a distance of 196.57 feet; thence S. 28° 30' 00" W. 108.80 feet to a point; thence continuing with a curved line having a chord bearing and distance of N. 36° 25' 30" E. 48.26 feet, a length of 48.41 feet to the point and place of BEGINNING, and containing 23.571 acres and designated as New Tract 3A on the "Plat Showing the Property of Retirement Community, Inc.," prepared by Lumsden Associates, P.C. under date of August 9, 2000.

EXHIBIT

6



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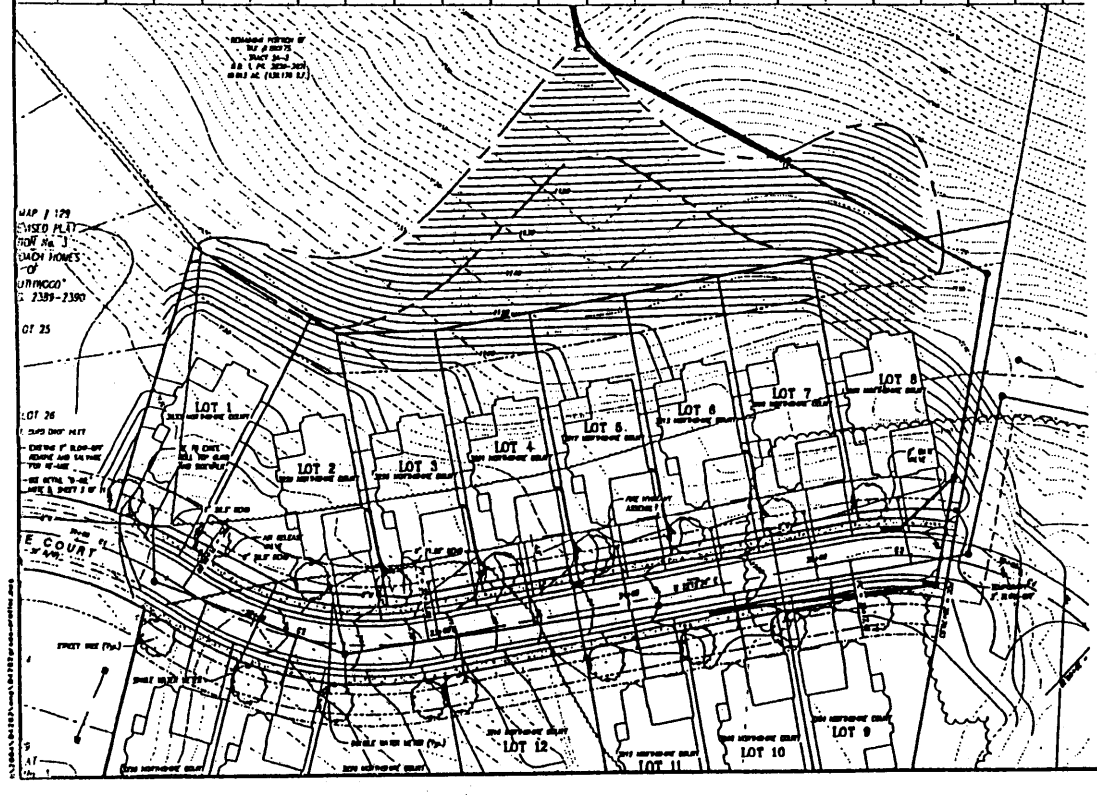
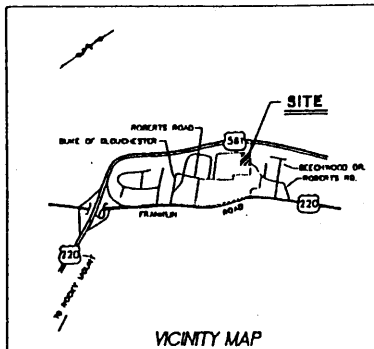




VICINITY MAP

LUMSDEN ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
ROANOKE, VIRGINIA

SOUTHWOOD
AMENDED GRADING LIMITS

SECTION No. 6
THE COACH HOMES OF SOUTHWOOD
PREPARED FOR
BOONE HOMES, INC.
SITUATED IN
THE CITY OF ROANOKE, VIRGINIA

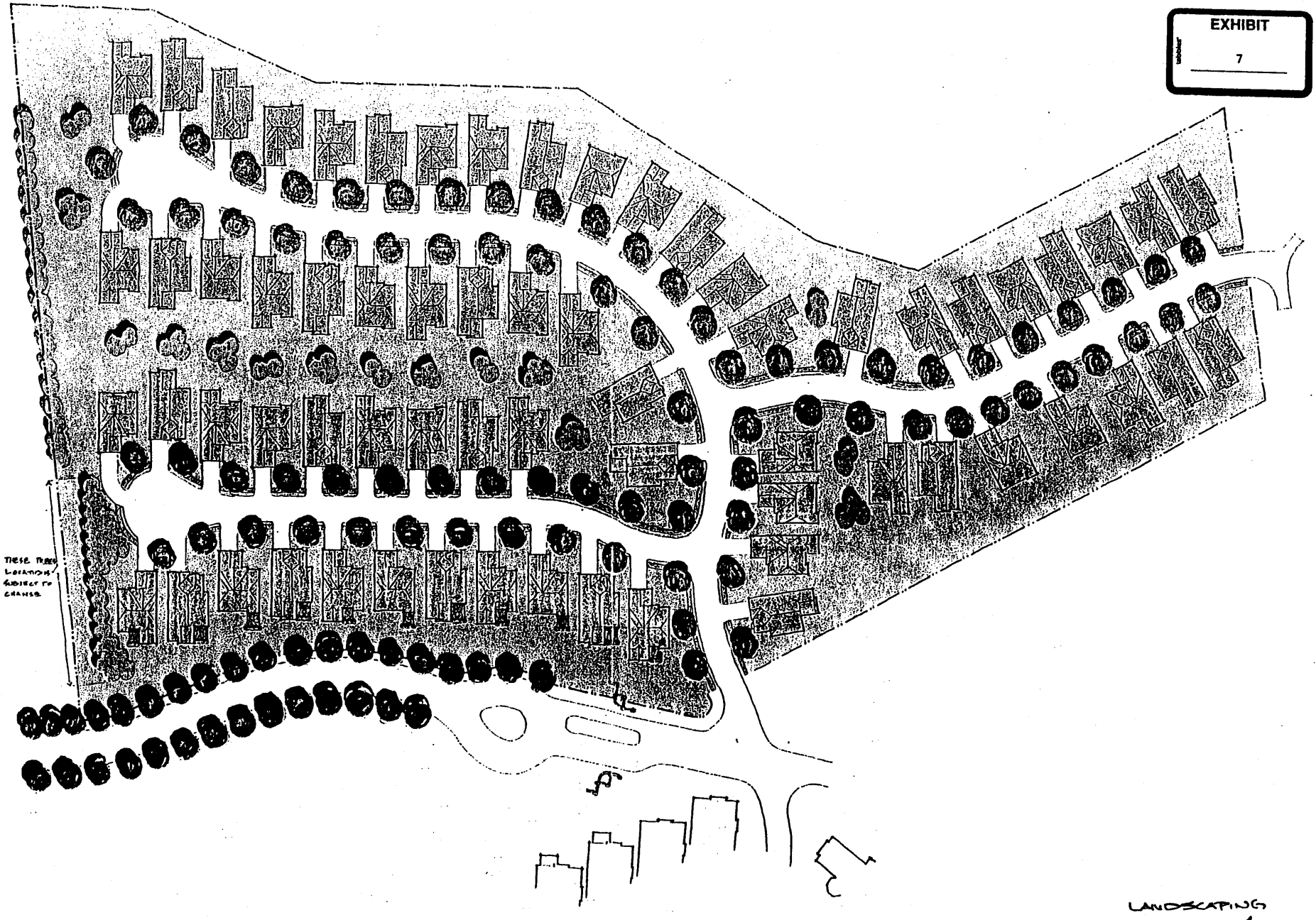
REVISIONS

NO.	DATE	DESCRIPTION

DATE: May 5, 2005
SCALE: 1"=30'
COMMISSION NO. 04-282
SHEET 1 OF 1

EXHIBIT

7



LANDSCAPING
EXHIBIT A

EXHIBIT

8

ADJOINING PROPERTY OWNER LISTING

Address of Subject Property: Franklin Road SW

Tax Map No.: 1290175

Applicant/Owner's Name: BOONE HOMES, INC. OF ROANOKE

ADJOINING PROPERTY OWNERS

This list as follows are those property owners who own property beside, behind or across the street from the subject property noted above:

CITY OF ROANOKE

Official Tax Number	Owner's Name and Mailing Address
1290122 Carl Road SW	Commonwealth of Virginia 215 Church Avenue SW, Room 2250 Roanoke, VA 24011
1290129 Acreage W R Harbour	Ronald and Judy Flint 4060 Jae Valley Road SE Roanoke, VA 24014
1290176 Kingsbury Court SW	Boone Boone & Loeb, Inc. 3922 Electric Road SW Roanoke, VA 24018
1290193 3369 Somercroft Court SW	Hal D. and Diane E. Shields, Trustees 3369 Somercroft Court SW Roanoke, VA 24014
1290194 3365 Somercroft Court SW	Boone Boone & Loeb, Inc. 3922 Electric Road SW Roanoke, VA 24018
1290195 3361 Somercroft Court SW	George R. and Carol J. Ballata 3361 Somercroft Court SW Roanoke, VA 24014

CITY OF ROANOKE

Official Tax Number	Owner's Name and Mailing Address
1290196 3357 Somercroft Court SW	Larry M. and Beverly H. Lumsden 3357 Somercroft Court SW Roanoke, VA 24014
1290197 3353 Somercroft Court SW	John R. and Adrienne A. Gilliam P. O. Box 8614 Roanoke, VA 24014
1290198 3349 Somercroft Court SW	Richard V. and Cynthia Forth 3349 Somercroft Court SW Roanoke, VA 24014
1290199 3345 Somercroft Court SW	Boone Boone & Loeb, Inc. 3922 Electric Road SW Roanoke, VA 24018
1290200 3341 Somercroft Court SW	Bobby M. and Joenell M. Bohon 3341 Somercroft Court SW Roanoke, VA 24014
1291201 3337 Somercroft Court SW	Frederick E. Jr. & Mary L. Black 160 Island Green Drive #8 Penhook, VA 24137
1291202 3333 Somercroft Court SW	William W. and Becky L. Johnson 3333 Somercroft Court SW Roanoke, VA 24014
1291203 3329 Somercroft Court SW	Michael D. and Karen V. Litz 3329 Somercroft Court SW Roanoke, VA 24014
1291204 3325 Somercroft Court SW	Cranston Jr. and Marilyn J. Williams 3325 Somercroft Court SW Roanoke, VA 24014
1291205 3321 Somercroft Court SW	Boone Boone & Loeb, Inc. 3922 Electric Road SW Roanoke, VA 24018

CITY OF ROANOKE

Official Tax Number	Owner's Name and Mailing Address
1380201 3022 Colonial Avenue SW	Commonwealth of Virginia State Board 3054 Colonial Avenue SW Roanoke, VA 24015
5500114 834 Duke of Glouchester St. SW	Roanoke Associates P. O. Box 2152 Roanoke, VA 24009

SJT 8/4/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 129, Sectional 1976 Zone Map, City of Roanoke, by amending certain conditions presently binding upon certain property previously conditionally rezoned RPUD, Residential Planned Unit Development District; and dispensing with the second reading by title of this ordinance.

WHEREAS, Boone Homes, Inc., of Roanoke has made application to the Council of the City of Roanoke to amend certain conditions presently binding upon a 10.224 acre tract of land located on Franklin Road, S.W., being designated as Official Tax No. 1290175, which property was previously rezoned by the adoption of Ordinance No. 32777-121895, adopted December 18, 1995, Ordinance No. 34406-080299, adopted August 2, 1999, and Ordinance No. 35152, adopted December 4, 2000;

WHEREAS, Boone Homes, Inc., of Roanoke seeks to have the subject property zoned RPUD, Residential Planned Unit Development District, with proffers amended from those accepted by City Council in Ordinance No. 35152, adopted December 4, 2000;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on August 15, 2005, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an

opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the conditions now binding upon a tract of land located on Franklin Road, S.W., being designated as Official Tax No. 1290175, which property was previously rezoned by the adoption of Ordinance No. 34406-080299, adopted August 2, 1999, Ordinance No. 32777-121895, adopted December 18, 1995, and Ordinance No. 35152, adopted December 4, 2000, should be amended, and that such property be zoned RPUD, Residential Planned Unit Development District, with proffers as set forth in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on August 1, 2005.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Sections 36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 129 of the Sectional 1976 Zone Map, City of Roanoke, be amended to reflect the changes in proffered conditions as shown in the Second Amended Petition to Amend Proffers filed in the City Clerk's Office on August 1, 2005, and as set forth in the report of the Planning Commission dated August 15, 2005, so that the subject property is zoned RPUD, Residential Planned Unit Development District, with such proffers.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Petition by Faison-Southern Land, LLC and Save-X 2, LLC, represented by James F. Douthat, Attorney, to amend proffered conditions on ten tracts of land located on Southern Hills Drive, SW, Southern Lane, SW, and Griffin Road, SW, identified as Tax Map Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701,and 5480704, and apply proffered conditions to five tracts of land located on Franklin Road, SW, identified as Tax Map Nos. 5470103, 5470102, 5480717, 5480718, and 5470104.

Planning Commission Action:

Planning Commission public hearings were held on July 21 and 28, 2005. By a vote of 5-1 (Messrs. Butler, Chrisman, Rife, Scholz, and Ms. Prince voting for, Mr. Williams voting against, and Mr. Manetta absent), the Commission recommended approval of the third amended petition.

Background:

On June 2, 2005, a petition was filed to amend proffered conditions on fifteen parcels located along Franklin Road, Southern Lane, Southern Hills Drive, and Griffin Road. An amended petition was filed on July 8, 2005. A second amended petition was filed on July 26, 2005, and a third amended petition was filed on July 29, 2005. Ten of the parcels were rezoned from RS-3, Residential Single-family District, to C-2, General

Commercial District (conditional), on April 6, 1998, by Ordinance No. 33759-040698. The petitioner wishes to repeal the existing proffered conditions and replace them with new conditions. The petitioner wishes to apply the new proffered conditions to five additional parcels which are currently zoned C-2 (with no conditions), to create a unified zoning pattern.

The petition is to have the existing proffers on Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701, and 5480704 be repealed:

1. The property will be developed in substantial conformity with the Development Plan prepared by Lumsden Associates, dated June 17, 1997, and revised August 7, 1997, a copy of which is attached to the Petition for Rezoning as Exhibit B, subject to any changes required by the City as part of Comprehensive Development Plan review.

2. The exterior treatment of all buildings on the property shall be architecturally finished and shall be consistent in the use of architectural details and materials on all sides of the building.

3. All lighting on the property shall consist of fixtures designed with shields that direct illumination away from the adjoining residential neighborhood along the easterly side of Griffin Road.

4. All dumpsters, loading docks and heating/air conditioning handling units shall be screened from view by landscaping, masonry or metal screen walls.

5. There shall be no building wall signs facing the residentially zoned neighborhoods along the easterly side of Griffin Road.

6. Outdoor advertising, as defined in the Roanoke City Code, shall not be permitted.

7. The combined surface area of all signs on the commercial lots, including signs erected in a required yard, shall not exceed 2.5 square feet for each foot of lot frontage for the first one hundred feet of lot frontage, and an additional 1.0 square feet for each foot of lot frontage remaining. All freestanding sign structures shall be limited to one per lot with a signage area no greater than 100 square feet.

8. Tract E shall not be used as a restaurant. Any restaurants located on Tracts D, G & F shall not be Fast Food restaurants. Any restaurants constructed on Tracts D, G & F shall contain odor abatement equipment to abate the disbursement of cooking odors to the outdoors.

9. Any structure constructed on Tract E, including a motel or hotel, will be no more than three (3) stories high or a maximum of 45 feet measured from ground level.

10. A sidewalk shall be included along the northern side of the relocated Southern Hills Drive, and continue along the eastern side of Southern Lane, such sidewalk shall run the length of the relocated Southern Hills Drive on the site and that portion of Southern Lane shown on the Development Plan.

11. The following C-2 uses as designated in the Code of the City of Roanoke shall not be permitted on Tracts D, E, F or G:

36.1-206(11) Police stations.
36.1-206(14) Military reserve and National Guard centers.
36.1-206(15) Training facilities related to police, fire, rescue and ambulance uses.
36.1-206(19) Coliseums, stadiums, exhibition halls, and similar facilities.
36.1-206(21) Parks and playgrounds.
36.1-206(22) Drive-in movie theaters.
36.1-206(34) Neighborhood and highway convenience stores.
36.1-206(35) Outdoor advertising subject to the requirements of section 36.1-440 et seq.
36.1-206(36) Gas stations.
36.1-206(39) Automobile cleaning facilities.
36.1-206(40) Automobile repair establishments except painting and body shops.
36.1-206(42) Public parking structures.
36.1-206(44) Bus terminals for the loading and unloading of passengers.
36.1-206(45) Veterinary clinics with no outside corrals or pens.
36.1-206(46) Kennels with no outside pens or "runs."
36.1-206(47) Plant nurseries and greenhouses including those with retail sales. (Ord. No. 28611, § 2, 4-27-87; Ord. No. 29932, 2-20-90; Ord. No. 30648A, 8-26-9 1).
36.1-207(1) Group care facilities subject to the requirements of section 36.1-560 et seq.

36.1-207(4) Establishments primarily engaged in the sale or rental of automobiles, trucks and construction equipment including the incidental repair and maintenance of vehicles where the lot area is less than twenty thousand (20,000) square feet.
36.1-207(5) Automobile painting and body shops provided that there shall be no outdoor storage of damaged automobiles, equipment, auto parts or other materials.
36.1-207(9) Utility substations, transmission lines and towers, booster stations, relay stations and transformers, and similar uses provided that light, fumes, noise, unsightliness, or other associated activities or emissions are adequately screened from the surrounding neighborhood.
36.1-207(10) Medical laboratories.

Additionally, open air markets selling second hand merchandise and other miscellaneous items shall not be permitted on Tracts D, E, F or G.

12. Signage approved by the petitioner and the City of Roanoke, and identifying the Southern Hills Neighborhood shall be placed on both sides of Southern Hills Drive at its intersection with Griffin Road.

13. Petitioner's landscape buffering/screening along Griffin Road shall be designed so that a row of evergreen trees shall face the residential neighborhood located on the easterly side of Griffin Road, followed by a second and interior row of deciduous trees, subject to any changes required by the City as part of Comprehensive Development Plan review.

The third amended petition requests that the following proffers be <u>adopted</u> for all fifteen parcels:

1. The property will be developed in substantial conformity with the "Concept Site Plan, The Home Depot, Franklin Road and Valley Avenue, City of Roanoke, Virginia," prepared by Mattern & Craig, dated July 8, 2005, a copy of which is attached to this Petition as Exhibit B, subject to any changes required by the Virginia Department of Transportation or the City as part of Comprehensive Development Plan review.

2. The 105,000 ± s.f. commercial building shall be architecturally finished in substantial conformity with the July 25, 2005, rendering of The Home Depot, City of Roanoke, Franklin Road & Valley

Avenue, by Architectural Group International, a copy of which is attached to this Petition as Exhibit C.

3. Any outdoor light fixture shall be a full cutoff fixture or a decorative fixture with full cutoff optics. A "full cutoff fixture" shall mean an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane. A "decorative fixture with full cutoff optics" shall mean an outdoor light fixture with manufacturer-provided or manufacturer-installed full cut-off optics.

4. The spillover of lighting from any parking area on the subject property onto public rights-of-way or abutting property in residentially zoned districts shall not exceed one-half (0.5) foot candle at the property line.

5. Any outdoor lighting in parking areas shall not exceed forty (40) feet in height. The maximum height shall apply to the height of the poles or other standards to which the fixtures are attached or the top most point of the fixture itself, whichever is higher.

6. Outdoor lighting information for the subject property shall be submitted during comprehensive development plan review. Such information shall include the following:

(a) Location of all outdoor lighting fixtures including the manufacturer's specifications of the area to be lighted with such fixtures;

(b) Plans indicating the location on the property, and the type, of illuminating devices, fixtures, lamps, supports, reflectors and other devices;

(c) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices;

(d) Photometric data, such as that furnished by manufacturers, showing the angle of cut off of light emissions; and

(e) Other information as may be deemed necessary by the Zoning Administrator to determine compliance with the lighting proffers.

7. All dumpsters, loading docks, heating/air conditioning handling units and ground mounted electrical transformer boxes shall be screened from view from public rights of way adjacent to the subject property by landscaping, masonry or metal screen walls.

8. There shall be no building wall signs facing the residentially zoned property along the easterly side of Griffin Road.

9. Signage provided by the petitioner and approved by the City of Roanoke, and identifying the Southern Hills Neighborhood shall be placed on the side of Griffin Road near its intersection with Roy Drive.

10. Landscaping shall be as shown on the Concept Landscape Plan, The Home Depot, Franklin Road and Valley Avenue, City of Roanoke, Virginia, dated July 8, 2005, prepared by Mattern & Craig, a copy of which is attached hereto as Exhibit D, subject to any changes required by the City as part of Comprehensive Development Plan Review.

11. The following C-2 uses as designated in the Code of the City of Roanoke shall be permitted on the subject properties:

36.1-206(1) Dwellings located above ground floor nonresidential uses.
36.1-206 (3) Trade, business and art schools of a nonindustrial nature.
36.1-206 (4) Trade and vocational schools of an industrial nature.
36.1-206 (6) Day care centers with unlimited capacity subject to the requirements of section 36.1-510 et seq.
36.1-206 (7) Churches, synagogues and other places of worship including accessory columbariums.
36.1-206 (8) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.
36.1-206 (16) Post offices.
36.1-206 (17) Indoor recreational uses including bowling alleys, indoor tennis courts, squash courts, fitness centers and other similar uses.
36.1-206 (18) Theaters with unlimited seating capacity.
36.1-206 (20) Outdoor recreational facilities including swimming clubs, tennis courts, athletic facilities and other similar uses.
36.1-206 (23) General and professional offices including financial institutions.
36.1-206 (24) Medical clinics.
36.1-206 (25) Medical offices.
36.1-206 (26) General service establishments, except for repair or maintenance of motor vehicles or trailers, provided

that, all repair or maintenance activities shall occur in a wholly enclosed building.

36.1-206 (27) Funeral homes.

36.1-206 (28) Restaurants.

36.1-206 (29) Hotels, motels, and inns.

36.1-206 (30) Bed and breakfast establishments subject to the requirements of section 36.1-520 et seq.

36.1-206 (31) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.

36.1-206 (32) Open air markets selling farm produce, crafts, plants, secondhand merchandise and other miscellaneous items.

36.1-206 (33) Food stores with unlimited gross floor area.

36.1-206 (34) Neighborhood and highway convenience stores, provided that no motor vehicle service station canopy over a gas pump island shall be allowed, unless:

(a) Such canopy shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and a maximum overall height not to exceed sixteen (16) feet six (6) inches;

(b) There shall be no illumination of any portion of the fascia of the canopy;

(c) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site.

(d) The vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and

(e) Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.

36.1-206 (37) New motor vehicle sales and service establishments, provided the lot area for this use is no less than forty thousand (40,000) square feet.

36.1-206 (38) Auto accessory sales with related installation.

36.1-206 (43) Storage and warehouse activities which are accessory to a retail use where all storage activities are wholly enclosed in a building which is located on the same lot as the retail use and where the gross floor area of buildings used for storage activities does not exceed fifty (50) percent of the gross floor area of the retail use.
36.1-206 (47) Plant nurseries and greenhouses including those with retail sales.
36.1-206 (48) Commercial printing establishments which print newspapers, publications, and other materials.
36.1-206 (49) Personal service establishments.
36.1-206 (50) Business service establishments.

12. The following C-2 uses as designated in the Code of the City of Roanbke shall be permitted on the subject properties by Special Exception granted by the Board of Zoning Appeals:

36.1-207 (2) Fast food restaurants.
36.1-207 (3) Establishments engaged in the retail sale of building supplies where all or a portion of related storage and display activities are not wholly enclosed in a building provided the outdoor storage or display area is accessory to a building and has a maximum area no greater than ten (10) percent of the gross floor area of the building.
36.1-207 (7) Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that:

(a) The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.
(b) The use is located on a major arterial road or highway.

36.1-207 (8) Manufacturing, assembly, mixing, processing or other processes which are accessory to a retail use, where all such activities are wholly enclosed in the same building as the retail use and where no more than five (5) people are involved in such processes on the premises.

13. As any development on Tracts B and C, as identified on the Concept Site Plan (Exhibit B), will be visible from public roads from multiple directions, the architectural treatment and palette of exterior materials utilized for any structure built on either of these tracts shall be applied to all facades of such structure in a consistent and uniform manner.

14. The seasonal sales area designated on the Concept Site Plan (Exhibit B) will be used solely for the seasonal sale of plants,

shrubs, trees and assorted potted nursery products together with associated bag products such as mulch, top soil and potting soil. The seasonal sales area will be in use, intermittently, for approximately six months per year for the sale of plants and plant related items appropriate to the time of the year, such as spring and summer live plants and Christmas trees and related greenery. No buildings, sheds, trailers, lawn mowers, gas grills, tractors or similar items will be displayed, stored or sold in the seasonal sales area.

15. If requested by the City as part of the Comprehensive Development Plan review, a natural non-handicapped accessible pedestrian access will be located between the Home Depot parking lot and Griffin Road near its intersection with Southern Hills Drive.

16. The finished grade of Griffin Road between its intersection with Southern Lane and its intersection with Southern Hills Drive as shown on the Concept Site Plan (Exhibit B) will not exceed twelve and one-half (12 ½) percent.

17. There will be no outdoor storage of goods, materials or merchandise other than as proffered for the seasonal sales area designated on the Concept Site Plan (Exhibit B) and the areas surrounded by ornamental fence shown on the Concept Site Plan (Exhibit B) and the Rendering of the Home Depot building (Exhibit C).

The proposed change in conditions will permit new development of the site with a Home Depot store in conjunction with the development of a new street between the intersection of Griffin Road and Southern Hills Drive to the existing traffic signal at Franklin Road. The amended conditions will also permit development of two parcels (Tracts B and C) to the north of the new street with unspecified commercial uses which will be limited to those uses being proffered. No site development plan for these two parcels is being proffered with the site plan, attached as Exhibit B.

This proffer amendment is requested in conjunction with the vacation of portions of Southern Hills Drive and Southern Lane, and the simultaneous dedication of a new street.

Considerations:

The properties are currently zoned C-2, General Commercial District, so principal considerations relate to how the site will be developed rather

than whether the site is appropriate for commercial development. The former site development plan (Exhibit A) designated seven development sites for three fast food restaurants, three restaurants, and a motel. The new street on the previously proffered plan would have extended Southern Hills Drive for a more or less direct link with the existing traffic signal at Valley Avenue.

To accommodate parking for the Home Depot, the new proposal provides a curved alignment which links Griffin Road to the existing traffic signal. The proposal reduces the number of development sites to three tracts: Tract A is 10.539 acres, Tract B is 1.778 acres, and Tract C is 0.593 acres. Tract A is the Home Depot site. No site development plan is proffered for Tracts B and C. However, these tracts would be subject to the proffered permitted uses. The eastern portion of Tract B will remain undisturbed/forested as set forth in the proffered landscape plan (Exhibit D).

The new street will enhance access for residents of the Southern Hills neighborhood. The principal benefit will be the access to a signalized intersection. In neighborhood planning workshops and various forums, residents indicated strong support for providing such access. The effect of the proposed alignment of the street maintains this access. The new proposal also includes a sidewalk along the southern side of the street to provide pedestrian access. The landscape plan (Exhibit D) provides for street yard trees (a zoning requirement) along the length of the new street. In addition to the street yard trees, staff recommends a street design that incorporates street trees between the curb and sidewalk. VDOT maintains this segment of Franklin Road/US 220. Traffic impact assessments of the new development and street design where the new street meets US 220 are subject to VDOT standards. The new street will maintain current access to Roy Drive and the remaining portion of Southern Lane.

The entrance to the Home Depot is aligned with Southern Lane. A right-in/right-out entrance from US 220 is located at the southern edge of the site where Southern Lane, as it exists today, connects with US 220 next to the Save-X station. The crossover to Southern Lane from the southbound lane is to be eliminated. The proposed access points to Tracts B and C are not indicated.

The proposed Home Depot site contains 452 parking spaces, which is the approximate minimum required by the Zoning Ordinance (Further details on the interior of the building are needed to determine the exact minimum number of parking spaces required). By comparison, similarly-scaled home improvement stores in Roanoke have parking lots with more

than 600 spaces—far exceeding the minimum requirements of the Zoning Ordinance.

Section 36.1-585(d)(3) of the Zoning Ordinance requires a minimum of 5% interior parking lot landscaping. Calculations on the proffered Concept Landscape Plan indicate interior parking lot landscaping of 6.9%. Tree canopy coverage on the interior of the parking lot is 5.5% of the parking area. Perimeter parking lot tree canopy is approximately 4.5% of the parking area. Given the size of the building and its site, and given the current minimum parking requirements of the Zoning Ordinance, the proposed development is approaching the maximum potential for landscape and tree canopy coverage.

This large-scale development proposal is in close proximity to residential areas, so buffering of visual and noise effects is an issue. This proposal provides buffering from adjacent residential uses with a combination of plant material and topography. The proffered Concept Landscape Plan shows a small berm to be constructed along Griffin Road and planted with a continuous evergreen buffer and supplemented with small deciduous trees. Extensive proffers are provided to limit lighting spillover. Dumpsters and mechanical equipment are to be screened. Most noise-producing activities, such as the main loading docks, are moved to the west side of the site. Proffered conditions provide that no signs will face east toward residentially-zoned properties. Staff believes that for the most part the buffering strategy will be effective. The amended petition responds to previous staff concerns by extending buffering along Griffin Road to screen the development from existing residences on Southern Hills Drive and Roy Drive.

Development of two other sites (Tracts B and C) is undefined in the petition. The Petitioner indicates that the intent is for future development to take place subject to the land uses proffered in the petition, but details of site development to occur under the regulations in place at the time of development. Staff supports this approach as it would ensure that site development occurs in a manner more consistent with *Vision 2001-2020.*

Vision 2001-2020 recommends the following policies and design principles:

- ***ED P6. Commercial Development.*** *Roanoke will encourage commercial development in appropriate areas (i.e., key intersections and centers) of Roanoke to serve the needs of citizens and visitors.* The proposed development is within an identified local/regional commercial center.

- ***IN P2. Transportation system.*** *Roanoke will provide a transportation system that is an integrated, multi-modal network of automobile, bicycle, pedestrian, and transit facilities. Interconnected street systems should be encouraged in new development and be maintained in existing development.* The new street will enhance connectivity and will provide pedestrian accommodations. However, connectivity to the adjacent Hunting Hills shopping center will not be enhanced by an extended frontage street as recommended by the *Southern Hills Neighborhood Plan.*

- ***IN P3. Land use and transportation plans.*** *...Future commercial development along arterial roads will be focused at major intersections rather than strip commercial development along corridors.* The proposed development is within an identified local/regional commercial center.

- ***IN P4. Parking.*** *Roanoke will...discourage excessive surface parking lots.* The Home Depot parking lot is at or near the minimum required by the Zoning Ordinance. By comparison, similar large-scale developments have parking lots with 600-650 spaces.

- ***City design principles*** *for local/regional commercial centers:*
  - *Maximize site development through reduced parking, increased lot coverage, and development along street frontage.*
  - *Parking lots should have multiple vehicular entrances that are clearly marked and attractively landscaped. Parking lots should have trees located in the interior of the site and along street frontages.*
  - *Visual clutter and excessive lighting should be discouraged. Signs should be consolidated and attractively designed.*

  Proposed lot coverage of the building is approximately 23%. Site design is being driven mainly by Roanoke's current minimum parking requirements and the nature of the big-box development. Interior landscaping is provided at a rate (6.9%) that exceeds the Zoning Ordinance requirement of 5%, but is still minimal. Lighting spillover issues are addressed by proffered conditions.

The *Southern Hills Neighborhood Plan*, adopted October 15, 2002, contains the following recommended policies to guide future development:

- *The Future Land Use plan (p. 4) identifies the parcels for commercial development. Encourage further development of a*

local commercial center on the Route 220 corridor between Old Rocky Mount Road and Franklin Road. Limit commercial development to the areas designated by the future land use map. The proposed development is consistent with future land use recommendations.

- *Ensure that future commercial development incorporates convenient and safe connectivity and access to residential areas and to other commercial areas. Pursue opportunities to develop a commercial frontage road parallel to US 220.* The proposal enhances access and safety, particularly for residents of the Southern Hills Neighborhood, who currently have no access to a signalized intersection. The proposal, however, will preclude development of a frontage street.

- *Evaluate future commercial development to ensure a good relationship to surrounding uses in terms of access, scale, and orientation.* The development makes considerable effort to create a positive relationship with adjacent residential uses to the east. The size of the building (105,000 s.f.), and the required parking, make it difficult to relate in terms of scale of the building. Access to surrounding uses will be enhanced.

- *Ensure that parking areas are located to the back or side of buildings and incorporate interior landscaping and tree canopy coverage. The number of parking spaces should be limited to the minimum required by the zoning ordinance.* The building's main frontage will be on the newly-created street and parking will be located between the street and the building. The number of spaces has been limited to the minimum required for the use.

- *Avoid off-site impacts of commercial lighting by shielding fixtures and using lower mounting heights for light fixtures.* Proffered conditions include limitations on height of fixtures (40') and specify shielding to prevent light trespass from the lot.

- *New development should seek to provide safe, convenient connections between residential and commercial areas and between businesses. New roads should be designed so they connect with streets at multiple locations and avoid the use of cul-de-sacs.* The proposal enhances connections between residential and commercial areas. Access between Southern Hills Drive/Griffin Road and the traffic signal is created. Access to Southern Lane to the north is maintained. The overall level of connectivity is enhanced.

- *Water, sewer, and storm drainage facilities should be available and adequate for existing and future development.* The proposed development will enhance stormwater management conveyances receiving drainage from the east and south, as well as contain its own on-site stormwater retention system.

- *Ensure that new development preserves mature trees and incorporates new tree plantings to replace those lost during development.* Roughly two acres of the site are covered by trees according to aerial photography. Extensive grading will require that many trees will be removed. Tree canopy coverage will be provided by interior and perimeter parking lot landscaping. A portion of Tract B will remain undisturbed/forested.

- *Recommended street designs (pp. 13-14).* Street design is not being addressed as part of the petition. Staff recommends the street design provide a planting strip of at least five feet between the proposed curb and sidewalk.

A major consideration vis-à-vis the comprehensive plan relates to the large expanse of parking, which is driven partly by the big-box nature of the proposal and partly by the current Zoning Ordinance. The number of parking spaces proposed has been considerably reduced below the number used for the Home Depot on Hershberger and Cove Roads. The existing Home Depot store has 632 parking spaces serving a similarly-sized store. The parking can be partly mitigated by aggressive interior landscaping with significant tree canopy coverage. The proffered landscape plan (Exhibit D) assumes a minimum 250 square-foot canopy for trees.

Exhibit C provides elevations of the three facades of the building that will be visible. Details of a portion of the garden center are also shown in Exhibit C. The lumber entrance is secondary and is covered by covered extension over the loading area. The sketch of the garden center shows an enclosure with ornamental fencing with thin vertical pickets and a roof line consisting of multiple gables. Several architectural features have been added since the original petition. The main entrance is articulated by a projecting bay extending above the roof line. The base of the building contains a brick band and the roof line is accented with a cornice. Pilasters are indicated at the ends of the building.

The petitioner sponsored an informational meeting prior to filing the petition. Approximately 30 people attended. Staff received several inquiries by phone seeking general information about the petition.

Springwood Associates, which owns the 50-acre parcel at the opposite end of Southern Hills Drive, expressed opposition to the proposed routing and steep grade of the new street at the July 21, 2005, public hearing. During the Planning Commission public hearing on July 28, 2005, several citizens spoke in opposition to the petition. Mr. Carl Cooper, 3160 Round Hill Avenue, NW, spoke in opposition, citing issues with street connectivity, tree canopy coverage, and stormwater runoff (comments attached). Ms. Dawn Vinyard, President of the Southern Hills Neighborhood Council, spoke in opposition, citing issues with street connectivity, neighborhood visibility, and village center development (comments attached). Ms. Janice Vinyard also spoke in opposition to the petition.

Recommendation:

By a vote of 5-1, the Commission recommends that City Council approve the third amended petition. The Commission believes the proposed uses of the property are consistent with *Vision 2001-2020* and the *Southern Hills Neighborhood Plan.*

Respectfully submitted,

Richard A. Rife RBT

Richard A. Rife, Chairman
City Planning Commission

c: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
James F. Douthat, Attorney for the Petitioner

THIRD
AMENDED
PETITION TO AMEND PROFFERED CONDITIONS
AND PROFFER OF CONDITIONS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Amendment and Substitution of Proffered Conditions on eleven (11) and Proffer of Conditions on four (4) tracts of land lying and being in the City of Roanoke, Virginia and briefly described as:

> Tax Map No. 5470115, 1.48 acres, Pine Grove, 4156 Southern Lane, S.W.; Tax Map No. 5470113, 0.5 acres, Part Lot 4, Maggie Redd Property, 4148 Southern Hill Lane, S.W.; Tax Map No. 5470114, 0.84 acres, Pine Grove, Griffin Road, S.W.; Tax Map No. 5470112, 1.34 acres, Pine Grove, 4325 Southern Hills Lane, S.W.; Tax Map No. 5470111, 1.19 acres, Pine Grove, 4134 Southern Lane, S.W.; Tax Map No. 5470108, 0.51 acres, Pine Grove, Southern Lane, S.W.; Tax Map No. 5470109, 0.71 acres, Pine Grove, 4146 Southern Hills Drive, S.W.; Tax Map No. 5470110, 0.06 acres, Pine Grove, Griffin Road, S.W.; Tax Map No. 5480701, 0.18 acres, Part Parcel No. 3, Pine Grove, 4118 Southern Hills Lane, S.W. and Tax Map No. 5480704, 5.3 acres, Pine Grove, 4116 Southern Hills Drive, S.W., Tax Map No. 5480718, .357 acres, Pine Grove, Franklin Road, S.W., Tax Map No. 5480717, .143 acres, Pine Grove, Franklin Road, S.W., Tax Map No. 5470103, .245 acres, Ogden, 4166 Franklin Road, S.W., Tax Map No. 5470104, .98 acres, Ogden, 4176 Franklin Rd., S.W., Tax Map No. 5470102, .4 acres, Ogden, Franklin Rd., S.W.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

By Ordinance No. 33759-040698 at the request of Southern Lane Group, LLC, a Virginia limited liability company, City Council rezoned the property identified as Tax Map Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701 and 5480704 from R.S.-3 to C-2, General Commercial District, with proffered conditions. This property, together with Tax Map Nos. 5470103, 5470102, 5480717 and 5480718, which are also zoned C-2, General Commercial District, were to be combined as the site for a retail out parcel development as shown on map of the referenced property attached hereto as Exhibit A.

Petitioner, Faison-Southern Lane, LLC, owns the above referenced property and is the contract purchaser of the property identified as Tax No. 5470104 which is zoned C-2, General Commercial District. Faison-Southern Lane, LLC requests that the proffered conditions which apply to the above-referenced parcels of property be amended and that the conditions proffered in this Petition apply to all of the property owned by or under contract to Petitioner Faison-Southern Lane, LLC. Save-X 2 LLC, the Virginia limited liability company that owns Tax Map No. 5470104, joins with Petitioner Faison-Southern Lane, LLC in this request.

Petitioner, Faison-Southern Lane, LLC believes that the repeal of proffers in Ordinance No. 33759-040698 in favor of the conditions proffered in this Petition will further the intent and the purpose of the City's zoning ordinance and its comprehensive plan in that it would allow for a better use of the property of Petitioner.

Petitioner hereby requests that the following proffers enacted by Ordinance No. 33759-040698 be repealed:

> 1. The property will be developed in substantial conformity with the Development Plan prepared by Lumsden Associates, dated June 17, 1997, and revised August 7, 1997, a copy of which is attached to the Petition for Rezoning as Exhibit B, subject to any changes required by the City as part of Comprehensive Development Plan review.
>
> 2. The exterior treatment of all buildings on the property shall be architecturally finished and shall be consistent in the use of architectural details and materials on all sides of the building.
>
> 3. All lighting on the property shall consist of fixtures designed with shields that direct illumination away from the adjoining residential neighborhood along the easterly side of Griffin Road.
>
> 4. All dumpsters, loading docks and heating/air conditioning handling units shall be screened from view by landscaping, masonry or metal screen walls.

5. There shall be no building wall signs facing the residentially zoned neighborhoods along the easterly side of Griffin Road.

6. Outdoor advertising, as defined in the Roanoke City Code, shall not be permitted.

7. The combined surface area of all signs on the commercial lots, including signs erected in a required yard, shall not exceed 2.5 square feet for each foot of lot frontage for the first one hundred feet of lot frontage, and an additional 1.0 square feet for each foot of lot frontage remaining. All freestanding sign structures shall be limited to one per lot with a signage area no greater than 100 square feet.

8. Tract E shall not be used as a restaurant. Any restaurants located on Tracts, D, G & F shall not be Fast Food restaurants. Any restaurants constructed on Tracts D, G & F shall contain odor abatement equipment to abate the disbursement of cooking odors to the outdoors.

9. Any structure constructed on Tract E, including a motel or hotel, will be no more than three (3) stories high or a maximum of 45 feet measured from ground level.

10. A sidewalk shall be included along the northern side of the relocated Southern Hills Drive, and continue along the eastern side of Southern Lane, such, sidewalk shall run the length of the relocated Southern Hills Drive on the site and that portion of Southern Lane shown on the Development Plan.

11. The following C-2 uses as designated in the Code of the City of Roanoke shall not be permitted on Tracts D, E, F or G:

36.1-206(11) Police stations.

36.1-206(14) Military reserve and National Guard centers.

36.1-206(15) Training facilities .related to police, fire, rescue and ambulance uses.

36.1-206(19) Coliseums, stadiums, exhibition halls, and similar facilities.

36.1-206(21) Parks and playgrounds.

36.1-206(22) Drive-in movie theaters.

36.1-206(34) Neighborhood and highway convenience stores.

36.1-206(35) Outdoor advertising subject to the requirements of section 36.1-440 et seq.

36.1-206(36) Gas stations.

36.1-206(39) Automobile 'cleaning facilities.

36.1-206(40) Automobile repair establishments except painting and body shops.

36.1-206(42) Public parking structures.

36.1-206(44) Bus terminals for the loading and unloading of passengers.

36.1-206(45) Veterinary clinics with no outside corrals or pens.

36.1-206(46) Kennels with no outside pens or "runs."

36.1-206(47) Plant nurseries and greenhouses including those with retail sales. (Ord. No. 28611, § 2, 4-27-87; Ord. No. 29932, 2-20-90; Ord. No. 30648A, 8-26-9 1).

36.1-207(1) Group care facilities subject to the requirements of section 36.1-560 et seq.

36.1-207(4) Establishments primarily engaged in the sale or rental of automobiles, trucks and construction equipment including the incidental repair and maintenance of vehicles where the lot area is less than twenty thousand (20,000) square feet.

36.1-207(5) Automobile painting and body shops provided that there shall be no outdoor storage of damaged automobiles, equipment, auto parts or other materials.

36.1-207(9) Utility substations, transmission lines and towers, booster stations, relay stations and transformers, and similar uses provided that light, fumes, noise, unsightliness, or other associated activities or emissions are adequately screened from the surrounding neighborhood.

36.1-207(10) Medical laboratories.

Additionally, open air markets selling second hand merchandise and other miscellaneous items shall not be permitted on Tracts D, E, F or G.

12. Signage approved by the petitioner and the City of Roanoke, and identifying the Southern Hills Neighborhood shall

be placed on both sides of Southern Hills Drive at its intersection with Griffin Road.

13. Petitioner's landscape buffering/screening along Griffin Road shall be designed so that a row of evergreen trees shall face the residential neighborhood located on the easterly side of Griffin Road, followed by a second and interior row of deciduous trees, subject to any changes required by the City as part of Comprehensive Development Plan review.

Petitioner hereby requests that the following proffered conditions be substituted and adopted for those existing proffers delineated above and apply to all of the referenced property owned by or under contract by the Petitioner:

1. The property will be developed in substantial conformity with the Concept Site Plan, The Home Depot, Franklin Road and Valley Avenue, City of Roanoke, Virginia prepared by Mattern & Craig, dated July 8, 2005, a copy of which is attached to this Petition as Exhibit B, subject to any changes required by the Virginia Department of Transportation or the City as part of Comprehensive Development Plan review.

2. The 105,000 ± s.f. commercial building shall be architecturally finished in substantial conformity with the July 25, 2005, rendering of The Home Depot, City of Roanoke, Franklin Road & Valley Avenue, by Architectural Group International, a copy of which is attached to this Petition as Exhibit C.

3. Any outdoor light fixture shall be a full cutoff fixture or a decorative fixture with full cutoff optics. A "full cutoff fixture" shall mean an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane. A "decorative fixture with full cutoff optics" shall mean an outdoor light fixture with manufacturer-provided or manufacture-installed full cut-off optics.

4. The spillover of lighting from any parking area on the subject property onto public rights-of-way or abutting property in residentially zoned districts shall not exceed one-half (0.5) foot candle at the property line.

5. Any outdoor lighting in parking areas shall not exceed forty (40) feet in height. The maximum height shall apply to the height of the poles or other standards to which the fixtures are attached or the top most point of the fixture itself, whichever is higher.

6. Outdoor lighting information for the subject property shall be submitted during comprehensive development plan review. Such information shall include the following:

(a) Location of all outdoor lighting fixtures including the manufacturer's specifications of the area to be lighted with such fixtures;

(b) Plans indicating the location on the property, and the type, of illuminating devices, fixtures, lamps, supports, reflectors and other devices;

(c) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices;

(d) Photometric data, such as that furnished by manufacturers, showing the angle of cut off of light emissions; and

(e) Other information as may be deemed necessary by the Zoning Administrator to determine compliance with the lighting proffers.

7. All dumpsters, loading docks, heating/air conditioning handling units and ground mounted electrical transformer boxes shall be screened from view from public rights of way adjacent to the subject property by landscaping, masonry or metal screen walls.

8. There shall be no building wall signs facing the residentially zoned property along the easterly side of Griffin Road.

9. Signage provided by the petitioner and approved by the City of Roanoke, and identifying the Southern Hills Neighborhood shall be placed on the side of Griffin Road near its intersection with Roy Drive.

10. Landscaping shall be as shown on the Concept Landscape Plan, The Home Depot, Franklin Road and Valley Avenue, City of Roanoke, Virginia, dated July 8, 2005, prepared by Mattern & Craig, a copy of which is attached hereto as Exhibit D, subject to any changes required by the City as part of Comprehensive Development Plan review.

11. The following C-2 uses as designated in the Code of the City of Roanoke shall be permitted on the subject properties:

36.1-206(1) Dwellings located above ground floor nonresidential uses.

36.1-206 (3) Trade, business and art schools of a nonindustrial nature.

36.1-206 (4) Trade and vocational schools of an industrial nature.

36.1-206 (6) Day care centers with unlimited capacity subject to the requirements of section 36.1-510 et seq.

36.1-206 (7) Churches, synagogues and other places of worship including accessory columbariums.

36.1-206 (8) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.

36.1-206 (16) Post offices.

36.1-206 (17) Indoor recreational uses including bowling alleys, indoor tennis courts, squash courts, fitness centers and other similar uses.

36.1-206 (18) Theaters with unlimited seating capacity.

36.1-206 (20) Outdoor recreational facilities including swimming clubs, tennis courts, athletic facilities and other similar uses.

36.1-206 (23) General and professional offices including financial institutions.

36.1-206 (24) Medical clinics.

36.1-206 (25) Medical offices.

36.1-206 (26) General service establishments, except for repair or maintenance of motor vehicles or trailers, provided that, all repair or maintenance activities shall occur in a wholly enclosed building.

36.1-206 (27) Funeral homes.

36.1-206 (28) Restaurants.

36.1-206 (29) Hotels, motels, and inns.

36.1-206 (30) Bed and breakfast establishments subject to the requirements of section 36.1-520 et seq.

36.1-206 (31) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.

36.1-206 (32) Open air markets selling farm produce, crafts, plants, secondhand merchandise and other miscellaneous items.

36.1-206 (33) Food stores with unlimited gross floor area.

36.1-206 (34) Neighborhood and highway convenience stores, provided that no motor vehicle service station canopy over a gas pump island shall be allowed, unless:

(a) Such canopy shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and a maximum overall height not to exceed sixteen (16) feet six (6) inches;

(b) There shall be no illumination of any portion of the fascia of the canopy;

(c) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site.

(d) The vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and

(e) Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.

36.1-206 (37) New motor vehicle sales and service establishments, provided the lot area for this use is no less than forty thousand (40,000) square feet.

36.1-206 (38) Auto accessory sales with related installation.

36.1-206 (43) Storage and warehouse activities which are accessory to a retail use where all storage activities are wholly enclosed in a building which is located on the same lot as the retail use and where the gross floor area of buildings used for storage activities does not exceed fifty (50) percent of the gross floor area of the retail use.

36.1-206 (47) Plant nurseries and greenhouses including those with retail sales.

36.1-206 (48) Commercial printing establishments which print newspapers, publications, and other materials.

36.1-206 (49) Personal service establishments.

36.1-206 (50) Business service establishments.

12. The following C-2 uses as designated in the Code of the City of Roanoke shall be permitted on the subject properties by Special Exception granted by the Board of Zoning Appeals:

36.1-207 (2) Fast food restaurants.

36.1-207 (7) Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that:

(a) The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.

(b) The use is located on a major arterial road or highway.

36.1-207 (8) Manufacturing, assembly, mixing, processing or other processes which are accessory to a retail use, where all such activities are wholly enclosed in the same building as the retail use

and where no more than five (5) people are involved in such processes on the premises.

13. As any development on Tracts B and C, as identified on the Concept Site Plan (Exhibit B), will be visible from public roads from multiple directions, the architectural treatment and palette of exterior materials utilized for any structure built on either of these tracks shall be applied to all facades of such structure in a consistent and uniform manner.

14. The seasonal sales area designated on the Concept Site Plan (Exhibit B) will be used solely for the seasonal sale of plants, shrubs, trees and assorted potted nursery products together with associated bag products such as mulch, top soil and potting soil. The seasonal sales area will be in use, intermittently, for approximately six months per year for the sale of plants and plant related items appropriate to the time of the year, such as spring and summer live plants and Christmas trees and related greenery. No buildings, sheds, trailers, lawn mowers, gas grills, tractors or similar items will be displayed, stored or sold in the seasonal sales area.

15. If requested by the City as part of the Comprehensive Development Plan review, a natural non-handicapped accessible pedestrian access will be located between the Home Depot parking lot and Griffin Road near its intersection with Southern Hills Drive.

16. The finished grade of Griffin Road between its intersection with Southern Lane and its intersection with Southern Hills Drive as shown on the Concept Site Plan (Exhibit B) will not exceed twelve and one-half (12 ½) percent.

17. There will be no outdoor storage of goods, materials or merchandise other than as proffered for the seasonal sales area designated on the Concept Site Plan (Exhibit B) and the areas surrounded by ornamental fence shown on the Concept Site Plan (Exhibit B) and the Rendering of the Home Depot building (Exhibit C).

Attached as Exhibit E are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the subject property.

WHEREFORE, the Petitioner requests that the above-described amended proffers be approved as herein set out in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted, this 28th day of July, 2005.

Respectfully submitted,

FAISON-SOUTHERN LANE, LLC

By: _____
Kent Roberts

SAVE-X 2, LLC

By: SAVE-X USA, INC.

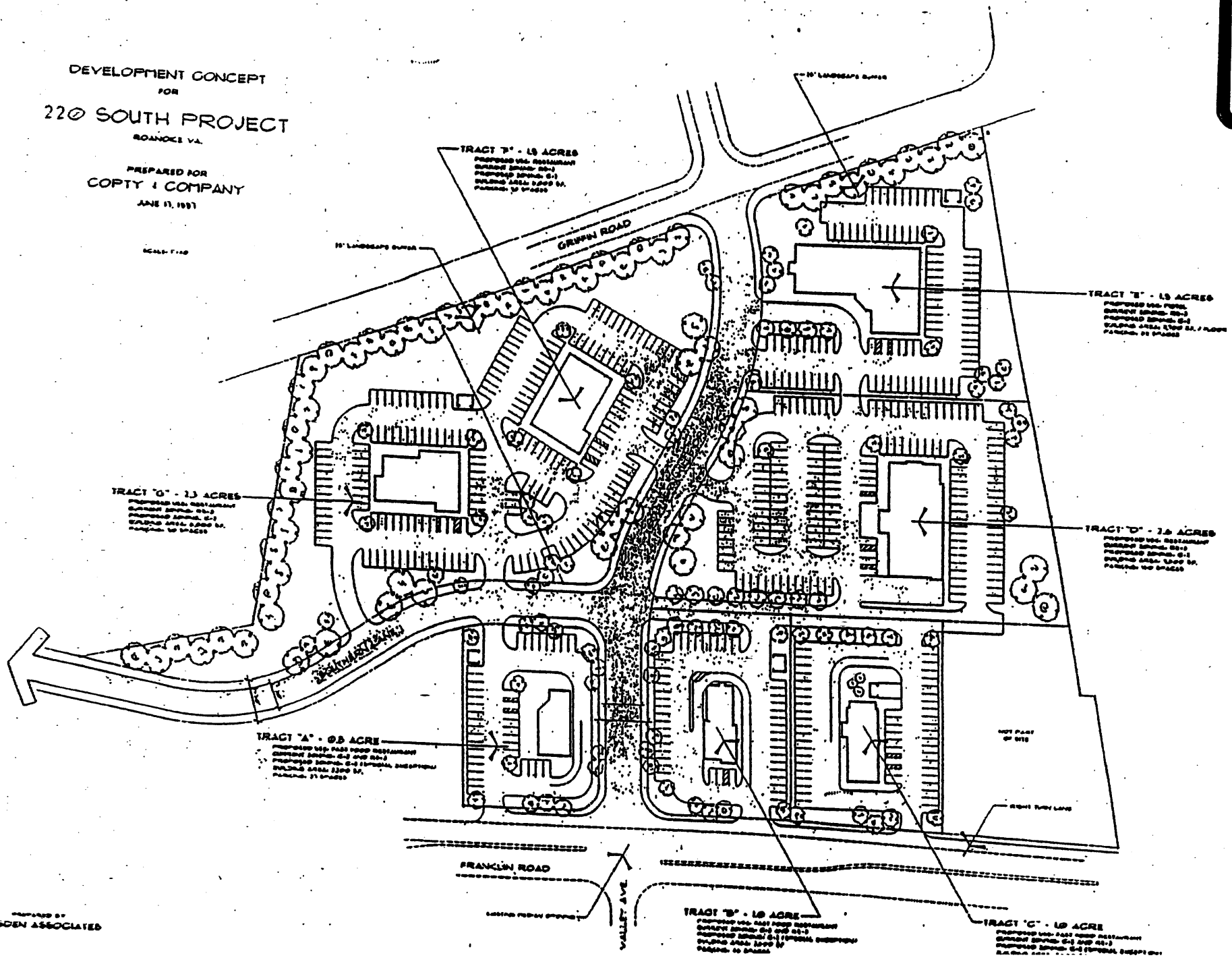
By: _____ Pres.
Kent Roberts

James F. Douthat, Esq.
Woods Rogers PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, VA 24038-4125
540-983-7662
Counsel for Faison-Southern Lane, LLC
And Save-X 2 LLC

EXHIBIT

DEVELOPMENT CONCEPT
FOR
220 SOUTH PROJECT
ROANOKE VA.

PREPARED FOR
COPTY & COMPANY
JUNE 17, 1997



PREPARED BY
LUNSDEN ASSOCIATES

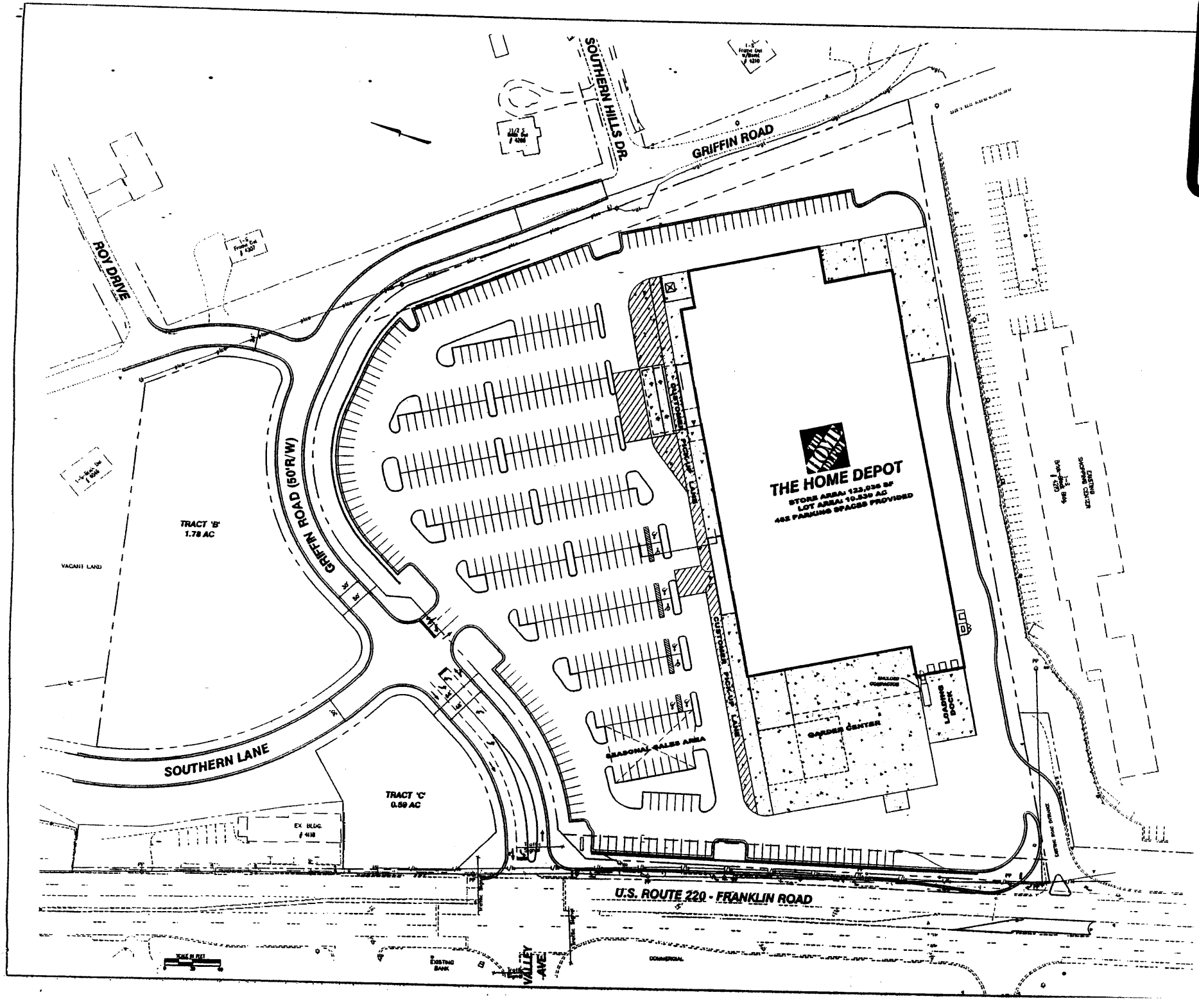


EXHIBIT
B

WHITSELL GROUP

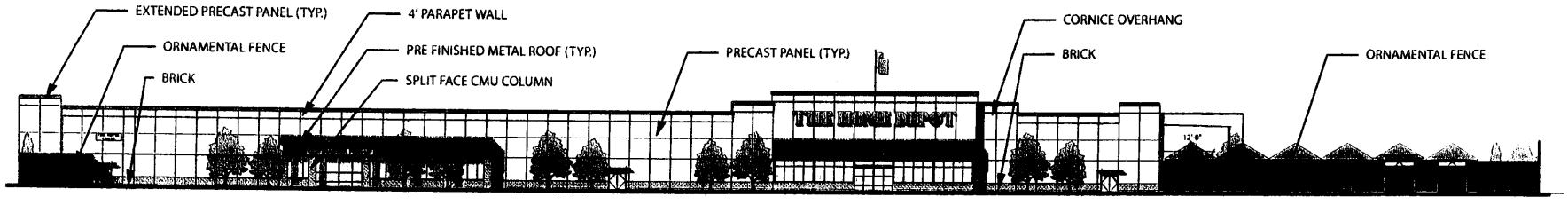
Mattern & Craig

THE HOME DEPOT
FRANKLIN ROAD AND VALLEY AVENUE
CONCEPT SITE PLAN
CITY OF ROANOKE, VIRGINIA

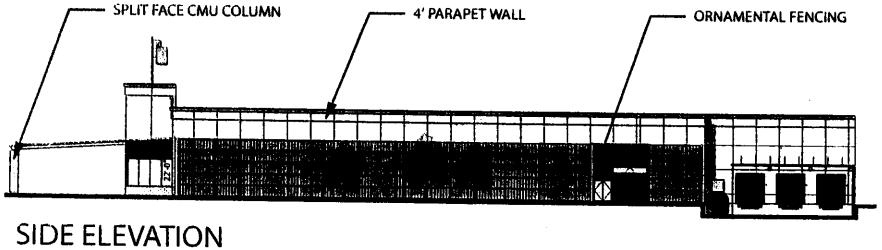
2368-A

D

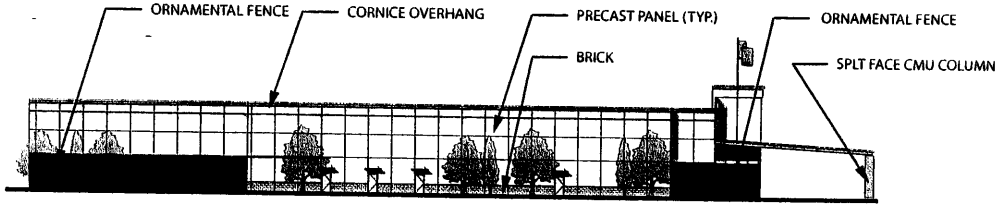
EXHIBIT



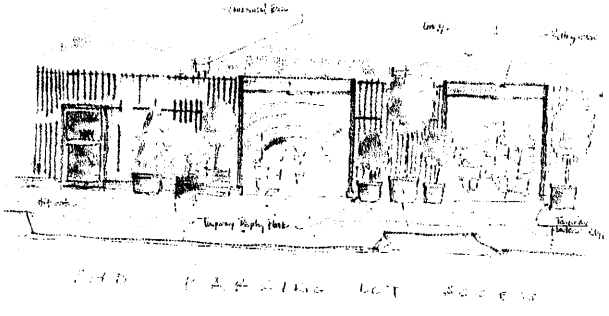
FRONT ELEVATION - FACING REALIGNED VALLEY AVE.



SIDE ELEVATION



SIDE ELEVATION - FACING RESIDENTIAL USE



PROPOSED GARDEN CENTER

PROJECT SITE:

CITY OF ROANOKE
FRANKLIN ROAD & VALLEY AVENUE

JULY 25, 2005

THE HOME DEPOT U.S.A., INC.
2455 PACES FERRY ROAD, C-19
ATLANTA, GEORGIA 30339-4024
PHONE : (770)-433-8211
FAX : (770)-384-2393

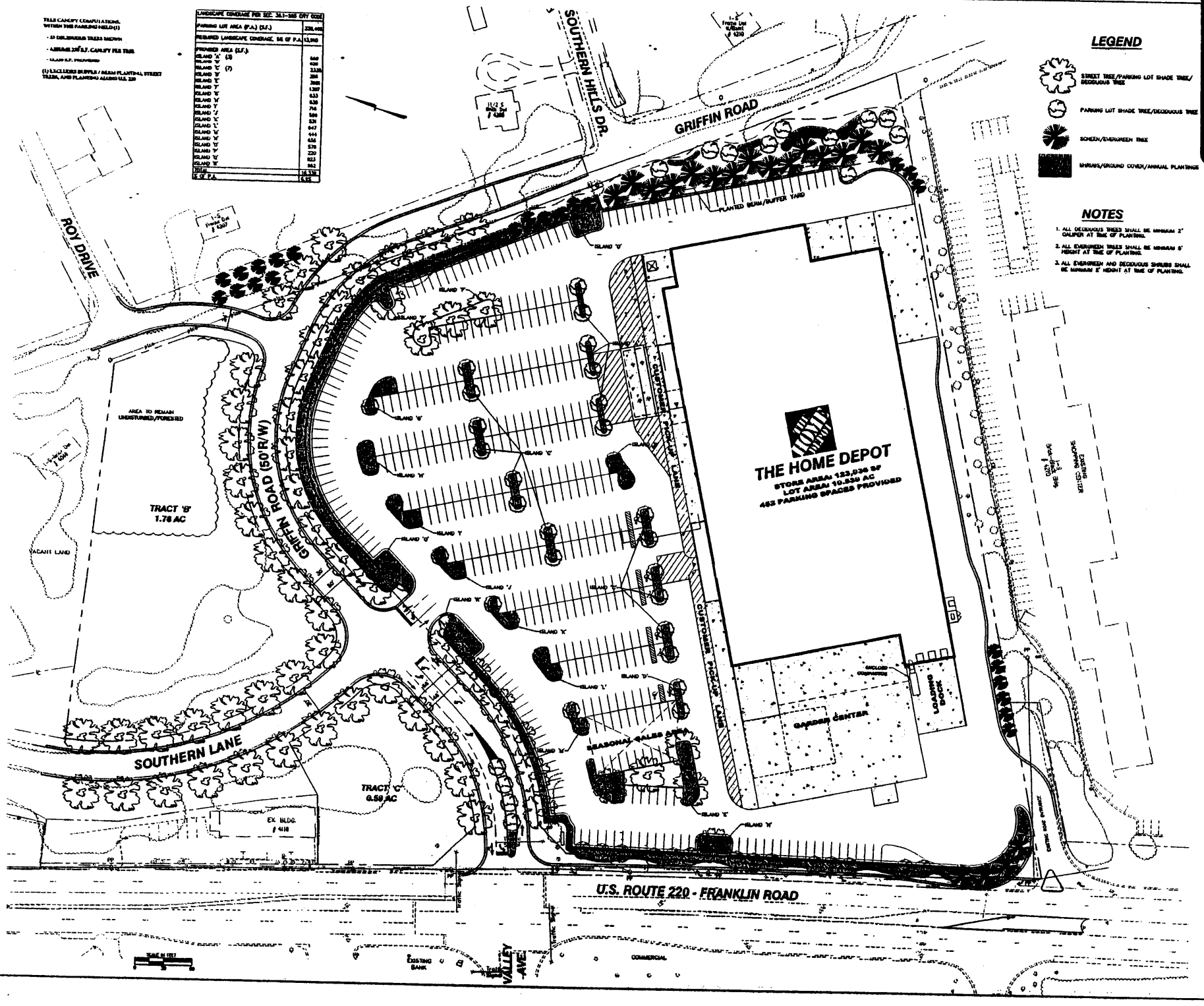
ARCHITECTURAL GROUP INTERNATIONAL
100 E. RIVERCENTER BLVD., SUITE 200
COVINGTON, KENTUCKY 41011
PH 859-261-5400 FAX 859-261-5530

TREE CANOPY COMPUTATIONS WITHIN THE PARKING FIELD(1)

- 33 DECIDUOUS TREES SHOWN
- AVERAGE 250 S.F. CANOPY PER TREE
- 16,500 S.F. PROVIDED

(1) EXCLUDES BUFFER / SCREEN PLANTING, STREET TREES, AND PLANTING ALONG U.S. 220

LANDSCAPE COVERAGE PER SEC. 36.1-565 CITY CODE	
PARKING LOT AREA (P.A.) (S.F.)	238,400
REQUIRED LANDSCAPE COVERAGE, 5% OF P.A.	11,920
PROVIDED AREA (S.F.):	
ISLAND 'A' (3)	600
ISLAND 'C'	628
ISLAND 'D' (7)	3,500
ISLAND 'E'	300
ISLAND 'F'	300
ISLAND 'G'	1,500
ISLAND 'H'	633
ISLAND 'J'	628
ISLAND 'K'	74
ISLAND 'L'	500
ISLAND 'M'	628
ISLAND 'N'	87
ISLAND 'O'	444
ISLAND 'P'	628
ISLAND 'Q'	578
ISLAND 'R'	220
ISLAND 'S'	921
ISLAND 'T'	861
TOTAL	13,339
% OF P.A.	5.6%



LEGEND

- STREET TREE/PARKING LOT SHADE TREE/ DECIDUOUS TREE
- PARKING LOT SHADE TREE/DECIDUOUS TREE
- SCREEN/EVERGREEN TREE
- SHRUBS/GROUND COVER/ANNUAL PLANTINGS

NOTES

1. ALL DECIDUOUS TREES SHALL BE MINIMUM 2" CALIPER AT TIME OF PLANTING.
2. ALL EVERGREEN TREES SHALL BE MINIMUM 5' HEIGHT AT TIME OF PLANTING.
3. ALL EVERGREEN AND DECIDUOUS SHRUBS SHALL BE MINIMUM 2' HEIGHT AT TIME OF PLANTING.

EXHIBIT D

WHITESELL GROUP
Landscape Architecture
Land Planning

Mattern & Craig
CONSULTING ENGINEERS, LANDSCAPE ARCHITECTS, LAND SURVEYORS

THE HOME DEPOT
FRANKLIN ROAD AND VALLEY AVENUE
CITY OF ROANOKE, VIRGINIA

CONCEPT LANDSCAPE PLAN

Drawn By: A.T.S. / MM
Checked By: N/A
Date: 7-2-2001

Scale: N/A
1" = 50'

Drawing No. 2358-A

Sheet No. L

ADJACENT PROPERTY

CITY OF ROANOKE, VIRGINIA

TAX NO.	OWNER	MAILING ADDRESS
5470116	New Plan Realty Trust	P.O. Box 4900, Scottsdale, AZ 85261
5470201	WR Grant	1613 Dunbar St., NW, Roanoke, VA 24012
5480401	James A. Allman	1630 Jumping Run Dr., Goodview, VA 24095
5480301	Virginia L. Cobbs	4208 Southern Hills Dr., SW, Roanoke, VA 24014
5480341	John W. & Mary Ann Spring	1757 Tapo Canyon Suite 300, Simi Valley, CA 93063
5480121	Rama May Ford	4215 Roy Drive, SW, Roanoke, VA 24014
5480703	Henry H. & Madeline D. Muse	4049 Griffin Rd., SW, Roanoke, VA 24014
5480716	City of Roanoke, Virginia	1317 Loudon Ave., NW, Roanoke, VA 24014
5480706	A. Gary & Jeanne Yamine	6760 Christopher Dr., Roanoke, VA 24018
5480705	Charles E. & Catherine C. Long	4527 Burma Rd., Radford, VA 24141
5470104	SAVE-X 2 LLC	416 S. Jefferson St., Ste. 205, Roanoke, VA 24011

COUNTY OF ROANOKE, VIRGINIA

PARCEL ID#	OWNER	MAILING ADDRESS
087.08-05-01.00-0000	Lowes Home Centers Inc.	4224 Valley Avenue, Roanoke, VA 24014
087.08-05-02.00-0000	Just Duus II LLC	4347 Franklin Road, Roanoke, VA 24014
077.20-01-40.00-0000	First National Exchange Bank	4143 Franklin Road, Roanoke, VA 24014
087.08-01-02.00-0000	Old Heritage Corp.	4252 Summit Street, Roanoke, VA 24014

EXHIBIT

E

From the desk of :

Carl D. Cooper

July 28, 2005

City of Roanoke
Planning Commission
215 Church Avenue, S.W.
Noel C. Taylor Municipal Building - Room 166
Roanoke, VA 24011

Re: Home Depot Request Regarding Southern Hills

Mr. Richard A. Rife, Chair
Mr. Gilbert E. Butler, Jr.
Mr. D. Kent Chrisman
Mr. Robert B. Manetta
Ms. Paula Prince
Mr. Henry Scholz
Mr. Fredrick M. Williams

Dear Mr. Rife and Members of the Planning Commission:

I believe that the proposed Home Depot development is deficient to the Southern Hills Neighborhood Plan, the Urban Forestry Plan and fails to adequately address Stormwater Runoff:

1) Connectivity Issues
   - The Southern Hills Neighborhood Plan speaks clearly regarding connectivity issues:
     - "Provisions for pedestrian access between commercial development are seriously lacking. Patrons visiting more than one business are encouraged to get back in their cars and drive rather than walk across the parking lot if the next store is more than a few hundred feet away." (page 7)

     - "Access to commercial areas is poor and should be addressed. First, businesses are not connected to each other. Patrons must re-enter a congested Route 220 to gain access to other businesses. Better access to residential areas is also needed. New development presents an opportunity to provide connections with existing businesses and residential areas. Residents cited the close proximity to the business area as a major asset to the neighborhood, but they would like to see better access to the business area." (page 10)

     - "Poor access should be addressed with a street that runs parallel to US 220 between the existing Frontage Road near IHOP and Old Rocky Mount Road.

- Option #1 would be a private/public road through existing parking lots which already function, to some extent, as a frontage road.
- Option #2 is a public street directly adjacent to US 220." (page 14)

- From page 22 (Policies)
  New development should seek to provide safe, convenient connections between residential and commercial areas and between businesses. New roads should be designed so they connect with streets at multiple locations and avoid the use of cul-de-sacs.
- Safe, convenient auto, pedestrian, and bicycle access should be provided throughout the neighborhood. New streets should be designed according to the recommended street designs in the Infrastructure section.

The connectivity issues are not being faithfully addressed. The proposed reconfiguration of Griffin road connecting Southern Hills Dr. to the signalized intersection at 220 does not promote connectivity as Chris Chittum claims in his staff report. The road is an indirect connection that takes pedestrians out of their way and up a 14% grade (in both directions) in order to get from Southern Hills Drive and light at 220. This is done solely to accommodate the parking lot. The sidewalk that is proposed for one side of the realigned Griffin Road starts at Southern Hills Dr. and ends at a busy intersection at the entrance of the Home Depot parking lot. There is no formalized pedestrian access (sidewalks) through the parking lot to the front door of the store. The layout of the building precludes the possibility of providing access (for pedestrians, bicyclists, or cars) between Home Depot and businesses located in Hunting Hills Plaza where Wal-Mart is located. This proposal provides nothing in the way of "safe and convenient" access, and especially not for pedestrians and bicyclists.

Equally as important, I also believe that there needs to be additional discussion and offers of proof from Planning regarding the assertion in their June 2005 Neighborhood Plan Implementation Report that the Street/Gateway plan for the 220 corridor study and associated improvements suggested in the Southern Hills Neighborhood Plan has been precluded by the proposed routing of I-73.

2) Urban Forestry Issue

- PL A15 on page 26 of The Urban Forestry Plan calls for "stronger tree canopy requirements for parking lots (such as a 40% minimum tree canopy at maturity) in the zoning ordinance revision. "

  The current discussion regarding tree canopy requirements for the Home Depot parking lot seem to focus on what percentage of the proposed parking lot will initially contain tree canopy. As Chris Chittum points out,

  > "The problem with meeting our tree canopy goals is our own current minimum parking requirements. The proposed tree canopy for the Home Depot site is at about 10% -- achieved through tree planting on the interior of the parking lot and around the perimeter. I've looked at this closely and, given the building size and the lot size, they are close to having the

maximum they can do because our current minimum parking requirements limit the amount of land available for tree canopy. In other words, they can't increase their tree canopy substantially without reducing parking spaces below our requirements."

However PL A15 on page 26 of The Urban Forestry Plan clearly directs planning and zoning goals toward achieving 40% minimum tree canopy at maturity. It appears that there has not been adequate analysis on the mature tree canopy percentage. This project will have an environmental impact lasting well beyond the life of our current zoning ordinance. Therefore I submit it is proper to consider the impact of this project relative to stated goals of the Urban Forestry component of the Comprehensive Plan.

Additionally, I submit that the conflict between tree canopy requirements (planted and matured) and minimum parking spaces should be resolved with a bias toward tree canopy. One of the main reasons I believe this is that any increase in hard surface area has a direct correlation to storm water runoff.

3) Storm Water Runoff

Home Depot has proposed to construct two boxed culverts to carry the Ore Branch creek under their property and onto the Roanoke River. Individually, perhaps the Ore Branch may be able to absorb the additional run-off. However, when the Slate Hill, Wilton and Ivy Market (also with a double boxed culvert) runoff is considered, the Ore Branch will continue to be a flooding nightmare for the neighborhoods surrounding the Roanoke River right behind the Ramada on Franklin Road. I believe that the Planning Commission should become well satisfied that the cumulative effect of these additional runoffs, as well as the potential for additional runoff from the as-yet-undeveloped 65 acre Freeman Brother's property, will be adequately handled.

In closing, I submit that the proposed Home Depot development is non-compliant to the Southern Hills Neighborhood Plan, the Comprehensive Plan, the Urban Forestry Plan and common sense storm water management principles. I hope that during your continued discussions with the developer that you will strive to minimize deviations from the above plans and principles.

Respectfully submitted,

Carl D. Cooper
3160 Round Hill Avenue, NW
Roanoke, VA 24012

Southern Hills (Adopted in 2002)

Actions	Participants	Status	Time Frame for Completion
Street/gateway plan for 220 corridor study.	Transportation Div, Planning Building & Dev	Improvements suggested in Neighborhood Plan precluded by proposed routing for I-73.	N/A
Southern Hills Drive extension.	Engineering Div	Pending private development.	2 years
Upgrade Southern Hills Drive (Griffin Rd. north).	Engineering Div	Planning phase is complete, starting design phase. Start date pending Wilton Development project. Southern Hills Drive is about to be rebuilt with drainage and utility improvements but no sidewalk due to resident preferences and changed circumstances. Overall landscape maintenance, asphalt maintenance and storm drain cleaning.	2 years
Bus service.	Valley Metro	New development needed to create demand.	5 years
Improve drainage system.	Engineering Div	Ore Branch study underway. Potential for improvements with new development or in conjunction with utilities projects. Listed under Roanoke Storm Water Management Plan.	5 years
Replace water lines/install hydrants.	Utilities	Planning underway for Southern Hills Drive improvements.	2 years
Extend sewer lines.	Utilities	Planning underway for Southern Hills Drive improvements.	2 years
Code enforcement/cleanups.	Housing & NH Services	Implemented and ongoing.	Ongoing
Neighborhood watch.	Neighborhood organization, Police	No activity.	To be determined
Master plan Sunrise Park.	Parks & Rec	No activity.	5 years
Park improvements (Per master plan process)/portable restrooms.	Parks & Rec	Conflicts with Parks and Recreation goal to have no restroom facilities in small neighborhood parks.	To be determined
I.D. greenway connection.	Parks & Rec	No activity.	To be determined
Community garden/kiosk in Sunrise Park.	Neighborhood organization	No activity.	To be determined
Neighborhood gateway signs.	Neighborhood organization	Pending new commercial development; proffered condition of commercial development.	5 years

Southern Hills Neighborhood Council

address to the

Planning Commission of the City of Roanoke

28 July, 2005

L. Dawn Vineyard

President

Thank you for extending the opportunity for residents of Southern Hills to address our views regarding the request from Faison-Southern Lane Group & Save-X to

1. vacate & close a portion of Southern Lane and Southern Hills Drive and re-align Southern Hills Drive
2. make an amendment and proffer of conditions that will combine certain tracts into one to accommodate the Home Depot facility and their prospective market.

My address is in opposition to these requests for the following reasons:

I. Precludes connectivity to area neighborhoods & businesses.

II. Land Use is currently established for and will better serve the Roanoke Valley as a village center.

Policies and recommended actions of *Vision 2001-2005* that we feel support our arguments are as follows:

ED A15

1. *Increase efforts to provide tourist information for residents and visitors. (p.60)*
2. *Create satellite centers for visitors ... to capture local, regional, and destination shoppers.*

ED A14 *Promote greenways and linkages to the downtown and surrounding areas.*

ED A16 *Expand the current marketing strategy to target young families and young adults. (p.61)*

ED A36 *Encourage village centers through identification of potential locations in neighborhood plans. (p. 62)*

NH A17 *Identify gateways, key intersections, and major corridors for physical improvement that promotes neighborhood streets, sidewalks and tree canopies. (p. 40)*

NH A1 *Revise zoning ordinance to encourage the development of higher-density, mixed-use village centers.... (p. 41)*

NH P2 *Neighborhoods will function as villages, offering opportunities to live, work, sleep, play, and interact in a neighborhood setting. Neighborhood-oriented commercial activity will be encouraged in well-defined village centers. (p.40)*

The I-581/Rte. 220 intersection generates more traffic than any other intersection in Roanoke City and directly serves neighboring city and county communities such as South Roanoke, Garden City, the Tanglewood area, Hunting Hills, Clearbrook, and Boones Mill, therefore making Southern Hills *(the area encompassing residential subdivisions and businesses from Southmont to the Blue Ridge Parkway)* the northbound gateway into Roanoke City. We are all aware that Southern Hills is one of the greatest potential residential and commercial development opportunities in the Roanoke Valley. To the city, Home Depot may be a symbol of suburban security, but to us it would destroy a potentially thriving neighborhood.

Home Depot serves a very specific homebuilder and home improvement market. Traffic along Rte. 220/I-581 consists of motorists traveling to/through the Roanoke Valley, through Virginia, and commuters who earn their paycheck in Roanoke and spend it closer to their homes and preferred retail centers in surrounding counties and neighboring states.

Southern Hills should contain a village center, one that will unite surrounding communities and provide opportunities for local entrepreneurs to open retail businesses that will give travelers a reason to stop, meet the friendly citizens of Roanoke and further explore the city. Also, maintaining and promoting the site as a village center will make our residential area highly visible, thus attracting residential development, opportunities that will encourage commuters to re-locate to Roanoke, and it will prevent potential criminal activity that will accompany the seclusion afforded by a big-box business.

Amending the use and proffered conditions of the said tracts of land by re-configuring entry to our portion of Southern Hills along Griffin Road demonstrates Home Depot's commitment to their target market and lack of commitment to the community in which it wishes to locate by literally hiding *our* neighborhood, rendering us more invisible than ever before and hindering our easy, and safe access to businesses and travel along the Rte. 220 corridor.

Instead of perpetuating Roanoke's reputation for being the most segregated city in the South, we want Southern Hills to be a neighborhood that echoes the vision of Roanoke City's comprehensive plan.

55
8/6/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 547 and 548, Sectional 1976 Zone Map, City of Roanoke, by amending certain conditions presently binding upon certain property previously conditionally zoned C-2, General Commercial District, by Ordinance No. 33759-040698, and placing such proffers on certain other property zoned C-2, General Commercial District; and dispensing with the second reading by title of this ordinance.

WHEREAS, Faison-Southern Lane, LLC and Save-X 2, LLC have made application to the Council of the City of Roanoke to amend certain conditions presently binding upon Official Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701 and 5480704, which property was previously rezoned by the adoption of Ordinance No. 33759-040698, adopted April 6, 1998;

WHEREAS, Faison-Southern Lane, LLC and Save-X 2, LLC seek to have the subject property zoned C-2, General Commercial District, with proffers amended from those accepted by City Council in Ordinance No. 33759-040698, adopted April 6, 1998;

WHEREAS, Faison-Southern Lane, LLC and Save-X 2, LLC seek to have the proffered conditions which they seek to have applied to the above-referenced parcels of property apply to Official Tax Nos. 5470104, 5470103, 5470102, 5480717 and 5480718, which are zoned C-2, General Commercial District,

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after

conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on August 15, 2005, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the conditions now binding upon Official Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701 and 5480704, which property was previously rezoned C-2, General Commercial District, with proffers, by the adoption of Ordinance No.33759-040698, adopted April 6, 1998, should be amended, and Official Tax Nos. 5470104, 5470103, 5470102, 5480717 and 5480718, zoned C-2, General Commercial District, should be rezoned to C-2, General Commercial District, with proffers, as set forth in the Third Amended Petition to Amend Proffers filed in the City Clerk's Office on July 29, 2005.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Sections 36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 547 and 548 of the Sectional 1976 Zone Map, City of Roanoke, be amended to reflect that Official Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701, 5480704, 5470104, 5470103, 5470102, 5480718 and 5480717 be rezoned C-2, General Commercial District, with proffers as set forth in the Third Amended Petition to Amend Proffers filed in the City Clerk's Office on July 29, 2005, and as set forth in the report of the Planning Commission dated August 15, 2005, so that the subject property is zoned C-2, General Commercial

District, with such proffers.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from Faison-Southern, LLC, and Save-X 2, LLC, represented by James F. Douthat, attorney, to permanently vacate, discontinue and close portions of Southern Lane, S.W., and Southern Hills Drive, S.W.

Planning Commission Public Hearing:

Planning Commission public hearing was held on Thursday, July 21, 2005, and continued until Thursday, July 28, 2005. By a vote of 5-1 (Messrs. Butler, Chrisman, Rife, Scholz, and Ms. Prince voting for, Mr. Williams voting against, and Mr. Manetta absent), the Commission recommended that City Council approve the requested closures.

Background:

This petition is in conjunction with a petition to amend proffers on Official Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701, and 5480704, and proffer the same conditions on Tax Map Nos. 5470103, 5470102, 5480717, 5480718, and 5470104.

The petitioner plans to develop Official Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, and a portion of 5480704 with a Home Depot store.

Considerations:

The petitioners' properties are all vacant with the exception of the service station on Official Tax No. 5470104. All of the petitioners' properties are zoned C-2, General Commercial District, some with conditions as noted above. Adjoining properties along Route 220 are also zoned C-2, and there is a variety of retail and service establishments. One property to the northeast, Official Tax No. 5480401, is zoned RA, Residential Agricultural. Otherwise, properties in the area are zoned RS-3, Residential Single-family, High Density District, and most uses surrounding the petitioner's properties are single-family residential.

The petitioner's request will essentially result in a realignment of Griffin Road. The petitioner requests vacation of portions of Southern Hills Drive and Southern Lane and will in return, dedicate a comparable portion of improved right-of-way to the City, which will be an extension of Griffin Road.

The new street will enhance access for residents of the Southern Hill neighborhood. The principal benefit will be the access to a signalized intersection at Franklin Road. The petitioners will be responsible for installation of the traffic signal. VDOT maintains the segment of Franklin Road/US 220 adjacent to the petitioners' properties. Entrances and turning lanes where the new street intersects US 220 are subject to VDOT standards. The petitioners have been working with VDOT on the design of the signal and intersection.

In neighborhood planning workshops and various forums, residents of Southern Hills indicated strong support for providing such access. The effect of the proposed alignment of the street improves this access to residents. The new street will also maintain current access to Roy Drive and Southern Lane. The proposed entrance to the Home Depot will be aligned with Southern Lane.

A right-in-only entrance from US 220 is located at the southern edge of the site where Southern Lane, as it exists today, connects with US 220 next to the Save-X station. The crossover to Southern Lane from the southbound lane is to be eliminated. This entrance is intended only for truck access. Trucks would exit the site via the main entrance on the new street.

Vision 2001-2020 recommends the following policies and design principles:

- ***IN P2. Transportation system.*** *"Roanoke will provide a transportation system that is an integrated, multi-modal network*

of automobile, bicycle, pedestrian, and transit facilities. Interconnected street systems should be encouraged in new development and be maintained in existing development."
The new street will enhance connectivity and will provide pedestrian accommodations.

- ***IN P3. Land use and transportation plans.*** *..."Future commercial development along arterial roads will be focused at major intersections rather than strip commercial development along corridors."*
  The proposed development is within an identified local/regional commercial center.

The *Southern Hills Neighborhood Plan*, adopted October 15, 2002, contains the following recommended policies to guide future development:

- *"Ensure that future commercial development incorporates convenient and safe connectivity and access to residential areas and to other commercial areas. Pursue opportunities to develop a commercial frontage road parallel to US 220."*
  The proposal enhances access and safety, particularly for residents of the Southern Hills Neighborhood, who currently have no access to a signalized intersection. The proposal, however, will preclude development of a frontage street.

- *"New development should seek to provide safe, convenient connections between residential and commercial areas and between businesses. New roads should be designed so they connect with streets at multiple locations and avoid the use of cul-de-sacs."*
  The proposal enhances connections between residential and commercial areas. Access between Southern Hills Drive/Griffin Road and the traffic signal is created. Access to Southern Lane to the north is retained. The overall level of connectivity is retained.

- The plan recommends street designs (pp. 13-14). Street design is not being addressed as part of the petition. Staff recommends the street design provide a planting strip of at least five feet between the proposed curb and sidewalk.

In addition to the right-of-way vacation, the petitioner is also requesting vacation of a portion of a drainage easement. The portion requested for vacation lies within the proposed right-of-way of Griffin Road which the petitioner will dedicate to the City. Vacation of the easement will require a separate deed of release.

Staff received comments from AEP, Verizon, and Roanoke Gas Company. The latter does not have any facilities in the area. AEP and Verizon both stated that the petitioner will be responsible for relocating their facilities. Staff received comments from the Western Virginia Water Authority, who stated that water and sewer lines must remain in a 20 foot public utility easement.

The Department of Real Estate Valuation assessed the value of the subject right-of-way at a rate of $6 per square foot based on C-2 zoning.

Recommendation:

By a vote of 5-1, the Planning Commission recommended vacation of the portions of rights-of-way and the portion of drainage easement at no charge to the Petitioner. The portions of rights-of-way to be vacated are roughly equivalent to the right-of-way to be dedicated.

A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

D. If the subject portion of drainage easement is determined to be private, the applicant shall record a deed of release for the vacation of a .032 acre drainage easement as shown on the preliminary plat submitted by the petitioner. This deed of release must be approved by the City of Roanoke, and will be referenced on the final plat when it is recorded with the Clerk of the Circuit Court of the City of Roanoke, Virginia.

E. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

Richard A. Rife

Richard A. Rife, Chairman
Roanoke City Planning Commission

attachments
cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager
William M. Hackworth, City Attorney
James F. Douthat, Attorney for the petitioners

N. mat.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:	)
	) APPLICATION FOR VACATING,
Application of Faison-Southern Lane, LLC	) DISCONTINUING AND CLOSING
And Save-X 2, LLC for Vacation of a	) A PART OF SOUTHERN LANE S.W.
Portion of Southern Lane S.W. and	) AND SOUTHERN HILLS DRIVE S.W.
Southern Hills Drive S.W.	)

MEMBERS OF COUNCIL:

Faison-Southern Lane, LLC and Save-X 2, LLC, by counsel, apply to have a portion of Southern Lane, S.W. and Southern Hills Drive, S.W. in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. The portions of these streets to be vacated, discontinued and closed are more particularly described on the Subdivision, Vacation, Combination and Dedication Plat for Faison-Southern Lane, LLC and Save-X 2, LLC Showing the Vacation of a Portion of Southern Hills Drive, S.W. and Southern Lane, S.W. Containing 1.331 AC. and Creating Tract A (10.539 Ac.), Tract B (1.778 Ac.) and Tract C (0.593 Ac.) and Dedicating 1.256 Ac. to the City of Roanoke for Street Purposes by Mattern & Craig, Inc., dated June 1, 2005, a copy of which is attached and as follows:

> That certain Existing Fee Simple Right-of-Way containing 0.791 acres and that certain Existing 30' Prescriptive Right-of-Way containing 0.352 acres and that certain Existing Variable Width Prescriptive R/W containing 0.188 acres, being a total of 1.331 acres to be vacated as shown on Sheet 2 of 3 of June 1, 2005, Subdivision, Vacation, Combination and Dedication Plat for Faison-Southern Lane, LLC and Save-X 2, LLC attached hereto.

Faison-Southern Lane, LLC and Save-X 2, LLC, state that the grounds for this application are as follows:

1. Faison-Southern Lane, LLC is the owner of 14 contiguous parcels of land and the contract purchaser of a contiguous parcel of land owned by Save-X 2, LLC, all of which are adjacent to Southern Lane, S.W. and/or Southern Hills Drive, S.W. (the "Property"). Faison-Southern Lane, LLC has filed a Petition to Amend Proffered Conditions and Proffer of Conditions (the "Petition") affecting the Property which proposes the extension of Griffin Road, S.W., from its intersection with Southern Hills Drive in a westerly direction to intersect with Southern Lane and terminate on the easterly side of Franklin Road (U.S. Route 220) at the signalized intersection of Valley Drive and Franklin Road. The Petition filed by Faison-Southern Lane, LLC proposes the Property be subdivided into three commercial parcels zoned C-2 Conditional, each of which will have access to Griffin Road, as extended,

Southern Lane, S.W. and Franklin Road. Griffin Road, as extended, to Southern Lane S.W. and Franklin Road, will replace the existing portions of Southern Lane, S.W. and Southern Hills Drive, S.W. your petitioners request be vacated, discontinued and closed and will provide a road system that complies with the requirements of the City of Roanoke and the Virginia Department of Transportation and will improve access to the Property and the property now served by Southern Lane, S.W. and Southern Hills Drive, S.W.

2. Faison-Southern Lane, LLC, as part of this application will record the attached Subdivision, Vacation, Combination and Dedication Plat for Faison-Southern Lane, LLC and Save-X 2, LLC by Mattern & Craig, Inc., dated June 1, 2005, and dedicate the right-of-way required for the extension of Griffin Lane to Southern Lane, S.W. and to the intersection with Franklin Road. The right-of-way to be dedicated is shown on page 3 of 3 of the attached plat and is described as follows:

Description of a 1.256 Ac. Parcel being dedicated
To the City of Roanoke, Virginia for Street Purposes

BEGINNING at a point on the easterly right-of-way of U.S. Route 220, said point being the northeast intersection of said U.S. Route 220 and a proposed road; Thence leaving said right-of-way of U.S. Route 220 and with the northerly right-of-way of said new road, N 62°50'06" W, 60.59 feet to a point; Thence continuing with same with a curve to the left whose radius is 165.00 feet an arc distance of 111.48 feet (chord = N 46°37'05" E, 109.37 feet) to a point; Thence continuing with same, N 27°15'45" E, 52.84 feet to a point; Thence continuing with same with a curve to the left whose radius is 30.00 feet an arc distance of 47.23 feet (chord = N 17°50'35" W, 42.50 feet) to a point; Thence continuing with same with a curve to the right whose radius is 390.00 feet an arc distance of 92.02 feet (chord = N 56°11'20" W, 91.81 feet) to a point; Thence crossing an existing right-of-way of Southern Lane, S.W., N 41°31'44" E, 33.55 feet to a point on the existing easterly right-of-way of Southern Lane, S.W.; Thence with said right-of-way with a curve to the right whose radius is 602.13 feet an arc distance of 66.17 feet (chord = N 36°21'37" W, 66.14 feet) to a point; Thence continuing with same, N 33°12'42" W, 51.68 feet to a point; Thence continuing with same with a curve to the right whose radius is 192.00 feet an arc distance of 78.52 feet (chord = N 21°29'46" W, 77.97 feet) to a point; Thence continuing with same N 09°46'50" W, 26.36 feet to a point, said point being the southwest corner of the property of the City of Roanoke (D.B. 1475, Pg. 513); Thence with the southerly property line of the property of the City of Roanoke, N 77°15'08" E, 0.58 feet to a point; Thence with a new right-of-way line with a curve to the left whose radius is 340.00 feet an arc distance of 297.37 feet (chord = S 37°58'04" E, 287.98 feet) to a point; Thence continuing with same with a curve to the left whose radius is 30.00 feet an arc distance of 46.97 feet (chord = N 72°07'10" E, 42.32 feet) to a point; Thence continuing with same, N 27°15'45" E, 55.22 feet to a point; Thence continuing with same with a curve to the right whose radius is 215.00 feet an arc distance of 243.24 feet (chord = N 59°40'24" E, 230.47 feet) to a point; Thence continuing with same with a curve to left whose radius is 15.00 feet an arc distance of 23.91 feet (chord = N 46°25'10" E, 21.46 feet) to a point; Thence continuing with same with a curve to left whose radius is 158.00 feet an arc distance of 58.43 feet (chord = N 09°50'22" W, 58.10 feet) to a

point on the westerly right-of-way of Griffin Road, S.W.; Thence with said westerly right-of-way of Griffin Road, S.W., S 40°52'16" E, 217.43 feet to a point; Thence with a new right-of-way line with a curve to the left whose radius is 165.00 feet an arc distance of 101.54 feet (chord = N 67°42'31" W, 99.95 feet) to a point; Thence continuing with same, N 85°20'20" W, 49.99 feet to a point; Thence continuing with same with a curve to the left whose radius is 165.00 feet an arc distance of 194.09 feet (chord = S 60°57'42" W, 183.09 feet) to a point; Thence continuing with same S 27°15'45" W, 51.50 feet to a point; Thence continuing with same S 15°21'17" E, 26.58 feet to a point; Thence continuing with same S 27°15'45" W, 147.00 feet to a point; Thence continuing with same with a curve to the right whose radius is 233.00 feet an arc distance of 158.90 feet (chord = S46°47'59" W, 155.84 feet) to a point; Thence continuing with same, S 25°42'04" W, 43.50 feet to a point; Thence continuing with same, S 17°05'30" E, 106.15 feet to a point; Thence with the easterly right-of-way of U.S. Route 220, S 71°23'50" W, 10.00 feet to a point; Thence continuing with same, N 19°18'32" W, 142.00 feet to a point; Thence continuing with same, N 19°50'06" W, 106.53 feet to the POINT OF BEGINNING and containing 1.256 Acres.

WHEREFORE, Faison-Southern Lane, LLC and Save-X 2, LLC respectfully request that the above described streets be vacated by the Council of the City of Roanoke, Virginia in accordance with Virginia Code Section 15.2-206 and Section 30-14 Code of Virginia, the City of Roanoke (1979), as amended.

Respectfully submitted,

FAISON-SOUTHERN LANE, LLC

By: s/s Jensie Teague

SAVE-X 2, LLC

By: SAVE-X USA, INC.

By: s/s Kent Roberts Pres.
Kent Roberts

James F. Douthat, Esq.
Woods Rogers PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, VA 24038-4125
540-983-7662
Counsel for Faison-Southern Lane, LLC
and Save-X 2 LLC

point on the westerly right-of-way of Griffin Road, S.W.; Thence with said westerly right-of-way of Griffin Road, S.W., S 40°52'16" E, 217.43 feet to a point; Thence with a new right-of-way line with a curve to the left whose radius is 165.00 feet an arc distance of 101.54 feet (chord = N 67°42'31" W, 99.95 feet) to a point; Thence continuing with same, N 85°20'20" W, 49.99 feet to a point; Thence continuing with same with a curve to the left whose radius is 165.00 feet an arc distance of 194.09 feet (chord = S 60°57'42" W, 183.09 feet) to a point; Thence continuing with same S 27°15'45" W, 51.50 feet to a point; Thence continuing with same S 15°21'7" E, 26.58 feet to a point; Thence continuing with same S 27°15'45" W, 147.00 feet to a point; Thence continuing with same with a curve to the right whose radius is 233.00 feet an arc distance of 158.90 feet (chord = S46°47'59" W, 155.84 feet) to a point; Thence continuing with same, S 25°42'04" W, 43.50 feet to a point; Thence continuing with same, S 17°05'30" E, 106.15 feet to a point; Thence with the easterly right-of-way of U.S. Route 220, S 7[illegible]°23'50" W, 10.00 feet to a point; Thence continuing with same, N 19°18'32" W, 142.00 feet to a point; Thence continuing with same, N 19°50'06" W, 106.53 feet to the POINT OF BEGINNING and containing 1.256 Acres.

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Respectfully submitted,

FAISON-SOUTHERN LANE, LLC

By: _____

SAVE-X 2, LLC

By: SAVE-X USA, INC.

By: _____ Pres.
Kent Roberts

James F. Douthat, Esq.
Woods Rogers PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, VA 24038-4125
540-983-7662
Counsel for Faison-Southern Lane, LLC
and Save-X 2 LLC

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FAISON-SOUTHERN LANE, LLC

By: _____

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By: SAVE-X USA, INC.

By: _____ Pres.
Kent Roberts

_____
James F. Douthat, Esq.
Woods Rogers PLC
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, VA 24038-4125
540-983-7662
Counsel for Faison-Southern Lane, LLC
and Save-X 2 LLC

MAP BOOK _____ PAGE _____

KNOW ALL MEN BY THESE PRESENTS TO WIT:

THAT, FAISON-SOUTHERN LANE, LLC IS THE FEE SIMPLE OWNER OF THE PARCELS OF LAND SHOWN HEREON BOUNDED BY CORNERS 1 THROUGH 17 TO 1, INCLUSIVE, AND ALSO BOUNDED BY CORNERS 18 THROUGH 25 TO 18, INCLUSIVE, AND BEING ALL OF THE PROPERTY CONVEYED TO SAID OWNER FROM SOUTHERN LANE GROUP, LLC BY INSTRUMENT DATED OCTOBER 27, 2000 AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROANOKE, VIRGINIA AS INSTRUMENT NO. 000015010, PAGES 93 TO 103.

THAT SAVE-X 2, LLC IS THE FEE SIMPLE OWNER OF THE PARCEL OF LAND SHOWN HEREON BOUNDED BY CORNERS 22, 21, 26, 27, 28, 29, TO 22, AND BEING ALL OF THE PROPERTY CONVEYED TO SAID OWNER FROM SAVE-X USA, INC. BY INSTRUMENT DATED JANUARY 27, 2005 AND RECORDED IN THE AFORESAID CLERK'S OFFICE AS INSTRUMENT NO 050001443.

FAISON-SOUTHERN LANE, LLC AND SAVE-X 2 LLC, HEREBY SUBDIVIDE THE LAND SHOWN HEREON OF THEIR OWN FREE WILL AND CONSENT AND IN ACCORDANCE WITH SECTIONS 15.2-2240 THROUGH 15.2-2279 OF THE CODE OF VIRGINIA (1950), AS AMENDED, TO DATE, AND ALSO WITH THE CITY OF ROANOKE SUBDIVISION ORDINANCE, AS AMENDED TO DATE.

FAISON-SOUTHERN LANE, LLC AND SAVE-X 2, LLC HEREBY DEDICATE THE AREAS SHOWN HEREON RESERVED FOR PUBLIC STREETS TO THE CITY OF ROANOKE, VIRGINIA FOR PUBLIC USE.

FAISON-SOUTHERN LANE, LLC AND SAVE-X 2, LLC HEREBY VACATE THE OLD LOT LINES SHOWN HEREON IN ACCORDANCE WITH SECTION 15.2-2275 OF THE CODE OF VIRGINIA (1950) AS AMENDED TO DATE.

IN WITNESS WHEREOF IS HEREBY PLACED THE SIGNATURES AND SEALS OF THE SAID OWNERS:

OWNER
INST. #000015010
FAISON-SOUTHERN LANE, LLC

OWNER
INST. #050001443
SAVE-X 2, LLC

_____ AUTHORIZED AGENT DATE

_____ AUTHORIZED AGENT DATE

City of Roanoke
State of Virginia

I, _____, a Notary Public in and for the aforesaid County, and State, do hereby Certify that, _____, whose name is signed to the foregoing writing Has personally appeared before me in my City and State, and has acknowledged the same on this the _____ Day of _____, 2005.

My Commission Expires: _____

Notary Public: _____

City of Roanoke
State of Virginia

I, _____, a Notary Public in and for the aforesaid County, and State, do hereby Certify that, _____, whose name is signed to the foregoing writing Has personally appeared before me in my City and State, and has acknowledged the same on this the _____ Day of _____, 2005.

My Commission Expires: _____

Notary Public: _____

APPROVED: _____
CITY ENGINEER, ROANOKE, VIRGINIA DATE

_____
AGENT FOR THE CITY OF ROANOKE PLANNING COMMISSION DATE

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR THE CITY OF ROANOKE, VIRGINIA THIS MAP WAS PRESENTED ON THIS _____ DAY OF _____ 2005 AND WITH THE CERTIFICATE OF DEDICATION AND ACKNOWLEDGEMENT THERETO ANNEXED AND ADMITTED TO RECORD AT _____ O'CLOCK __.M.

Teste: BRENDA S. HAMILTON, Clerk

By: _____

BOUNDARY COORDINATES

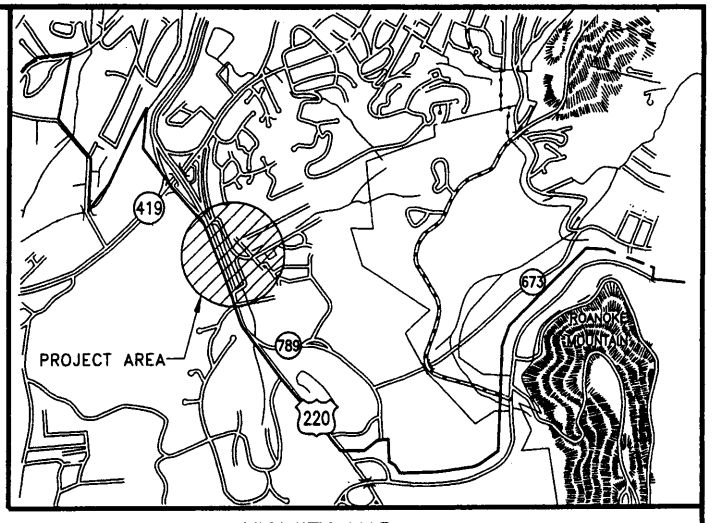
CORNER	NORTHING	EASTING
1	3609482.3966	11055138.1600
2	3609570.9913	11055529.7634
3	3609242.8059	11055813.7639
4	3608897.0550	11056105.9311
5	3608554.2119	11055524.0056
6	3608776.0829	11055429.3786
7	3608835.8956	11055392.8786
8	3609008.2655	11055293.4942
9	3609014.5551	11055307.4461
10	3609153.2863	11055302.5936
11	3609133.5567	11055332.7058
12	3609078.8628	11055450.0891
13	3609102.8681	11055410.3579
14	3609135.3741	11055427.1345
15	3609340.6349	11055199.5159
16	3609383.8731	11055171.2090
17	3609456.4198	11055142.6379
18	3609191.3799	11055106.6634
19	3609216.4496	11055175.9154
20	3608990.9936	11055285.7891
21	3608771.0507	11055412.3511
22	3608726.7794	11055277.2846
23	3608845.2467	11055240.7601
24	3608842.0567	11055231.2826
25	3608976.0691	11055184.3287
26	3608741.2017	11055429.5335
27	3608724.2324	11055436.3844
28	3608538.0722	11055496.2196
29	3608459.6855	11055359.6346

BOUNDARY COORDINATES SHOWN HEREON BASED ON CITY OF ROANOKE CONTROL NETWORK.

COMMONWEALTH OF VIRGINIA
DAVID A. PERFATER
No. 1847
LAND SURVEYOR

THIS PLAT IS BASED ON A CURRENT FIELD SURVEY AND LEGAL DESCRIPTIONS CONTAINED IN INST. #000015010 AND INST. #050001443.

_____
DAVID A. PERFATER, L.S. 1847



VICINITY MAP

NOTES:
1. THIS PLAT IS BASED ON LAWYERS TITLE INSURANCE CORPORATION COMMITMENT CASE NO. 024787 DATED OCTOBER 9, 2002.
2. THE SUBJECT PROPERTY IS WITHIN THE LIMITS OF ZONE "AE" AND "X" AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP #51161C0062D PANEL #62 OF 90, DATED OCTOBER 15, 1993.
3. SEE PLATS FOR SOUTHERN LANE GROUP, LLC BY LUMSDEN ASSOCIATES DATED APRIL 14, 1998; MARCH 31, 1998; APRIL 17, 1998; APRIL 7, 1999; APRIL 30, 1998; JULY 8, 1998; JULY 21, 1998; JULY 13, 1998; JUNE 4, 1998; AND JUNE 26, 1998.

SUBDIVISION, VACATION, COMBINATION
AND DEDICATION PLAT FOR

FAISON-SOUTHERN LANE, LLC
AND SAVE-X 2, LLC

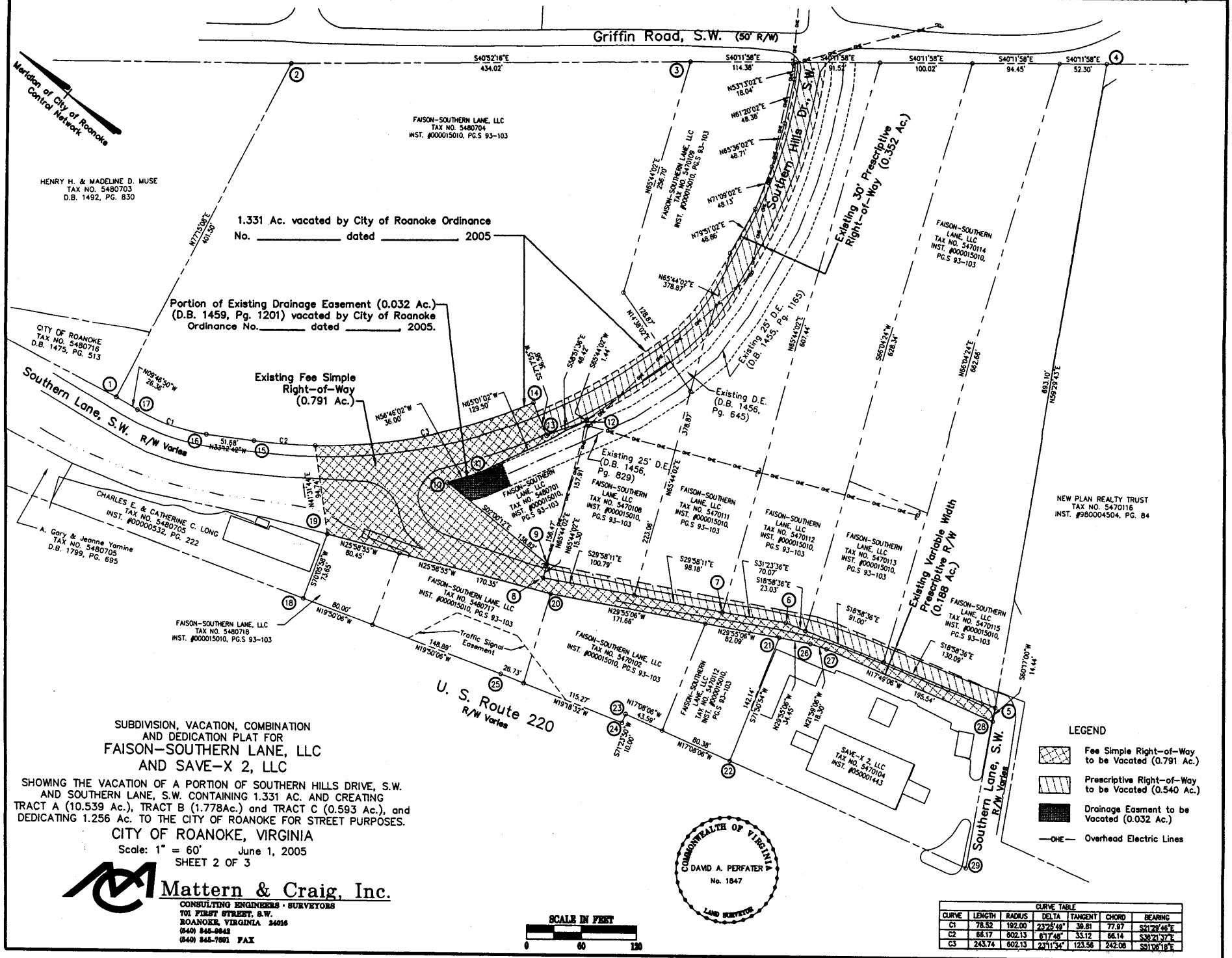
SHOWING THE VACATION OF A PORTION OF SOUTHERN HILLS DRIVE, S.W. AND SOUTHERN LANE, S.W. CONTAINING 1.331 AC. AND CREATING TRACT A (10.539 Ac.), TRACT B (1.778Ac.) and TRACT C (0.593 Ac.), and DEDICATING 1.256 Ac. TO THE CITY OF ROANOKE FOR STREET PURPOSES.

CITY OF ROANOKE, VIRGINIA

June 1, 2005
SHEET 1 OF 3

Mattern & Craig, Inc.
CONSULTING ENGINEERS • SURVEYORS
701 FIRST STREET, S.W.
ROANOKE, VIRGINIA 24016
(540) 345-9842
(540) 345-7691 FAX

MAP BOOK _____ PAGE _____



SUBDIVISION, VACATION, COMBINATION
AND DEDICATION PLAT FOR
FAISON-SOUTHERN LANE, LLC
AND SAVE-X 2, LLC

SHOWING THE VACATION OF A PORTION OF SOUTHERN HILLS DRIVE, S.W. AND SOUTHERN LANE, S.W. CONTAINING 1.331 AC. AND CREATING TRACT A (10.539 Ac.), TRACT B (1.778Ac.) and TRACT C (0.593 Ac.), and DEDICATING 1.256 Ac. TO THE CITY OF ROANOKE FOR STREET PURPOSES.

CITY OF ROANOKE, VIRGINIA

Scale: 1" = 60' June 1, 2005

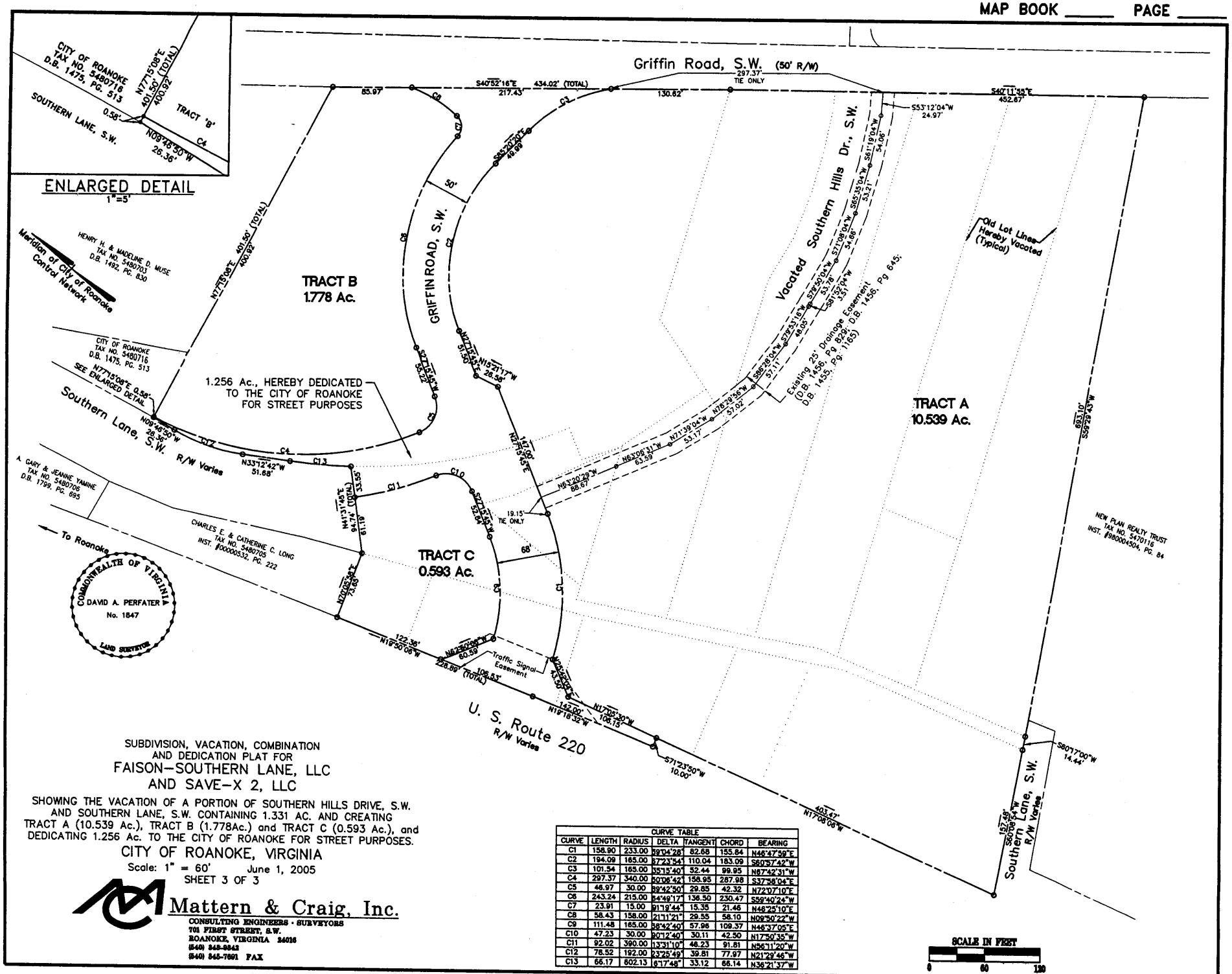
SHEET 2 OF 3

Mattern & Craig, Inc.
CONSULTING ENGINEERS · SURVEYORS
701 FIRST STREET, S.W.
ROANOKE, VIRGINIA 24016
(540) 345-9842
(540) 345-7691 FAX

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	78.52	192.00	23°25'49"	39.81	77.97	S21°29'46"E
C2	66.17	602.13	6°17'48"	33.12	66.14	S38°21'37"E
C3	243.74	602.13	23°11'34"	123.56	242.06	S31°08'18"E

R:\Survey\2358\dwg\Subdivision 2.dwg, 2, 6/1/2005 11:47:45 AM

MAP BOOK _____ PAGE _____



SUBDIVISION, VACATION, COMBINATION AND DEDICATION PLAT FOR

FAISON–SOUTHERN LANE, LLC AND SAVE–X 2, LLC

SHOWING THE VACATION OF A PORTION OF SOUTHERN HILLS DRIVE, S.W. AND SOUTHERN LANE, S.W. CONTAINING 1.331 AC. AND CREATING TRACT A (10.539 Ac.), TRACT B (1.778Ac.) and TRACT C (0.593 Ac.), and DEDICATING 1.256 Ac. TO THE CITY OF ROANOKE FOR STREET PURPOSES.

CITY OF ROANOKE, VIRGINIA

Scale: 1" = 60' June 1, 2005

SHEET 3 OF 3

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C1	158.90	233.00	39°04'28"	82.68	155.84	N46°47'59"E
C2	194.09	165.00	67°23'54"	110.04	183.09	S60°57'42"W
C3	101.54	165.00	35°15'40"	52.44	99.95	N67°42'31"W
C4	297.37	340.00	50°06'42"	156.95	287.98	S37°58'04"E
C5	46.97	30.00	89°42'50"	29.85	42.32	N72°07'10"E
C6	243.24	215.00	64°49'17"	136.50	230.47	S59°40'24"W
C7	23.91	15.00	91°19'44"	15.35	21.46	N48°25'10"E
C8	58.43	158.00	21°11'21"	29.55	58.10	N09°50'22"W
C9	111.48	165.00	38°42'40"	57.96	109.37	N46°37'05"E
C10	47.23	30.00	90°12'40"	30.11	42.50	N17°50'35"W
C11	92.02	390.00	13°31'10"	46.23	91.81	N56°11'20"W
C12	78.52	192.00	23°25'49"	39.81	77.97	N21°29'46"W
C13	66.17	602.13	6°17'48"	33.12	66.14	N36°21'37"W

Mattern & Craig, Inc.
CONSULTING ENGINEERS · SURVEYORS
701 FIRST STREET, S.W.
ROANOKE, VIRGINIA 24016
(540) 343-8343
(540) 343-7691 FAX

R:\Survey\2358\dwg\Subdivision 1&3.dwg, 3, 6/1/2005 11:51:01 AM

SST 8/10/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing a certain public rights-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

WHEREAS, Faison-Southern Lane, LLC and Save-X 2, LLC filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public rights-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by the City Council on August 15, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public rights-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public rights-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public rights-of-way situate in the City of Roanoke, Virginia, and more particularly described as

follows:

> That portion of Southern Hills Drive, S.W., and Southern Lane, S.W., containing 1.331 acres, as more particularly described on the Subdivision, Vacation, Combination and Dedication Plat for Faison-Southern Lane, LLC and Save-X 2, LLC Showing the Vacation of a Portion of Southern Hills Drive, S.W. and Southern Lane, S.W. Containing 1.331 AC. and Creating Tract A (10.539 Ac.), Tract B (1.778 Ac.) and Tract C (0.593 Ac.) and Dedication 1.256 Ac. to the City of Roanoke for Street Purposes by Mattern & Craig, Inc., dated June 1, 2005, a copy of which is on file in the Office of the City Clerk

be, and are hereby permanently vacated, discontinued and closed, and that all rights and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the rights-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public rights-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public rights-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be

landlocked by the requested closure, or otherwise disposing of the land within the rights-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the rights-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

If the portion of the twenty-five (25) foot drainage easement shown on the Subdivision, Vacation, Combination and Dedication Plat dated June 1, 2005, referenced above, is not demonstrated by the applicant to the satisfaction of the Agent to be public, the applicant shall record a deed of release for the vacation of a .032 acre drainage easement as shown on the preliminary plat submitted by the petitioner. This deed of release must be approved by the City of Roanoke, and will be referenced on the final plat when it is recorded with the Clerk of the Circuit Court of the City of Roanoke, Virginia.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a

period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable, Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable, Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Subject: Tax Exemption Request from the Star City Gospel Café, Inc.

Dear Mayor Harris and Members of City Council:

Background:

The Star City Gospel Café, Inc. owns the property known as Tax Map # 3060505, located at 926 Indiana Avenue, N.E., Roanoke. The primary purpose of the Star City Gospel Café, Inc. is to encourage and support local Gospel artists, musicians, and singers by providing free gospel services to the public including free food and drink. The Star City Gospel Café, Inc. acts as a meeting and clearing house for gospel groups to practice their craft, and find new members, players or singers. The Star City Café, Inc. also hosts a radio show on WKBA on Saturdays. The proposed annual taxes due for Fiscal Year 2005-2006 on the parcel noted above are $761.08 on an assessed value of $62,900.

Considerations:

On May 19, 2003, City Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by Resolution 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, with an effective date of January 1, 2003. The Star City Gospel Café, Inc. has provided the necessary information required as a result of the adjustments made to our revised local policy prior to the deadline of October 15, 2005, the deadline for applications for exemptions that would take effect January 1, 2006.

According to the Commissioner of the Revenue's Office, the loss of revenue to the City will be $608.88 after a twenty percent service charge is levied by the City in lieu of real estate taxes. This service charge will be $152.20.

Commissioner of the Revenue, Sherman Holland, has determined the organization is currently not exempt from paying real estate taxes on the property known as Tax Map # 3060505 by classification or designation under the Code of Virginia. The IRS recognizes it as a 501(c) 3 tax-exempt organization.

Notification of a public hearing to be held August 15, 2005, was duly advertised in the Roanoke Times.

Recommended Action:

Authorize the Star City Gospel Café, Inc. exemption from real estate property taxation pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia, effective January 1, 2006, for the property known as Tax Map #3060505, located at 926 Indiana Avenue, N.E., Roanoke, if the organization agrees to pay the subject service charge by that date.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/vst

Attachment

c: Honorable Sherman A. Holland, Commissioner of the Revenue
Honorable Evelyn W. Powers, City Treasurer
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Susan S. Lower, Director of Real Estate Valuation
Brian Townsend, Acting Director of Economic Development
Sherman M. Stovall, Director of Management and Budget
Mr. Thomas C. Driver, President, 7004 Peters Creek Road, Roanoke, Virginia 24019

CM05-00110

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

RE: PETITION FOR EXEMPTION FROM TAXATION OF CERTAIN PROPERTY PURSUANT TO ARTICLE X, SECTION 6(a)(6) OF THE CONSTITUTION OF VIRGINIA

TO THE HONORABLE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF ROANOKE:

1a. Your Petitioner, STAR City Gospel CAFe, INC, a Virginia, non-stock, not for profit corporation owns certain real property, located at 926 INDIANA AVE NE in the City of Roanoke, Virginia, which property is City of Roanoke Tax Map ID #3060505 with a total assessed value of $62,900 and a total of $ 761.10 in real property taxes that were paid or would have been paid in the most recent year, desires to be an organization designated pursuant to the provisions of Sec. 58.1-3651, of the Code of Virginia, as amended, in order that the referenced real property, to be used exclusively for charitable and benevolent purposes in Roanoke, VA.

We hold Gospel sing Open Mic Services, on FRI And SAT nights 7-10 PM FREE Admission To public, Includes Food on Food Table - covered dish meal, We produce Gospel CAFe Inc RADIO Show WKBA FROM Services

(Describe proposed use of real property, if applicable.)

be exempt from taxation under the provisions of Article X, Section 6 (a)(6) of the Constitution of Virginia so long as your Petitioner is operated not for profit and the property so exempted is used in accordance with the purpose for which the Petitioner is classified.

(if requesting exemption for personal property, complete section 1.b)

1b. Your Petitioner, STAR City Gospel CAFe, INC, a Virginia, non-stock, not for profit corporation owns certain personal property, located at 926 INDIANA Ave in the City of Roanoke, Virginia, with a total assessed value of $ -0- and a total of $ -0- in personal property taxes that were paid or would have been paid in the most recent year, desires to be an organization designated pursuant to the provisions of Sec. 58.1-3651, of the Code of Virginia, as amended, in order that the referenced personal property, to be used exclusively for charitable and benevolent purposes in

We do plan To buy A VAN To Transport Elderly PAtrons To Our Services, have not As of yet

(Describe proposed use of personal property, if applicable.)

be exempt from taxation under the provisions of Article X, Section 6 (a)(6) of the Constitution of Virginia so long as your Petitioner is operated not for profit and the property so exempted is used in accordance with the purpose for which the Petitioner is classified.

2. Your Petitioner agrees to pay to the City of Roanoke, an annual service charge in an amount equal to twenty percent (20%) of the City of Roanoke tax levy, which would be applicable to this real estate, were our organization not be tax exempt, for as long as this exemption continues. (YES)

3. Your Petitioner, if located within a service district, agrees to pay to the City of Roanoke an annual service charge equal to the additional service district tax that would be levied for as long as this exemption continues. (YES)

4. Your Petitioner agrees to provide information to the Director of Real Estate Valuation upon request to allow a triennial review of the tax exempt status of your Petitioner. (YES)

The following questions are submitted for consideration:

1. (Q): Whether the organization is exempt from taxation pursuant to Section 501 (c) of the Internal Revenue Code of 1954. (YES) WE ARE
(A): Your Petitioner was granted exemption from taxation pursuant to Section 501 (c) of the Internal Revenue Code of 1954 on Sept 10th 2003.

2. (Q): Whether a current alcoholic beverage license for serving alcoholic beverages has been issued by the Alcohol Beverage Control Board to such organization for use on such property.
(A): No - none planned

3. (Q): Whether any director, officer or employee of the organization has been paid compensation in excess of a reasonable allowance for salaries or other compensation for personal services which such director, officer or employee actually renders.
(A): No - Zero Compensation has been paid to date - none planned

4. (Q): Whether any part of the net earnings of such organization inures to the benefit of any individual, and whether any significant portion of the service provided by

such organization is generated by funds received from donations, contributions or, local, state or federal grants. As used in this subsection, donations shall include the providing of personal services or the contribution of in-kind or other material services.

(A): no service, or product, to the benefit of any one person, All income from private donations, No funds otherwise from government has been recieved.

5. (Q): Whether the organization provides services for the common good of the public. (yes)

(A): Your Petitioner provides services for the common good of the public in as much as it provides free services to public including food & drink supports local Gospel Artists, Musians, Singers

(Describe the public service)

6. (Q): Whether a substantial part of the activities of the organization involves carrying on propaganda, or otherwise attempting to influence legislation and whether the organization participates in, or intervenes in, any political campaign on behalf of any candidate for public office.

(A): We are non-political - are about the work of the Church, not of Men All political views are welcome

7. (Q): Whether any rule, regulation, policy or practice of the organization discriminates on the basis of religious conviction, race, color, sex or national origin. (No)

(A): open to public, work between Churches No denomination or Race

8. (Q): Whether there is a significant revenue impact to the locality and its taxpayers of exempting the property.

(A): When Built was Church Fellowship hall & untaxed for years

9. (Q): Any other criteria, facts and circumstances, which the governing body deems pertinent to the adoption of such ordinance.

(A): Our History - see attached pages 501C3 Letter, Roanoke GIS Info

(Provide as necessary).

Note: A copy of this Petition is being delivered this day to the City Manager of the City of Roanoke, Virginia.

THEREFORE, your Petitioner, Star City Gospel Cafe respectfully requests to the Council of the City of Roanoke that this real or personal property, or both, of your Petitioner be designated exempt from taxation so long as your Petitioner is operated not for profit and the property so exempt is used for the particular purposes of providing Open Mic Gospel Services, FREE Admission To Public Work between Local Churches, Support Local Musians

(Repeat proposed use of property).

Respectfully submitting this 31 day MAY, 2005

By: Thomas C Driver
President

Thomas C. Driver
7004 Peters Creek Rd (23)
Roanoke, VA 24019

540-366-5335
540-314-1423

The Gospel Café open Mic. sing first opened in summer of 1999, at 5105 Melrose ave Roanoke, Va, as a pot luck dinner gospel sing, over the years we(myself, and Mrs. Brown) have invested in both music and kitchen equipment and made up for any fund shortages .We Now need organizational structure, and legal identity, so we incorporated in 2003.Our Location has now changed but our purpose is still clear. We work for our Lord, outside of, and in between church congregation's with Gospel favorites, Free food, Friendship, fellowship, And faith, a Fun Christian place to go on weekend nights.

Our new facility is a former Church fellowship hall sold by the church to an outside private owner, who now leases the property to us. We are open every Friday and Saturday night From 7-10 PM. At 926 Indiana ave NE. Roanoke, Va. Patron's sign up to take turns singing, Reading, witnessing, our house band is augmented by those who visit, sit in, or take a turn

We offer food and drink, at no charge "Our only Menu is the message in music" but Take up and offering nightly Our food table is usually bountiful with plenty for all, some bring covered dish, some cooked in our kitchen, we minster first to hunger and thirst, but most regulars come for fellowship, to sing and to hear gospel singing, to praise the Lord, and have a joyful time, Strangers are quickly turned into friend's and family, by the love of God.

Our Job is to encourage and support Gospel music and Christian musicians , we offer them a forum to sing and play at in a relaxed café setting, We act as a meeting and clearing house for gospel groups to practice their craft, find new members, players or singers. We find great joy when a person sings in public for the first time with us and then goes "solo" in local nursing homes or churches. The house band leaders, Mr Crum, and Mr Pauly hold practice sessions during the week, older players lend a teaching hand to beginners and rusty old players find the love of music again by playing for the Lord;

We work between Churches, cross over and mix up Racial, Ethnic, regional, and denominational styles of music and Worship, Often the music is different than what people hear at their home church., but the old hymn's are still the most popular. When a patron takes a turn They lead the band in what they sing or what music if any is played.

In the future we plan to start the " Gospel café Radio Hour", hold Gospel concerts, (We are now booking our first two outside groups,) do music recording, allow appropriate Private parties to use our facility for a donation , Hold cook outs, bake sales, and rummage Sales to raise funds, and organize ourselves into a true charitable non- profit with corporate Officers. And enough fund raising ability to meet our budget and mission goals.

Sincerely c/o
Thomas C Driver
Tommy D, and Mrs, G Glady's A Brown

The Crum- Pauly Band Silas Crum
Charles(Bubba) Pauly
Barbra Richards
Charles Daily Norm Beamer

Officers
Roy Woods Roberta Moore
Leonard Pugh Joeann Fartin , Judy Conner, Harold, Stump, Donna Kessler

Gospel CAFE Time now Airs on SAT 4:30 PM WKBA
Thomas C. Driver

Parcel Detail

Search Results – New Search

Adjoining Parcels

- Assessment Information
- Attic
- Basement
- Building Permits.
- Flood Zone
- Garages
- Heating/Air
- Images
- Owner/Legal Information
- Plumbing
- Porches
- Roofs
- Sale/Transfer Information
- Sketches
- Structure Information
- Topography
- Zoning lot Information

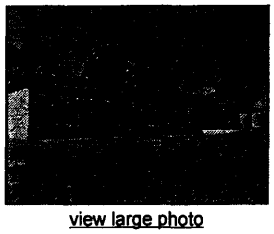
NEIGHBORHOOD INFORMATION

View Neigborhood Portal

BUILDING PERMITS

View Permits & Code Enforcement Notices

IMAGES



view large photo

SKETCHES

Sketch 1

OWNER/LEGAL INFORMATION

Tax Number	3060505
Property Address	926 INDIANA AV NE
Legal Description	W PT LOT 1 KEATON
Owner Name	MELKI BOUTROS Y & SHEILA L
Owner 2 Name	N/A
Owner Address	5220 HEARTHSTONE RD NW ROANOKE VA 24012
Neighborhood Number	720
Census Tract	0.00000
Property Use	400-Commercial/Industrial

ASSESSMENT INFORMATION

Assessment History	01/01/2005
Land Assessment	$9,100.00
Improvements	$53,800.00
Total	$62,900.00
Change Reason	Annual RA 05
Assessment History 2	01/01/2004
Land Assessment 2	$8,100.00
Improvements 2	$52,200.00
Total 2	$60,300.00
Change Reason 2	Annual RA 04

SALE/TRANSFER INFORMATION

Deed Reference	0030002567
Grantor	SMITH TROY LEON ETAL TRS
Sale Date	12/11/2002
Sale Price	$60,000.00
Deed Reference 2	

	0020022365
Grantor 2	TRUSTEES NEW HOPE BAPTIST CHURCH
Prev. Sale Date	12/11/2002
Prev. Sale Price	$60,000.00
▲ ZONING LOT INFORMATION	
Property Area Sqft.	13,222
Property Frontage	94 Feet
Property Avg. Depth	140 Feet
Property Acres	0.3035
Zoning	RM-1
Overlay Zoning	N/A
▲ TOPOGRAPHY	
Topography	Level
▲ FLOOD ZONE INFORMATION	
SFHA	N/A
Firm Panel	51161C0046D
Community	0130
FIPS	51770
▲ STRUCTURE INFORMATION	
Year Built	1978
Number of stories	1
Construction Exterior	N/A
Size Sqft.	1,800
Foundation	N/A
Structure	Wood Frame
Lower Split Foyer	N/A
Lower Finished	N/A
Total Bedrooms	N/A
Total Rooms	0
▲ ATTIC	
Attic	None
▲ BASEMENT	
Basement Area Sqft.	N/A
Finished Sqft.	N/A
▲ ROOFS	
Roof Style	4
Roof Cover	N/A
▲ HEATING/AIR	
Heating Type	1800 sf
Central Air	N
Fireplaces	No
▲ PLUMBING	
2 Fixture	N/A
3 Fixture	N/A
4 Fixture	N/A
5 Fixture	N/A
▲ GARAGES	
Attached Garage	N/A
Detached Garage	N/A
Attached Carport	N/A
Basement Lower Level Garage	N/A
▲ PORCHES	
Enclosed Porch	

	N/A
Open Porch	900
Wood Deck	N/A

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: NOV 18 2004

STAR CITY GOSPEL CAFE INC
C/O THOMAS C DRIVER
7004 PETERS CREEK RD
ROANOKE, VA 24014

Employer Identification Number:
20-1105248
DLN:
17053135024024
Contact Person:
KAREN T HOOD ID# 75069
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
September 10, 2003
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
September 10, 2003
Contribution Deductibility:
Yes
Advance Ruling Ending Date:
December 31, 2007

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Information for Exempt Organizations Under Section 501(c)(3) for some helpful information about your responsibilities as an exempt organization.

STAR CITY GOSPEL CAFE INC

Sincerely,

Lois G. Lerner
Director, Exempt Organizations
Rulings and Agreements

Enclosures: Information for Organizations Exempt Under Section 501(c)(3)
Form 872-C

STAR CITY GOSPEL CAFE INC

INFORMATION FOR ORGANIZATIONS EXEMPT UNDER SECTION 501(c)(3)

WHERE TO GET FORMS AND HELP

Forms and instructions may be obtained by calling toll free 1-800-829-3676, through the Internet Web Site at www.irs.gov, and also at local tax assistance centers.

Additional information about any topic discussed below may be obtained through our customer service function by calling toll free 1-877-829-5500 between 8:00 a.m. - 6:30 p.m. Eastern time.

NOTIFY US ON THESE MATTERS

If you change your name, address, purposes, operations or sources of financial support, please inform our TE/GE Customer Account Services Office at the following address: Internal Revenue Service, P.O. Box 2508, Cincinnati, Ohio 45201. If you amend your organizational document or by-laws, or dissolve your organization, provide the Customer Account Services Office with a copy of the amended documents. Please use your employer identification number on all returns you file and in all correspondence with the Internal Revenue Service.

FILING REQUIREMENTS

In your exemption letter we indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. Form 990 (or Form 990-EZ) is filed with the Ogden Submission Processing Center, Ogden UT 84201-0027.

You are required to file a Form 990 only if your gross receipts are normally more than $25,000.

If your gross receipts are normally between $25,000 and $100,000, and your total assets are less than $250,000, you may file Form 990-EZ. If your gross receipts are over $100,000, or your total assets are over $250,000, you must file the complete Form 990. The Form 990 instructions show how to compute your "normal" receipts.

Form 990 Schedule A is required for both Form 990 and Form 990-EZ.

If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. There are penalties for failing to timely file a complete return. For additional information on penalties, see Form 990 instructions or call our toll free number.

If your receipts are below $25,000, and we send you a Form 990 Package, follow the instructions in the package on how to complete the limited return to advise us that you are not required to file.

If your exemption letter states that you are not required to file Form 990, you

are exempt from these requirements.

UNRELATED BUSINESS INCOME TAX RETURN

If you receive more than $1,000 annually in gross receipts from a regular trade or business you may be subject to Unrelated Business Income Tax and required to file Form 990-T, Exempt Organization Business Income Tax Return. There are several exceptions to this tax.

1. Income you receive from the performance of your exempt activity is not unrelated business income.

2. Income from fundraisers conducted by volunteer workers, or where donated merchandise is sold, is not unrelated business income.

3. Income from routine investments such as certificates of deposit, savings accounts, or stock dividends is usually not unrelated business income.

There are special rules for income derived from real estate or other investments purchased with borrowed funds. This income is called "debt financed" income. For additional information regarding unrelated business income tax see Publication 598, Tax on Unrelated Business Income of Exempt Organizations, or call our toll free number shown above.

PUBLIC INSPECTION OF APPLICATION AND INFORMATION RETURN

You are required to make your annual information return, Form 990 or Form 990-EZ, available for public inspection for three years after the later of the due date of the return, or the date the return is filed. You are also required to make available for public inspection your exemption application, any supporting documents, and your exemption letter. Copies of these documents are also required to be provided to any individual upon written or in person request without charge other than reasonable fees for copying and postage. You may fulfill this requirement by placing these documents on the Internet. Penalties may be imposed for failure to comply with these requirements. Additional information is available in Publication 557, Tax-Exempt Status for Your Organization, or you may call our toll free number shown above.

FUNDRAISING

Contributions to you are deductible only to the extent that they are gifts and no consideration is received in return. Depending on the circumstances, ticket purchases and similar payments in conjunction with fundraising events may not qualify as fully deductible contributions.

CONTRIBUTIONS OF $250 OR MORE

Donors must have written substantiation from the charity for any charitable contribution of $250 or more. Although it is the donor's responsibility to obtain written substantiation from the charity, you can assist donors by

providing a written statement listing any cash contribution or describing any donated property.

This written statement must be provided at the time of the contribution. There is no prescribed format for the written statement. Letters, postcards and electronic (e-mail) or computer-generated forms are acceptable.

The donor is responsible for the valuation of donated property. However, your written statement must provide a sufficient description to support the donor's contribution. For additional information regarding donor substantiation, see Publication 1771, Charitable Contributions - Substantiation and Disclosure Requirements. For information about the valuation of donated property, see Publication 561, Determining the Value of Donated Property.

CONTRIBUTIONS OF MORE THAN $75 AND
CHARITY PROVIDES GOODS OR SERVICES

You must provide a written disclosure statement to donors who receive goods or services from you in exchange for contributions in excess of $75.

Contribution deductions are allowable to donors only to the extent their contributions exceed the value of the goods or services received in exchange. Ticket purchases and similar payments in conjunction with fundraising events may not necessarily qualify as fully deductible contributions, depending on the circumstances. If your organization conducts fundraising events such as benefit dinners, shows, membership drives, etc., where something of value is received, you are required to provide a written statement informing donors of the fair market value of the specific items or services you provided in exchange for contributions of more than $75.

You should provide the written disclosure statement in advance of any event, determine the fair market value of any benefit received, determine the amount of the contribution that is deductible, and state this information in your fundraising materials such as solicitations, tickets, and receipts. The amount of the contribution that is deductible is limited to the excess of any money (and the value of any property other than money) contributed by the donor less the value of goods or services provided by the charity. Your disclosure statement should be made, no later than, at the time payment is received. Subject to certain exceptions, your disclosure responsibility applies to any fundraising circumstances where each complete payment, including the contribution portion, exceeds $75. For additional information, see Publication 1771 and Publication 526, Charitable Contributions.

EXCESS BENEFIT TRANSACTIONS

Excess benefit transactions are governed by section 4958 of the Code. Excess benefit transactions involve situations where a section 501(c)(3) organization provides an unreasonable benefit to a person who is in a position to exercise substantial influence over the organization's affairs. If you believe there may be an excess benefit transaction involving your organization, you should report the transaction on Form 990 or 990-EZ. Additional information can be

found in the instructions for Form 990 and Form 990-EZ, or you may call our toll free number to obtain additional information on how to correct and report this transaction.

EMPLOYMENT TAXES

If you have employees, you are subject to income tax withholding and the social security taxes imposed under the Federal Insurance Contribution Act (FICA). You are required to withhold Federal income tax from your employee's wages and you are required to pay FICA on each employee who is paid more than $100 in wages during a calendar year. To know how much income tax to withhold, you should have a Form W-4, Employee's Withholding Allowance Certificate, on file for each employee. Organizations described in section 501(c)(3) of the Code are not required to pay Federal Unemployment Tax (FUTA).

Employment taxes are reported on Form 941, Employer's Quarterly Federal Tax Return. The requirements for withholding, depositing, reporting and paying employment taxes are explained in Circular E, Employer's Tax Guide, (Publication 15), and Employer's Supplemental Tax Guide, (Publication 15-A). These publications explain your tax responsibilities as an employer.

CHURCHES

Churches may employ both ministers and church workers. Employees of churches or church-controlled organizations are subject to income tax withholding, but may be exempt from FICA taxes. Churches are not required to pay FUTA tax. In addition, although ministers are generally common law employees, they are not treated as employees for employment tax purposes. These special employment tax rules for members of the clergy and religious workers are explained in Publication 517, Social Security and Other Information for Members of the Clergy and Religious Workers. Churches should also consult Publications 15 and 15-A. Publication 1828, Tax Guide for Churches and Religious Organizations, also discusses the various benefits and responsibilities of these organizations under Federal tax law.

PUBLIC CHARITY STATUS

Every organization that qualifies for tax-exemption as an organization described in section 501(c)(3) is a private foundation unless it falls into one of the categories specifically excluded from the definition of that term [referred to in section 509(a)(1), (2), (3), or (4)]. In effect, the definition divides these organizations into two classes, namely private foundations and public charities.

Public charities are generally those that either have broad public support or actively function in a supporting relationship to those organizations.

Public charities enjoy several advantages over private foundations. There are certain excise taxes that apply to private foundations but not to public charities. A private foundation must also annually file Form 990-PF, Return of Private Foundation, even if it had no revenue or expenses.

STAR CITY GOSPEL CAFE INC

The Code section under which you are classified as a public charity is shown in the heading of your exemption letter. This determination is based on the information you provided and the request you made on your Form 1023 application. Please refer to Publication 557 for additional information about public charity status.

GRANTS TO INDIVIDUALS

The following information is provided for organizations that make grants to individuals. If you begin an individual grant program that was not described in your exemption application, please inform us about the program.

Funds you distribute to an individual as a grant must be made on a true charitable basis in furtherance of the purposes for which you are organized. Therefore, you should keep adequate records and case histories that demonstrate that grants to individuals serve your charitable purposes. For example, you should be in a position to substantiate the basis for grants awarded to individuals to relieve poverty or under a scholarship or education loan program. Case histories regarding grants to individuals should show names, addresses, purposes of grants, manner of selection, and relationship (if any) to members, officers, trustees, or donors of funds to you.

For more information on the exclusion of scholarships from income by an individual recipient, see Publication 520, Scholarships and Fellowships.

Form **872-C**

(Rev. April 1996)

Department of the Treasury
Internal Revenue Service

Consent Fixing Period of Limitation Upon Assessment of Tax Under Section 4940 of the Internal Revenue Code

(See instructions on reverse side.)

OMB No. 1545-0056

To be used with Form 1023. Submit in duplicate.

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization name below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 509(a)(2) during an advance ruling period.

Star City Gospel Café, Inc.
(Exact legal name of organization as shown in organizing document)

7004 Peters Creek Rd, Roanoke, VA 24014
(Number, street, city or town, state, and ZIP code)

and the District Director of Internal Revenue, or Assistant Commissioner (Employee Plans and Exempt Organizations

Consent and agree that the period for assessing tax (imposed under section 4940 of the Code) for any of the 5 tax years in the advance ruling period will extend 8 years, 4 months, and 15 days beyond the end of the first tax year.
However, if a notice of deficiency in tax for any of these years is sent to the organization before the period expires, the time for making an assessment will be further extended by the number of days the assessment is prohibited, plus 60 days.

Ending date of first tax year December 31, 2003
(Month, day and year)

Name of organization (as shown in organizing document)	Date
Star City Gospel Café, Inc.	11-12-04
Officer or Trustee having authority to sign Signature ▶ [signature]	Title ▶ C/O

For IRS use only

District Director or Assistant Commissioner (Employee Plans and Exempt Organizations)	Date
Lois G. Lerner	11-18-2004

By ▶ Lee D. Coyburn, EO Group Manager

For Paperwork Reduction Act Notice, see page 1 of the Form 1023 Instructions.

Cat. No. 16905Q

COMMISSIONER OF THE REVENUE

CITY OF ROANOKE

SHERMAN A. HOLLAND
Commissioner

GREGORY S. EMERSON
Chief Deputy

June 28, 2005

Thomas C. Driver
Star City Gospel Café
7004 Peters Creek Rd Lot 23
Roanoke, VA 24019

RE: Tax Map No. 3060505
926 Indiana Ave, NE

Dear Mr. Driver:

The above parcel is currently being taxed by the City of Roanoke for real estate taxes for the 2004-05 tax year.

To be placed on the tax exempt rolls, a form has to be filed with the Roanoke City Council to get tax exempt status.

I hope this is the information that you need, please contact me if you have more questions.

Sincerely,

Sherman A. Holland
Commissioner of the Revenue

cc: Mary Parker, City Clerk

SAH/jec

215 Church Avenue SW, Room 251 ★ Roanoke, Virginia 24011
Phone (540) 853-2521 ★ Fax (540) 853-1115 ★ *www.ci.roanoke.va.us*

WMP

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE exempting from real estate and personal property taxation certain property located in the City of Roanoke of the Star City Gospel Café, Inc., an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, the Star City Gospel Café, Inc., (hereinafter "the Applicant"), has petitioned this Council to exempt certain real property and personal property of the Applicant from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens had an opportunity to be heard with respect to the Applicant's petition was held by Council on August 15, 2005;

WHEREAS, the provisions of subsection B of Section 58.1-3651, Code of Virginia (1950), as amended, have been examined and considered by the Council;

WHEREAS, the Applicant agrees that the real property to be exempt from taxation is certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map No. 3060505, commonly known as 926 Indiana Avenue, N.E., (the "Property"), and owned by the Applicant, and the Applicant's personal property, shall be used by the Applicant exclusively for charitable or benevolent purposes on a non-profit basis; and

WHEREAS, in consideration of Council's adoption of this Ordinance, the Applicant has voluntarily agreed to pay each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke's real estate tax levy, which would be applicable to the Property were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Council classifies and designates the Star City Gospel Café, Inc., as a charitable or benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia, and hereby exempts from real estate taxation certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map No. 3060505, commonly known as 926 Indiana Avenue, N.E., and owned by the Applicant, and the Applicant's personal property, which property is used exclusively for charitable or benevolent purposes on a non-profit basis; continuance of this exemption shall be contingent on the continued use of the property in accordance with the purposes which the Applicant has designated in this Ordinance.

2. In consideration of Council's adoption of this Ordinance, the Applicant agrees to pay to the City of Roanoke on or before October 5 of each year a service charge in an amount equal to twenty (20%) percent of the City of Roanoke's real estate tax levy which would be applicable to the Property, were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

3. This Ordinance shall be in full force and effect on January 1, 2006, if by such time a copy, duly executed by an authorized officer of the Applicant, has been filed with the City Clerk.

4. The City Clerk is directed to forward an attested copy of this Ordinance, after it is properly executed by the Applicant, to the Commissioner of the Revenue and the City Treasurer for purposes of assessment and collection, respectively, of the service charge established by this Ordinance, and to Thomas C. Driver, President of the Star City Gospel Café, Inc.

5. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

ACCEPTED, AGREED TO AND EXECUTED by the Star City Gospel Café, Inc., this ____ day of _____, 2005.

THE STAR CITY GOSPEL CAFÉ, INC.

By _____

(SEAL) Thomas C. Driver, President

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from the City of Roanoke, represented by Darlene L. Burcham, City Manager, to permanently vacate, discontinue and close a portion of Salem Avenue, S.W., adjacent to parcel bearing Official Tax No. 1010106.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, July 21, 2005. By a roll call vote of 7-0, the Commission recommended approval of the requested closure.

Background:

The petitioner has a pending agreement with the owner of Official Tax No. 1010829 to exchange that parcel for Official Tax No. 1010106 and a portion of Official Tax No. 1010107. The petitioner plans to build a parking garage on Official Tax No. 1010829.

Mr. Rife said he assumed the petition had been amended due to the Commission's desire to see trees planted in the right-of-way. He also asked staff if the Roanoke Times was planning on using the property as a parking lot. Staff replied that the petition was amended based on the Commission's noted concerns following a tour of the site. Staff could not confirm that the Roanoke Times would eventually use the subject property as a parking lot.

Mr. Williams supported Mr. Rife's statement on the desire to see trees planted along Salem Avenue and asked the petitioner if there were plans to do so in the subject portion of right-of-way. The petitioner indicated that he could not speak for the future owner of the property (The Roanoke Times), but that trees had already been planted on 1010106. Mr. Townsend noted that the Roanoke Times was not the petitioner.

Considerations:

The petitioner's properties and all those on the block are zoned C-3, Central Business District. The petitioner's property is currently a surface parking lot and a service building. To the east of the petitioner's properties is a surface parking lot.

The subject portion of right-of-way is paved and is used for parking. The requested closure will abut the southern edge of the petitioner's property line with the northern edge of the sidewalk.

Staff received comments from AEP, Roanoke Gas Company and Verizon all of which had no objection to the closure. Staff received comments from the Western Virginia Water Authority, who stated also stated no objection to the requested closure.

The Department of Real Estate Valuation assessed the value of the subject right-of-way as $15 per square foot based on C-3 zoning.

Recommendation:

By a vote of 7-0, the Planning Commission recommended vacation of the right-of-way at no charge to the petitioner subject to the conditions listed below.

A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of

this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

Richard A. Rife BBT

Richard A. Rife, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager
William M. Hackworth, City Attorney

Right-of-Way Closure: Salem Ave, SW

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

AMENDED APPLICATION OF THE CITY OF ROANOKE FOR VACATION OF A PORTION OF SALEM AVENUE, SW	))))	AMENDED APPLICATION FOR VACATING, DISCONTINUING AND CLOSING A PORTION OF SALEM AVENUE, SW

MEMBERS OF CITY COUNCIL:

(1) The City of Roanoke ("Petitioner") applies to have a variable width portion of the right-of-way of a public street adjacent to Tax Parcel 1010106 permanently vacated, discontinued, and closed pursuant to Virginia Code Section 15.2-2006, and Section 30-14, Code of the City of Roanoke (1979), as amended. This public right-of-way is more particularly described on the attached map (Exhibit A) and as follows: A portion of the public right-of-way of Salem Avenue, SW, not more than 13 feet wide at any point, extending from the western property line of Tax Parcel 1010107 in a westerly direction approximately 61 feet across a portion of Tax Parcel 1010106, for a total area of approximately 768.7 square feet. The total area will be accurately defined on a plat of survey to be required as a condition of closure.

(2) The adjacent property is owned by the City of Roanoke. Closure of this portion of right-of-way will have no adverse effect on any property or owner.

(3) A list of the property owners whose lots border or abut the subject street is attached as Exhibit B.

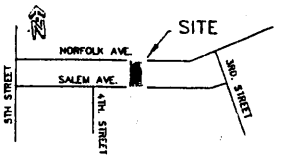
WHEREFORE, the City of Roanoke respectfully requests that the above-described right-of-way be permanently vacated, discontinued and closed by the Council of the City of Roanoke in accordance with Sections 15.2-2006, and 15.2-2008, Code of Virginia, (1950), as amended, and Section 30-14, Code of the City of Roanoke (1979), as amended.

Date: 7-12-05

Respectfully submitted,

Darlene L. Burcham
City Manager

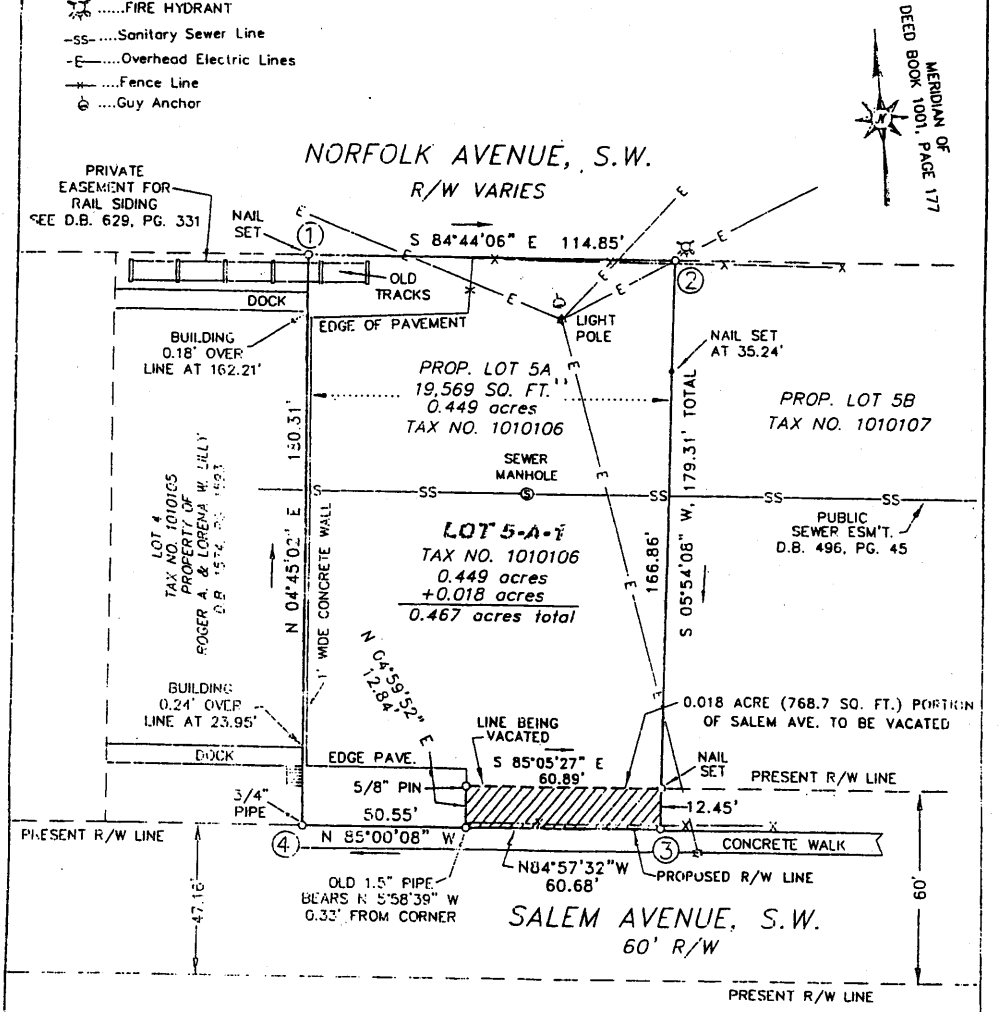
1. THIS PLAT IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY A TITLE REPORT BY A LICENSED ATTORNEY.
2. THE SUBJECT PROPERTY IS LOCATED IN FLOOD INSURANCE ZONE 'X' AS DESIGNATED BY FEMA PANEL NO. 51161C0042F BEARING AN EFFECTIVE DATE OF FEBRUARY 4, 2005.
3. THIS PLAT IS BASED ON A CURRENT FIELD SURVEY.



VICINITY PLAT
NO SCALE

LEGEND

- .....LIGHT POLE
- .....FIRE HYDRANT
- -SS- ....Sanitary Sewer Line
- -E- ....Overhead Electric Lines
- ....Fence Line
- ....Guy Anchor



ACS DESIGN

2[illegible] Peter Creek Road, NW
Roanoke, Virginia 24017
Phone: 540-562-2345
Fax: 540-562-2344
Email: survey@acsdesignllc.com
www.acsdesignllc.com

COMMONWEALTH OF VIRGINIA
DAVID A. HESS
No. 002240
7-08-2005
LAND SURVEYOR

EXHIBIT PLAT MADE FOR

CITY OF ROANOKE, VIRGINIA

SHOWING A 0.018 ACRE PORTION OF SALEM AVENUE, S.W. TO BE VACATED AND COMBINED WITH ADJACENT PROPERTY OWNED BY THE CITY OF ROANOKE

ROANOKE, VIRGINIA

DATED: JULY 8, 2005

SCALE: 1" = 30'

0' 30' 60' 90'

Exhibit "B"

LIST OF ADJACENT PROPERTY OWNERS

Owner	Tax Number
City of Roanoke	1010106
City of Roanoke	1010107

SSC 7/26/05

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

WHEREAS, the City of Roanoke filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by the City Council on August 15, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as

follows:

> That portion of Salem Avenue, S.W., extending from the western property line of Official Tax No. 1010107 in a westerly direction approximately 61 feet across a portion of Official Tax No. 1010106, for a total area of approximately 768.7 square feet

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right

of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Conveyance of City-Owned PropertyTo Roanoke Times - Portion of Tax No. 1010107 (Parcel 1-A)

The City owns property located on Salem Avenue, SW, which is currently used for parking of official vehicles. The City desires to convey a portion of the parcel to the Roanoke Times in exchange for a parcel located on Campbell Avenue, SW, containing approximately 0.422 acres, identified by Tax No. 1010829. This parcel will be used for the future development of a downtown parking garage. To create a comparable parcel, the City of Roanoke property has been subdivided into two parcels designated as Parcel 1-A and Parcel 1-B as shown on the plat prepared by ACS Design (Attachment #1). The City desires to convey Parcel 1-A, containing approximately 0.449 acres to the Roanoke Times and will retain Parcel 1-B.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute a deed of exchange to convey the property designated as Parcel 1-A to the Roanoke Times, in exchange for the parcel identified by Tax No1010829 (Attachment #2). Such documents shall be approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/SEF

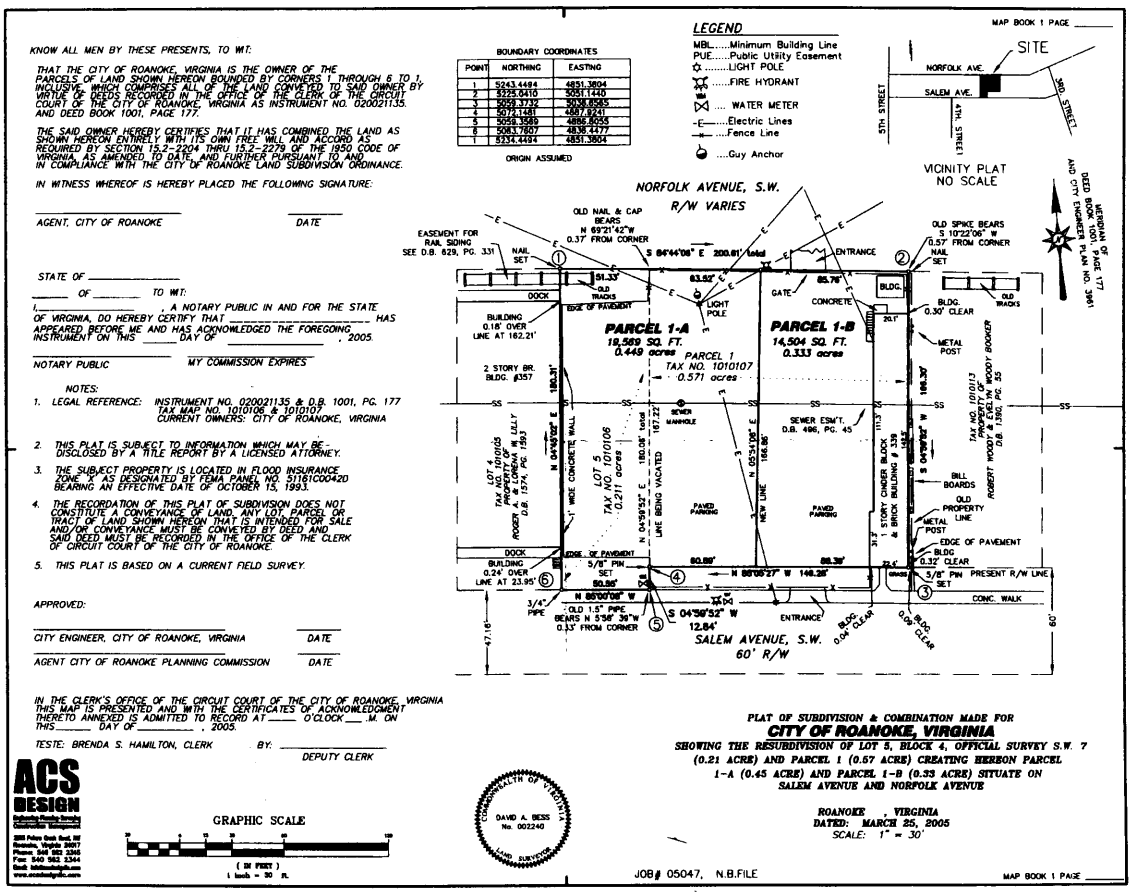
Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator

#CM05-00099

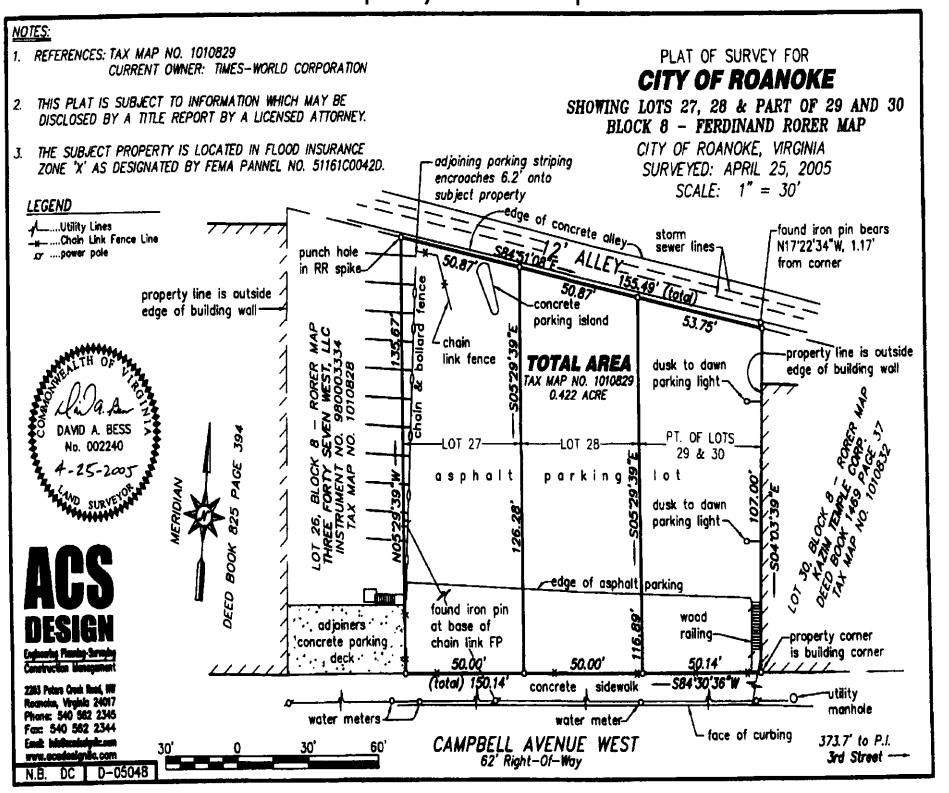
Attachment #1

Property to be Conveyed (Parcel 1-A)



Attachment #2

Property to be Acquired



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of a 0.449 acre parcel of City-owned property known as Parcel 1-A, bearing Official Tax No. 1010107, located on Salem Avenue, S.W. to the Times World Corporation in exchange for a 0.422 acre parcel bearing Official Tax No.1010829, located on Campbell Avenue, S.W., for development of a downtown parking garage, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

WHEREAS, a public hearing was held on August 15, 2005, pursuant to §§15.2-1800(B) and 15.2-1813, Code of Virginia (1950) as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said conveyance.

BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, the necessary documents providing for the conveyance of a 0.449 acre parcel of City-owned property known as Parcel 1-A, bearing Official Tax No. 1010107, located on Salem Avenue, S.W., to the Times World Corporation in exchange for a 0.422 acre parcel located on Campbell Avenue, S.W., bearing Official Tax No. 1010829, for development of a downtown parking garage, upon certain terms and conditions and as more particularly described in the City Manager's letter and attachments thereto, to this Council dated August 15, 2005.

2. All documents necessary for this conveyance shall be in form approved by the City Attorney.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Subject: Church Avenue Garage Lease

Background:

Ordinance No. 35041-090500 on September 5, 2000, authorized the Carilion Biomedical Institute (CBI) lease of 6,800 square feet of office space in the Church Avenue Garage located at 111 to 117 Church Avenue. CBI has leased this location since September 2000. The current lease agreement expires August 31, 2005.

CBI has requested a new lease agreement with similar terms and conditions. The previous lease had a one (1) year term with the option for four (4) annual renewals at an annual lease rate of $1.00. The proposed lease agreement is for a one (1) year period, beginning September 1, 2005, through August 31, 2006 at $7.50 per square foot. Parking permits for CBI employees will be at $29.00 per permit per month for up to thirty (30) permits provided vacancies are available. There are no renewal options for this lease. It is anticipated that at the end of this one-year term, CBI will be in a position to move to its new location in the first phase of the Riverside Center for Research and technology in the South Jefferson Redevelopment Area.

Recommended Action:

Authorize the City Manager to execute a lease agreement with Carilion Biomedical Institute (CBI) for approximately 6,800 square feet in the Church Avenue Garage located at 111 to 117 Church Avenue, Roanoke, Virginia for a

period of one (1) year, beginning September 1, 2005, and expiring August 31, 2006. All documents shall be upon form approved by the City Attorney.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:lpp

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Dana Long, Manager of Billings and Collections
Brian Townsend, Acting Director of Economic Development
Sherman Stovall, Director of Management and Budget
David Collins, Assistant City Attorney
Lisa Poindexter-Plaia, Economic Development Specialist

CM05-00116

LEASE AGREEMENT

THIS LEASE AGREEMENT (ALease@ or ALease Agreement@) , is dated this _____ day of _____, 2005, by and between the **CITY OF ROANOKE, VIRGINIA**, a municipal corporation organized and existing under the laws of the Commonwealth of Virginia (ACity@ or ALessor@), and the **CARILION BIOMEDICAL INSTITUTE** (ACBI@ or ALessee@).

WITNESSETH:

WHEREAS, CBI has agreed to be a major occupant of an anticipated redevelopment area in the City of Roanoke along South Jefferson Street between Roanoke Memorial Hospital and Community Hospital should such area be designated a redevelopment area (AProject Area@); and

WHEREAS, on May 17, 2000, City Council authorized the City Manager to enter into agreements for the possible establishment of a research and technology park in such redevelopment area to be known as the Riverside Centre for Research and Technology; and

WHEREAS, CBI has agreed to make substantial investments in developing a biomedical institute for biomedical businesses within the Project Area which will result in the construction of buildings, creation of jobs, and the generation of substantial tax revenues for the City; and

WHEREAS, CBI requires administrative office and laboratory space for the biomedical institute, and currently needs temporary space for such purposes, until permanent space may become available in the Project Area; and

WHEREAS, the City leased certain space to CBI in 2000 for a one year term subject to four additional extensions of one year each, for the above purposes and to make parking permits available to CBI for those persons working at such location

WHEREAS, the aforementioned lease agreement and all of its renewals terms have expired and both parties desire to enter into a new lease agreement.

NOW THEREFORE, in consideration of the terms, conditions, covenants, promises and agreements contained herein made, the parties mutually agree as follows:

SECTION 1. DESCRIPTION OF PREMISES:

Lessor, in consideration of the rents and covenants to be paid by Lessee, does hereby lease to Lessee, and Lessee leases from Lessor, the following described premises located at 111 to 117 Church Street, S.W., Roanoke, VA., 24011, containing 6,800 square feet and designated as a portion of Roanoke Tax Map No.1011615B (APremises@), and as marked on the attached Exhibit A, which is incorporated and made part of this Lease Agreement.

SECTION 2. TERM:

The Premises are leased to Lessee for a period of one (1) year, beginning on the first day of September, 2005, commencing at 12:01 a.m. and expiring at 11:59 p.m. on August 31, 2006.

SECTION 3. RENT:

LESSEE covenants to pay Lessor SEVEN AND 50/DOLLARS per square foot of leased property for a total annual sum of FIFTY-ONE THOUSAND DOLLARS ($51,000.00) to be paid monthly in the sum of FOUR THOUSAND TWO HUNDRED FIFTY AND NO/DOLLARS ($4,250.00) as rent which amount shall be due and payable on the first day of each month. Lessee further acknowledges and agrees that if the Project Area is not designated as a redevelopment area or if redevelopment of the Project Area does not take place, Lessee shall pay Lessor the prevailing market rate for the Lease of the Premises from the date written notice is received by the Lessee from Lessor of either of those events. Lessee further agrees that if redevelopment by CBI in the Project Area does not take place due to the fault of Lessee, or if Lessee does not develop the biomedical institute, Lessee shall retroactively pay Lessor the market rate for the Premises on a retroactive basis

from September 1, 2000, or such other starting date of the Initial Term. For purposes of determining the market rate, Lessor and Lessee both agree to select an independent real estate appraiser and those two appraisers will select a third independent appraiser. The market rate for each year of the Term will be determined by the majority opinion of the three appraisers. The parties agree to share equally the cost and expenses of the three appraisers and the procedure.

In the event that Tenant shall not immediately surrender the Premises on the date of expiration of the term hereof, the Lease shall automatically renew itself month to month, at twice the highest Base Rent rate plus all other charges accruing under this lease, and subject to all covenants, provisions and conditions herein contained. Landlord and tenant shall both have the right to terminate the holdover tenancy upon thirty (30) days written notice. Tenant shall not interpose any counterclaim(s) in a summary proceeding or other action based on holdover.

SECTION 5. PURPOSE AND USE OF PREMISES:

The Premises are leased to be used and occupied by CBI, it agents and employees, for use as office and laboratory space and for such other purposes and uses the parties may otherwise mutually agree in writing. Lessee shall not use the Premises for any unlawful or offensive business purpose or so as to constitute a nuisance.

SECTION 6. DELIVERY OF POSSESSION:

Lessor covenants to deliver the Premises to Lessee at the commencement of the Initial Term in good repair and condition, suitable to the purpose and use for which the Premises are leased. Lessor warrants that all plumbing, heating, air conditioning, electrical and mechanical devices and appliances of every kind and or nature located upon or serving the Premises are, or will be, in good repair, condition and working order as of the commencement of the Initial Term.

SECTION 7. MAINTENANCE AND REPAIR:

A. Lessor covenants to keep, repair and maintain, at Lessor=s expense, the Premises and all plumbing, heating, air conditioning, electrical mechanical devices, appliances and equipment of every kind or nature located upon or serving the Premises in good repair, condition and working order, suitable to the purpose and use for which Lessee has leased same, during the term of this Lease, for any and all damage not necessitated by the fault of Lessee, and, if necessary, shall make such alterations, additions, and/or modifications of the Premises and all equipment, electrical and mechanical devices and appliances therein or serving same so as to comply at all times with all applicable federal, state and local laws, ordinances, rules and regulations pertaining to health, safety, fire and public welfare. As used herein the word Arepair@ shall be deemed to mean and include replacement of broken or cracked glass.

B. Lessee agrees to take good care of the Premises, fixtures, and appurtenances and suffer no waste or injury thereto, and agrees that it will pay for all repairs to the Premises, fixtures and appurtenances necessitated by the fault of Lessee, its employees, agents, customers, or guests. At the end of the Term, Lessee will surrender the Premises in as good condition as Lessee obtained the same at the commencement of the Term, reasonable wear and tear excepted.

C. Lessor shall not be liable for damage to either the person or property of the Lessee nor its employees, agents or invitees nor for the loss of or damage to any property of the Lessee by theft or from any other cause.

D. If Lessor fails to keep, repair, and maintain the Premises and all plumbing, heating, air conditioning, electrical and mechanical devices, appliances and equipment of every kind or nature located upon or serving the Premises in good repair, condition, and working order as provided in

Section 7(A), then Lessee, at its option, may either (1) immediately terminate this Lease and all obligations hereunder, or (2) after 10 days written notice to Lessor proceed to make, or cause to be made, such upkeep, repair and/or maintenance, at Lessor=s expense, so as to render the Premises suitable for the purpose and use for which same are leased, in which event, Lessee may deduct the cost of same from future rent installments as they become due and/or may collect such cost from Lessor in any manner provided by law.

SECTION 8. PARKING PERMITS:

A. Lessor hereby agrees to sell Lessee, and Lessee agree to purchase, only during the time this Lease Agreement is in effect, up to thirty (30) parking permits to be used at the Church Avenue Parking Garage. Lessor and Lessee agree and acknowledge that Lessee, on 30 days written notice to Lessor, may purchase permits on an as needed basis, provided that vacancies for the permits exist. CBI agrees and acknowledges that the parking permits that it shall receive under this Lease Agreement do not provide any right or interest in any specific parking space within the garage for which the parking permit is issued. The parking permits only provide the right to park a vehicle in the garage for which the permit is issued and the permits to be provided under this Lease Agreement will be for the Church Avenue Parking Garage. Lessee agrees to pay TWENTY NINE DOLLARS AND NO CENTS ($29.00) per month per parking permit for CBI officers or employees only.

Such payment shall be remitted by Lessee in a single payment per month to City of Roanoke Parking, or such other designee as Lessor may designate in writing to Lessee, in accordance with such designee=s rules and regulations pertaining to payment of parking permits.

C. The parking permits will be subject to any applicable rules and regulations applicable

to other parking permits issued for the Church Avenue Parking Garage. Furthermore, CBI agrees that it and any of its officers or employees who may use the parking permits will abide by and be subject to the Rules and Procedures for monthly users of the garage to which the particular permit applies, including, but not limited to, any card deposits or charges of lost cards, display of visor tags, any limitation on liability, and the signing of a permit agreement by each user of a permit.

D. In the event redevelopment does not take place, or if the Project Area is not designated a redevelopment area, Lessee shall pay Lessor the market rate for the years for the permits from the date written notice is received by the Lessee from Lessor of either of those events. Lessee further agrees that if redevelopment by CBI in the Project Area does not take place due to the fault of Lessee, or if Lessee does not develop the biomedical institute, Lessee shall retroactively pay Lessor the market rate for the parking permits on a retroactive basis from September 1, 2000, or such other starting date of the Initial Term.

E. Lessor shall have no liability of responsibility of any type to CBI or its employees, officers, or agents for any failure to provide parking spaces for any of the parking permits it provides under this Lease that may be due to causes beyond Lessor=s control, including, but not limited to, accidents, acts of God, weather, failure of equipment, strikes, lockouts, damage to the parking facility, or any orders or regulations of any federal, state, or local government body.

SECTION 9. ALTERATIONS BY LESSEE:

Lessee, having first obtained written approval of Lessor, may make such alterations, modifications, additions and/or improvements upon or to the Premises and may install or remove such fixtures and partitions as Lessee may deem proper, provided, however, that any structural alteration of the roof, foundation or exterior walls shall require the written consent of Lessor. All

material used in such alterations, modifications, additions or improvements, and all fixtures and partitions made and/or installed by Lessee shall remain the property of Lessee and, upon termination of this Lease, may, at Lessee's option, be removed, on the condition that the Premises will be restored to their original condition if such removal causes damage to the Premises. Materials which are affixed to the Premises shall become the property of Lessor upon termination of this Lease or any renewal thereof.

SECTION 10. UTILITIES:

Lessee covenants and agrees to pay and be responsible for the following utilities to service the Premises as follows: water, sewage, garbage, heat, telephone and telephone wiring. Lessee covenants and agrees to pay and be responsible for electricity to the Premises. Lessee covenants and agrees to provide janitorial service and supplies. Lessor shall be responsible for maintenance and repairs to the heating and air conditioning systems, exterior and routine maintenance of both interior and exterior. In the event that Lessor fails to repair or cure such defects within thirty (30) days, of receipt of written notice from Lessee, then Lessee, at its option, may either (1) immediately terminate this Lease and all obligations hereunder, or (2) after 10 days written notice to Lessor proceed to make, or cause to be made, such upkeep, repair and/or maintenance, at Lessor=s expense, so as to render the Premises suitable for the purpose and use for which same are leased, in which event, Lessee may deduct the cost of same from future rent installments as they become due and/or may collect such cost from Lessor in any manner provided by law.

SECTION 11. INSURANCE:

A. Lessee shall, at its sole expense, obtain and maintain during the life of this Lease Agreement, the insurance policies required by this Section. Any required insurance policies shall be effective prior to the beginning date of this Lease Agreement. The following policies and coverages

are required:

(1) Commercial General Liability. Commercial General Liability insurance, written on an occurrence basis, shall insure against all claims, loss, cost, damage, expense or liability from loss of life or damage or injury to persons or property arising out of the Lessee's actions under this Lease Agreement. The minimum limits of liability for this coverage shall be $1,000,000 combined single limit for any one occurrence.

(2) Contractual Liability. Broad form Contractual Liability insurance shall include the indemnification obligation set forth in Section 13 of this Lease.

(3) Lessee=s insurance. Lessee shall, at its sole cost and expense, obtain and maintain during the life of this Lease Agreement a property insurance policy written on an "all risk" basis insuring all of Lessee=s personal property, including, but not limited to, equipment, furniture, fixtures, furnishings, and leasehold improvements which are Lessee=s responsibility, for not less than full replacement cost of such property. All proceeds of such insurance shall be used to repair or replace Lessee=s property.

(4) Workers' Compensation. Workers' Compensation insurance covering Lessee's statutory obligation under the laws of the Commonwealth of Virginia and Employer's Liability insurance shall be maintained for all its employees engaged in work on the Leased Premises. Minimum limits of liability for Employer's Liability shall be $100,000 bodily injury by accident each occurrence; $500,000 bodily injury by disease (policy limit); and $100,000 bodily injury by disease (each employee). With respect to Workers' Compensation coverage, the Lessee's insurance company shall waive rights of subrogation against the City, its officers, employees, agents, volunteers and representatives.

B. The insurance coverages and amounts set forth in subsections (1), (2), (3) and (4) of this Section may be met by an umbrella liability policy following the form of the underlying primary coverage in a minimum amount of $1,000,000. Should an umbrella liability insurance coverage policy be used, such coverage shall be accompanied by a certificate of endorsement stating that it applies to the specific policy numbers indicated for the insurance providing the coverages required by subsections (1), (2), (3), and (4) and it is further agreed that such statement shall be made

a part of the certificate of insurance furnished by Lessee to the City.

C. All insurance shall meet the following requirements:

(1) Lessee shall furnish the City a certificate or certificates of insurance showing the type, amount, effective dates and date of expiration of the policies. Certificates of insurance shall include any insurance deductibles.

(2) The required certificate or certificates of insurance shall include substantially the following statement: "The insurance covered by this certificate shall not be canceled or materially altered, except after thirty (30) days written notice has been received by the Risk Management Officer for the City of Roanoke."

(3) The required certificate or certificates of insurance shall name the City of Roanoke, its officers, employees, agents, volunteers and representatives as additional insureds except as to coverage under Section 11(A)(4).

(4) Where waiver of subrogation is required with respect to any policy of insurance required under this Section, such waiver shall be specified on the certificate of insurance.

(5) Insurance coverage shall be in a form and with an insurance company approved by the City which approval shall not be unreasonably withheld. Any insurance company providing coverage under this Lease Agreement shall be authorized to do business in the Commonwealth of Virginia.

SECTION 12. SUBLEASING AND ASSIGNMENT:

Lessee may not assign its rights under this Lease or sublet the whole or any part of the Premises, without the prior written consent of the Lessor, which consent shall not be unreasonably withheld. Regardless of Lessor=s consent, no subletting or assignment shall release Lessee or alter the primary liability of Lessee to pay the rent and to perform all other obligations to be performed by Lessee hereunder.

SECTION 13. INDEMNIFICATION BY LESSEE:

Lessee agrees to pay and to protect, indemnify and save harmless the Lessor, its officers, agents, and employees from and against any and all liabilities, damages, costs, expenses, causes of action, suits, claims, demands, or judgments of any nature whatsoever, including, without limitation, reasonable attorney=s fees, arising from injury to or death of persons or damages to property resulting from Lessee=s leasing of or use in any way of the Premises.

SECTION 14. DAMAGE OR DESTRUCTION OF PREMISES:

A. If the Premises are damaged by fire or other casualty so as to render same, in the opinion of Lessee, untenantable for the purpose or use for which Lessee has leased same, this Lease, and all obligations hereunder, shall immediately terminate upon Lessee=s giving notice of that fact to Lessor by certified or registered mail, return receipt requested, as hereinafter provided.

B. If the Premises are damaged by fire or other casualty, but not, so as to render same untenantable, in the opinion of Lessee, for the purpose or use for which Lessee has leased the Premises, upon being so notified by Lessee by certified or registered mail, return receipt requested, Lessor, to the extent Lessor receives any insurance payments for such damages, shall repair and restore within a reasonable time, at Lessor=s expense, the Premises to its former condition. As used herein, the words "repair" and "restore" shall be deemed to mean and include replacement of broken, cracked or damaged glass or windows.

C. If Lessor fails to make or fails to complete repair and restoration of the Premises within a reasonable time after Lessee provides notice pursuant to Section 14(B)

then Lessee, at its option, may either (a) immediately terminate this Lease and all obligations hereunder, or (b) proceed to make, or cause to be made, such repair and restoration, at Lessor=s expense, in which event, Lessee may deduct the cost of same from future rent installments as they become due and/or may collect the reasonable cost from Lessor in any manner provided by law.

SECTION 15. INSPECTION OF PREMISES:

The Lessor or Lessor=s agent shall have free access during normal business hours to the Premises for the purpose of inspection and making repairs. Lessor shall have the right to show space to prospective tenants during the last three months of the original term or any extensions or renewals thereof.

SECTION 16. TERMINATION:

A. This Lease and any Renewal Term of this Lease may be terminated by either party only upon written notice to the other party by certified or registered mail, return receipt requested, at least three (3) months prior to the expiration of this Lease; otherwise, this Lease shall renew and continue as provided in Section 4.

B. Notwithstanding any provision in this Lease to the contrary, the happening of any of the following events shall constitute a default which shall entitle Lessor, in addition to other rights and remedies it may have, to an immediate right to re-entry without service or notice or resort to legal procedures and without Lessor being guilty of trespass, or becoming liable for any loss or damage which may be occasioned thereby. Such default events are: (a) redevelopment in the Project Area due to the fault of Lessee does not take place or failure of the Project Area to be designated a redevelopment area; (b) vacation of the Premises by Lessee; (c) the filing by, or on behalf of or against Lessee of any petition to or pleading to

declare Lessee insolvent or unable to pay its debts or meet its obligations under the laws of the United States or any state or a receiver of the property of Lessee is appointed; or the levy of execution of other taking of property, assets, or the leasehold interest of the Lessee; or (d) failure of Lessee to perform any of the terms, conditions, or covenants of this Lease for more than thirty (30) days after written notice of such failure shall have been given to Lessee.

C. Should Lessor elect to re-enter as herein in Section 16, or should Lessor take possession pursuant to legal proceedings or pursuant to any provisions under law, Lessor may terminate this Lease.

SECTION 17. NOTICE:

A. Any and all notices affecting this Lease may be served by the Parties hereto, or by their duly authorized agents, as effectively as if same were served by any officer authorized by law to serve such notices. The return of such party, or its duly authorized agent, showing the time, place and manner of service of such notice shall have the same force and effect in any legal proceedings based therein as a return of service by any officer authorized by law to serve such notice.

B. All notices required by law to be served upon, and all notices permitted by this Lease to be mailed to, a party of this Lease shall be served upon or mailed to, as the case may be, the following agents for each party who are hereby appointed and designated as such for the purpose of receiving all such notices:

To Lessor: City Manager
City of Roanoke
364Municipal Building
215 Church Avenue
Roanoke, Virginia 24011
(w/ copy to Director of Economic Development, 111 Franklin Plaza Suite 200, Roanoke, Virginia 24011)

To Lessee: William Merkt
Carilion Biomedical Institute
111 Church Avenue, S.W.
Roanoke, Virginia 24011.

Each party shall immediately notify the other party, in writing, of any change of agents, and no change of agents shall be effective until such notice is given. Where, under the terms of this lease, a notice is required or permitted to be mailed by certified or registered mail. return receipt requested, and such notice is not mailed in such manner, the notice shall be effective if actually received by the party, or its appointed agent, to whom the notice is directed.

SECTION 18. BINDING UPON SUCCESSORS:

This Lease shall be binding upon the heirs, successors in interest and assigns of the parties hereto.

SECTION 19. COMPLIANCE:

Lessee hereby covenants and agrees to comply with all the rules and regulations of the Board of Fire Underwriters, Officers or Boards of the City, Country or State having jurisdiction over the Premises, and with all laws, ordinances and regulations of governmental authorities wherein the Premises are located.

SECTION 20. MODIFICATION:

This Lease shall not be modified, altered or amended except by written agreement executed by the parties hereto with the same formality as this Lease.

SECTION 21. SECTION HEADINGS:

Headings to the Sections are mere catchwords and are illustrative only; they do not form a part of this Lease nor are they intended to be used in construing same.

SECTION 22. ENVIRONMENTAL:

Lessor represents that it has no knowledge of the presence of nonencapsulated friable asbestos or other hazardous materials in the demised premises.

SECTION 23. ACCESSIBILITY BY THE HANDICAPPED:

A. Prior to commencement of the Initial Term and delivery of possession, Lessor shall certify to Lessee in writing that the minimum requirements of the Virginia Uniform Statewide Building Code pertaining to access by physically handicapped and aged persons have been met. As hereinafter used, the term Athe standards@ shall mean and incorporate those standards issued or promulgated by the American National Standards Institute, entitled AAmerican National Standard Specifications for Making Buildings and Facilities Accessible to and usable by Physically Handicapped People,@ ANSI-A117.1-1980, and the term Aaccessible@ shall mean accessible to physically handicapped and aged individuals in accordance with the standards. The minimum requirements are:

(1) If public or private parking is provided, at least one accessible parking space shall be provided as close as possible to the primary building entrance.

(2) Walks used as accessible routes to the building shall comply with the standards.

(3) An accessible primary entrance to the building shall be at grade or ramped to grade in accordance with the standards.

(4) An accessible entrance to the building shall comply with the standards.

(5) At least one accessible route (corridors and doors) to the demised premises shall comply with the standards.

(6) If support areas within the building (e.g.. lunchrooms, cafeteria, etc.) Are used by Lessee, its employees or the public, such areas shall be accessible.

(7) If Lessee occupies floors other than the main floor of access to the building, at least one accessible elevator shall be provided.

(8) Accessible public restrooms for each sex shall be provided, preferably on all floors. At a minimum, accessible restrooms shall be provided on the ground floor or the floor occupied by the Lessee if the building is four stories or less in height. If Lessee occupies an area above the fourth floor, accessible public restrooms for each sex shall be provided on the floor occupied by the Lessee. If Lessee occupies more than one floor, at least one accessible public restroom for each sex shall be provided on at least every fourth floor occupied by Lessee.

(9) All corridors, doors, and spaces in or about the demised premises and used by the public or employees of Lessee shall be accessible.

(10) Directional signs complying with the standards shall be provided directing the public to the Premises occupied by the Lessee.

(11) Where the foregoing standards for handicapped access conflict with applicable local ordinances, rules, or regulations setting forth standards for handicapped access, the more restrictive of the two shall govern.

SECTION 24. ENTIRE AGREEMENT:

This written Lease constitutes the entire, full and complete understanding and agreement of the parties, and all representations, conditions, statements, warranties, covenants, promises or agreements previously made or given by either party to the other are hereby expressly merged into this written Lease and shall be null, void and without legal effect. This Lease shall not be effective or binding unless and until signed by both parties

IN WITNESS WHEREOF, the parties have affixed their signatures and seals.:

CITY OF ROANOKE (aLESSOR@)

ATTEST:

_____
Mary F. Parker, City Clerk

By_____(SEAL)
Darlene L. Burcham, City Manager

CARILION BIOMEDICAL INSTITUTE (aLESSEE@)

By_____(SEAL)
Title: _____

APPROVED AS TO FUNDS AVAILABLE

_____
Director of Finance

Account No._____

APPROVED AS TO FORM

_____
Assistant City Attorney

APPROVED AS TO EXECUTION

_____
Assistant City Attorney

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into an agreement with Carilion Biomedical Institute for the lease of approximately 6,800 square feet of office space located at the Church Avenue Parking Garage, 111-117 Church Avenue, for a period of one year, beginning September 1, 2005, through August 31, 2006, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

WHEREAS, a public hearing was held on August 15, 2005, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on the proposed lease.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, in a form approved by the City Attorney, an agreement with Carilion Biomedical Institute ("CBI"), for the lease of approximately 6,800 square feet of office space at the Church Avenue Parking Garage, at 111-117 Church Avenue, for a period of one year, beginning September 1, 2005, through August 31, 2006, at rate of $7.50 per square foot, including parking permits in the Church Avenue Parking Garage to be available to CBI employees at the rate of $29.00 per month, upon certain terms and conditions, and as more particularly described in the City Manager's letter to this Council dated August 15, 2005.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

August 15, 2005

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request of Appalachian Power Company for Easement on City Owned Property - #4250102R and 4250105R

Appalachian Power Company has requested a 40' x 310' easement across city owned property identified by Tax Map Nos. 4250102R and 4250105R, which are located along the Roanoke River near the intersection of Bennington Street and Riverland Road. The easement is needed to relocate an existing overhead power line and related facilities, as described in the attached Agreement, and shown on Drawing No. V-1596. See Attachments #1 & #2. These facilities are being relocated in connection with the Roanoke River Flood Reduction Project.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents granting an above-ground utility easement as described above to Appalachian Power Company, approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/SEF

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator

CM05-00114

ATTACHMENT #1

MAP NO. 3780-278-D4 W. O. NO. W001147601

PROPERTY NO. 1 JOB NO. 051017070

EAS NO. _____

THIS AGREEMENT, made this _____ day of _____, 2005, by and between the **CITY OF ROANOKE**, a municipal corporation existing under the laws of the Commonwealth of Virginia, herein called "**GRANTOR**," and **APPALACHIAN POWER COMPANY,** a Virginia corporation, herein called **"APPALACHIAN."**

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of ONE DOLLAR ($1.00), the receipt of which is hereby acknowledged, the **GRANTOR** hereby gives license and permit to **APPALACHIAN**, its successors and assigns, and the right, privilege and authority to said **APPALACHIAN**, its successors and assigns, to construct, erect, operate, and maintain a line or lines for the purpose of transmitting electric power overhead on the property of the City of Roanoke, further identified as Roanoke City Tax Parcel numbers 4250102R and 4250105R in the City of Roanoke, Virginia.

BEING a right of way and easement, in, on, along, through, across or under said lands for the relocation of facilities to accommodate the Roanoke River Flood Reduction Plan, as shown on that certain Appalachian Power Company Drawing V-1596, dated 7-7-05, entitled "Proposed Right of Way on Property of City of Roanoke", attached hereto and made a part hereof.

TOGETHER with the right to said APPALACHIAN, its successors and assigns, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the number of, and relocate at will, poles, with crossarms, wires, cables, guys, and anchors in, on, and under the premises above referred to; grounding systems and all other appurtenant equipment and fixtures (hereinafter called "Appalachian's Facilities"), and string wires and cables, adding thereto from time to time, in, on, along, over, through, across and under the above referred to premises; the right to cut down, trim, clear and/or otherwise control, and at Appalachian's option, remove from said premises any trees, overhanging branches, buildings or

other obstructions which may endanger the safety of, or interfere with the use of Appalachian's Facilities; and the right of ingress and egress to and over said above referred to premises and any of the adjoining lands of the Grantors at any and all times, for the purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith. The Grantor hereby grants, conveys and warrants to Appalachian Power Company a non-exclusive right of way easement for electric facilities. The location of such facilities shall be mutually agreed upon in advance by both parties.

APPALACHIAN agrees to restore and repair any damage to **GRANTOR'S** property that may be caused by the construction, operation, or maintenance of said easement. The **GRANTOR** agrees that **APPALACHIAN** will not be expected to restore the property to the identical original condition, but rather as near thereto as is reasonably practicable.

In the event **APPALACHIAN** should remove all of said Appalachian's facilities from the lands of the **GRANTOR**, then all of the rights, title and interest of the party of **APPALACHIAN** in the right of way and license hereinabove granted, shall revert to the **GRANTOR**, its successors and assigns.

APPALACHIAN agrees to indemnify and save harmless the **GRANTOR** against any and all loss or damage, accidents, or injuries, to persons or property, whether of the **GRANTOR** or any other person or corporation, arising in any manner from the negligent construction, operations, or maintenance, or failure to properly construct, operate, or maintain said Appalachian's facilities.

TO HAVE AND TO HOLD the same unto Appalachian Power Company, its successors and assigns.

Upon recordation of this agreement Appalachian accepts the terms and conditions contained therein.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be

compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

WITNESS the signature of the City of Roanoke by Darlene L. Burcham, its City Manager, and its municipal seal hereto affixed and attested by Mary F. Parker, its City Clerk pursuant to Ordinance No. _____adopted on _____.

CITY OF ROANOKE

_____

CITY MANAGER

ATTEST:

_____

CITY CLERK

STATE OF VIRGINIA)

) TO-WIT:

CITY OF ROANOKE)

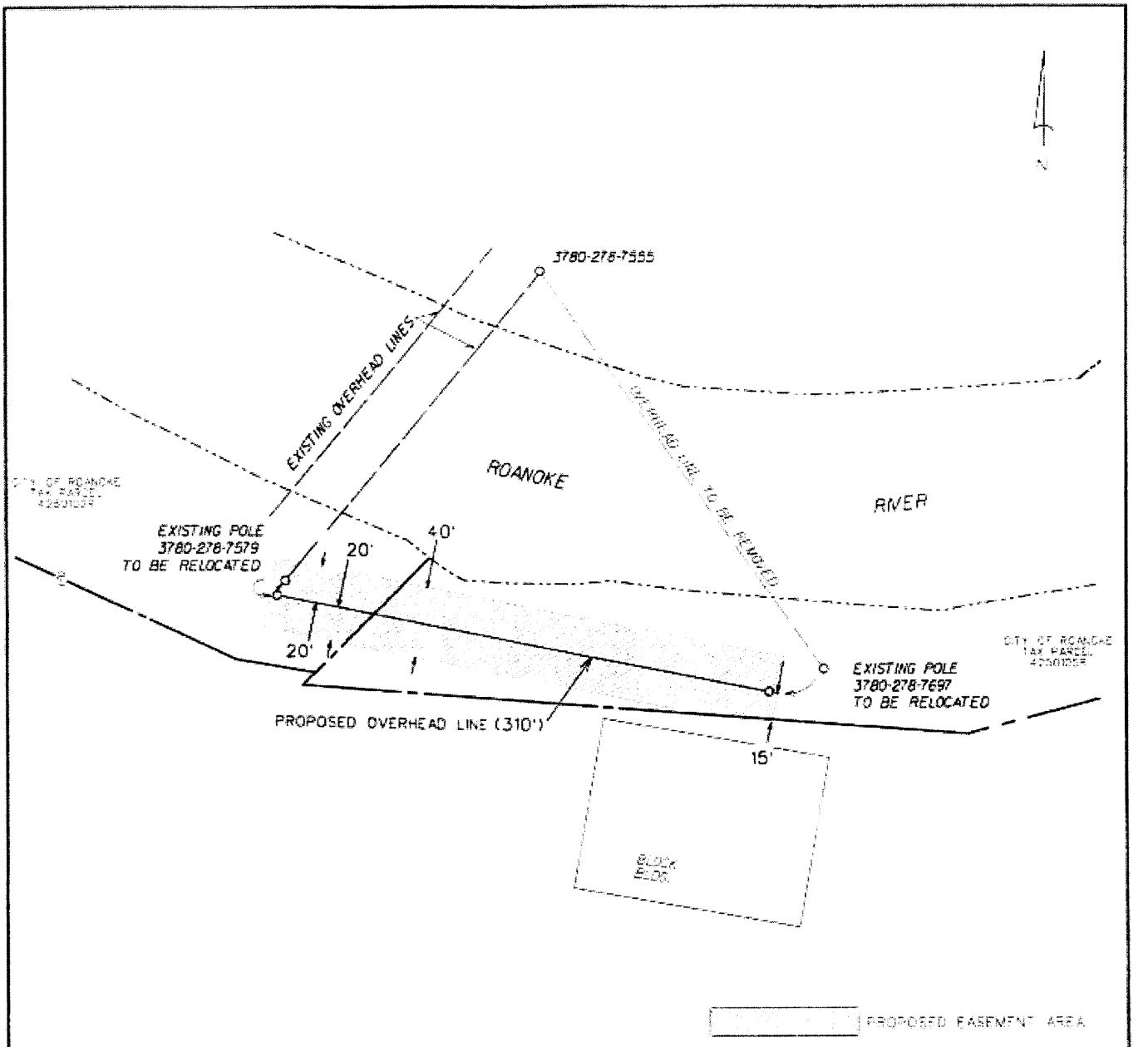
I, _____, a Notary Public in and for the City and Commonwealth At Large, do certify that _____ and _____ City Manager and City Clerk, respectively, of the City of Roanoke, whose names as such are signed to the writing above, bearing date the _____ day of _____, 2005, have each acknowledged the same before me in my jurisdiction aforesaid.

Given under my hand this _____ day of _____, 2005.

_____

My Commission Expires: Notary Public

_____



APPALACHIAN POWER COMPANY

CHARLESTON REGION - ROANOKE DISTRICT, ROANOKE, VIRGINIA

PROPOSED RIGHT OF WAY ON PROPERTY OF CITY OF ROANOKE

DRAWN BY LMA	DATE [illegible]
APP. BY CPH	SCALE NONE

SHEET [illegible] OF [illegible]

DRAWING NO. V-1596

CITY OF ROANOKE, VIRGINIA
T.D.665020
MAP SECT. 3780027804

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the granting of an above-ground forty-foot (40') wide by three hundred ten foot (310') long easement on City-owned property, identified by Official Tax Nos. 4250102R and 4250105R, to Appalachian Power Company d/b/a American Electric Power ("AEP"), for the purpose of relocating existing overhead power lines and related facilities in connection with the Roanoke River Flood Reduction Project, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on August 15, 2005, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, in a form approved by the City Attorney, the necessary document granting an above-ground forty foot (40') wide by three hundred ten foot (310') long easement on City-owned property, identified by Official Tax Nos. 4250102R and 4250105R, to Appalachian Power Company d/b/a American Electric Power, for the purpose of relocating existing overhead power lines and related facilities in connection with the Roanoke River Flood Reduction Project, upon certain terms and conditions, as more fully described in a letter of the City Manager to City Council dated August 15, 2005.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.