ROANOKE CITY COUNCIL
REGULAR SESSION

JANUARY 21, 2003
2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Michael N. Ennis, Pastor, Emmanuel Wesleyan Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, January 23, 2003, at 7:00 p.m., and Saturday, January 25, 2003, at 4:00 p.m. Council meetings are now being 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 THURSDAY 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 NOW 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.ROANOKEGOV.COM, 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.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Presentation of a Virginia Association of Chiefs of Police Award, "Saved by the Belt". P 14

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 meeting of Council held on Monday, December 2, 2002; and a special meeting of Council held on Friday, December 6, 2002. P 15; P 43

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

C-2 A communication from the Honorable Ralph K. Smith, Mayor, requesting 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 46

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from the Director of Real Estate Valuation transmitting the Annual General Reassessment Program for fiscal year 2003-04. P 47

RECOMMENDED ACTION: Receive and file.

C-4 Qualification of the following persons:

Joseph F. Miller and William D. Poe as members of the Board of Zoning Appeals, for terms ending December 31, 2005; and

Kenneth H. King, Jr., as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2006.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending approval of a policy to pay military reservists who are called to active duty and serve between October 1, 2002 and September 30, 2003. P 49; R 51

2. A communication recommending acceptance of a Fire Programs Funds Grant for fiscal year 2003. P 52; B/O 55; R 56

3. A communication recommending acceptance of a grant of funds from the Byrne Memorial Formula Grant Program, administered by the Virginia Department of Criminal Justice Services. P 57; B/O 68; R 69

4. A communication recommending acceptance of a grant of funds from the State and Local All-Hazards Emergency Operations Planning Grant Program offered through the Federal Emergency Management Agency. P 71; B/O 73; R 74

5. A communication with regard to property rights acquisition in connection with the Roanoke Water Pollution Control Plant Wet Weather Project. P 75; B/O 77; O 79

6. A communication with regard to an Office of Emergency Medical Services Consolidated Grant. P 81; B/O 83; R 85

7. A communication with regard to State Asset Sharing. P 86; B/O 88

8. A communication with regard to Sharing Federally Forfeited Property. P 89; B/O 91

9. A communication with regard to a Virginia Recreational Trails Fund Grant. P 92; R 93

10. A communication with regard to appropriation of funds for development of a marketing identity. P 94; B/O 96

b. CITY ATTORNEY:

1. A report transmitting a resolution expressing Council's intent with regard to its appointments to the Hotel Roanoke Conference Center Commission. P 97; R 98

c. CITY CLERK:

1. A report advising of expiration of the three-year terms of office of F. B. Webster Day, Marsha W. Ellison and Gloria P. Manns as Trustees of the Roanoke City School Board on June 30, 2003, and applications for the upcoming vacancies will be received in the City Clerk's Office until 5:00 p.m., on Monday, March 10, 2003. P 100

d. DIRECTOR OF FINANCE:

1. A report with regard to transfer of General Fund Balance Reserve for self-insured liabilities. P 102; B/O 103

7. REPORTS OF COMMITTEES:

a. A communication from the Roanoke City School Board requesting appropriation of funds for various school accounts; and a report of the Director of Finance recommending that Council concur in the request. P 105; B/O 109

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 Mayor, 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.

a. Request from the Martin Luther King, Jr. Forever Organization to address Council with regard to the renaming of Elmwood Park.

12. CITY MANAGER COMMENTS:

THE MEETING WILL BE DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN CITY COUNCIL'S CONFERENCE ROOM FOR THE FOLLOWING BRIEFINGS:

Director of Finance	–	Fiscal Year 2002 Comprehensive Annual Financial Report and Fiscal Year 2002 Pension Comprehensive Annual Financial Report. (30 minutes)	P 112
City Manager	–	Two-way traffic on Campbell Avenue, S. W. (10 minutes)	P 113
City Manager	–	General Permit Registration Statement for storm water discharges from small municipal separate storm water sewer systems. (15 minutes)	P 114

CERTIFICATION OF CLOSED MEETING.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.

ROANOKE CITY COUNCIL
REGULAR SESSION

JANUARY 21, 2003
7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member William D. Bestpitch.

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

Welcome. Mayor Smith.

NOTICE:

Tonight's meeting will be televised live by RVTV Channel 3 to be replayed on Thursday, January 23, 2003, at 7:00 p.m., and Saturday, January 25, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PRESENTATIONS AND ACKNOWLEDGMENTS:

Presentation of a Shining Star Award.

B. PUBLIC HEARINGS:

1. Joint public hearing of City Council and the City Planning Commission with regard to an amendment of Sections 36.1-25, 36.1-206, 36.1-207, 36.1-227, and 36.1-228, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, providing for general service establishments and personal service establishments in the C-2 and C-3 districts, and providing for regulations pertaining to the location of tattoo parlors or body piercing establishments in the City of Roanoke and deleting the definition of "service establishments". Darlene L. Burcham, City Manager.

   P 115; O 131; O 135

2. Joint public hearing of City Council and the City Planning Commission with regard to a proposal of the City of Roanoke, Mr. and Mrs. Calvin W. Powers and Mr. and Mrs. Theodore J. Sutton to rezone tracts of land, designated as Official Tax Nos. 3070301-3070310, inclusive, and 3070313-3070316, inclusive, 2041816 and 2041817, from LM, Light Manufacturing District, to C-3, Central Business District, and to rezone Official Tax Nos. 3070501, 3070318 and 3070321, from C-2, General Commercial District, to C-3, Central Business District, subject to certain conditions proffered by the petitioners, in connection with the stadium/amphitheater project. Darlene L. Burcham, City Manager.

   P 140; O 154

3. Public hearing with regard to a proposal of the City of Roanoke to award a contract for the lease and management of the Historic City Market Building.
   (The City Manager has requested that the matter be continued until a later date.)

4. Public hearing on a request of the Northwest Neighborhood Environmental Organization and Robert Crowder to rezone nine tracts of land located on the south side of the 500 block of Loudon Avenue, N. W., identified as Official Tax Nos. 2013101 - 2013109, inclusive, from RM-2, Residential Multi-family, Medium Density District, to RM-3, Residential Multi-family, High Density District, subject to certain conditions; and three tracts of land located on the north side of the 500 block of Centre Avenue, N. W., identified as Official Tax Nos. 2013117 - 2013119, inclusive, from LM, Light Manufacturing District, to RM-3, Residential Multi-family, High Density District, subject to certain conditions proffered by the petitioners. James Lesniak, Executive Director; and Robert Crowder, Spokespersons.

P 156; O 168

5. Public hearing on a request of the Northwest Neighborhood Environmental Organization that all of the alley from 6th Street, N. W. to 5th Street N. W., in the block lying between Loudon Avenue and Centre Avenue, beginning at the east side of 6th Street between lots bearing Official Tax Nos. 2013101 and 2013115, and extending east to its intersection with 5th Street, between lots bearing Official Tax Nos. 2013114 and 2013123, extending north, and on the west extending along the east border of the lot bearing Official Tax No. 2013109 and on the east extending along the west border of lots bearing Official Tax Nos. 2013114 - 2013110, inclusive, extending north to its intersection with Loudon Avenue, be permanently vacated, discontinued and closed. James Lesniak, Executive Director; and Robert Crowder, Spokespersons.

P 171; O 179

6. Public hearing on a request of David J. Ostrom, Jr., to rezone a portion of land located at 1033 Pocahontas Avenue, N. E., described as Lot 27, Section 1, Fairmont Corp., Official Tax No. 3042118, from RM-1, Residential Multi-family, Low Density District, to LM, Light Manufacturing District. George A. McLean, Jr., Attorney.

P 183; O 190

7. Public hearing on a request of Robert and Sandy P. Monsour to rezone a tract of land consisting of 0.36-acre, located at the intersection of Plantation Road and Liberty Road, N. E., identified as Official Tax No. 3130805, from RM-1, Residential Multi-family, Low Density District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the petitioners. Maryellen F. Goodlatte, Attorney.

P 192; O 207

8. Public hearing on a request of Kristi Parr that an alley intersecting with Mississippi Avenue, N. E., and between Official Tax Nos. 3130429 and 3130428, be permanently vacated, discontinued and closed. Kristi Parr, Spokesperson.

P 209; O 217

9. Public hearing on a request of St. Paul United Methodist Church, Board of Trustees, that a portion of Moorman Road, N. W., be barricaded at its intersection with Fifth Street, N. W. Lillie T. Patterson, Spokesperson.

P 220; O 227

10. Public hearing with regard to amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Old Southwest and Belmont Neighborhood Plans. R. Brian Townsend, Agent, City Planning Commission.

P 229; O 255; P 257; O 301

11. Public hearing with regard to a proposal to change the structure of City water rates and related charges for services which will result in increases in certain rates and related charges. Darlene L. Burcham, City Manager.

P 303; B/O 307; O 308

12. Public hearing with regard to a proposal of the City of Roanoke to convey surplus property located at the intersection of Gainsboro Road and Gilmer Avenue, N. W., identified as Official Tax No. 2011718, to the nearby property owner; and to convey surplus property located at the intersection of Gainsboro Road and Harrison Avenue, N. W., described as Official Tax Nos. 2021788 and 2021789, to adjacent property owners residing at 101 Harrison Avenue, N. W. Darlene L. Burcham, City Manager.

P 311; O 313

13. Public hearing with regard to a proposal of the City of Roanoke to vacate sewer/drainage easements on Wildwood Road, S. W. Darlene L. Burcham, City Manager.

P 315; O 320

14. Public hearing with regard to a proposal of the City of Roanoke to authorize extension of a lease, entered into by the City of Roanoke and the Roanoke City School Board, of a portion of City-owned property, known as the Jefferson High School Gymnasium, located at 540 Church Avenue, S. W., identified as Official Tax No. 1113414, to the Young Men's Christian Association of Roanoke, Virginia, for a period of six months. Darlene L. Burcham, City Manager. P 322; O 324

15. Public hearing with regard to a proposal to extend the lease of the Commonwealth Building to the United States General Services Administration. Darlene L. Burcham, City Manager. P 325; O 328

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.

MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance 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 the members of Council in attendance.

PLEASE NOTE:

1. **The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.**

2. **Roll call vote included in Council's minutes is required.**

3. **Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.**

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
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January 21, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: VACP Award

This is to request space on Council's regular agenda for a 10-minute presentation on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

December 2, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, December 2, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith 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.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler and Mayor Ralph K. Smith----------4.

ABSENT: Council Members Alfred T. Dowe, Jr., C. Nelson Harris and Linda F. Wyatt----------3.

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

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith 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 the before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to 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. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler and Mayor Smith----------4.

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

(Council Members Dowe, Harris and Wyatt were absent.)

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: A communication from Council Member William H. Carder requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of Council Member Carder to convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler and Mayor Smith----------4.

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

(Council Members Dowe, Harris and Wyatt were absent.)

At 12:17 p.m., the Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, for a meeting of City Council, the Roanoke City School Board and Senator John S. Edwards, Delegate A. Victor Thomas and Delegate Clifton A. Woodrum, III.

The Council meeting reconvened at 12:20 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a joint session of City Council and the Roanoke City School Board with area representatives to the Virginia General Assembly.

CITY COUNCIL MEMBERS PRESENT: William H. Carder, C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor Ralph K. Smith----------7.

ABSENT: None----------0.

SCHOOL TRUSTEES PRESENT: F. B. Webster Day, Marsha W. Ellison, William H. Lindsey, Melinda J. Payne, Ruth C. Willson, and Gloria P. Manns, Chair----------6.

ABSENT: Robert J. Sparrow----------1.

LEGISLATORS PRESENT: Senator John S. Edwards, Delegate A. Victor Thomas, Delegate Clifton A. Woodrum, III; Allison Baird, Legislative Aide to Senator Edwards; Brian Shephard, Legislative Aide to Delegate Thomas; and Christine Meredith, Legislative Aide to Delegate Woodrum.

STAFF PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance, Mary F. Parker, City Clerk; Willard N. Claytor, Director of Real Estate Valuation; Troy A. Harmon, Municipal Auditor; Rolanda A. Johnson, Assistant City Manager for Community Development; George C. Snead, Jr., Assistant City Manager for Operations; George McMillan, Sheriff; Christopher Slone, Communications; Barry L. Key, Director of Management and Budget; Dr. E. Wayne Harris, Superintendent, Roanoke City Public Schools; Richard L. Kelley, Assistant Superintendent, Roanoke City Public Schools; Cindy Lee, Clerk, Roanoke City School Board; Scott Meadows, Coordinator of Marketing and Community Engagement, Roanoke City Public Schools.

Also present was Thomas A. Dick, City of Roanoke Legislative Liaison.

LEGISLATION-SCHOOLS-COUNCIL: On behalf of the School Board, Chairperson Manns expressed appreciation for the opportunity to meet with Council and the City's representatives to the General Assembly to discuss school-related issues which continue to be a challenge.

Mr. Dick presented a brief overview of the City's 2003 Legislative Program, as follows:

> **1. <u>Roanoke Civic Center, Amphitheatre and Stadium Improvements Funding</u> - The City's civic events infrastructure - the civic center, amphitheatre and stadium - require substantial investment to meet the needs of the community. The City has funded $21.2 million in improvements to the Civic Center and the construction of a new stadium/amphitheatre. The next phase of improvements to the Civic Center will involve construction of new exhibit space and additional improvements to cost $14.9 million. Additional flexibility in the local funding mechanisms allowed by the State to cover debt service for those projects is needed. The legislature should grant authority to allow any locality the discretion to levy its admissions tax at designated public facilities at a higher**

rate than is applicable elsewhere in the locality. Such a provision would allow the locality to impose a lower admissions tax rate at privately owned facilities.

2. Two-Tiered Real Estate Tax Authority – To improve opportunities for development and redevelopment, the City requests authority to impose a two-tiered real estate tax. Such authority, which the General Assembly has already granted the City of Fairfax, would be permissive and allow the City to tax the improvements to real property at a separate rate (but not exceeding) the rate on the real property itself. Authority to impose a tax rate on the improvements to the property at a lower rate than that on the real property would create much needed additional incentives for investment in the City.

3. Liens Against Real Estate for Unpaid Water Bills – Roanoke requests legislation to allow the City to place a lien against real estate in order to collect unpaid water bills. The City already has this authority with regard to sewer bills. Section 21-118.4 of the Code of Virginia grants this power to localities that have created sanitary districts, §15.2-5139 provides this power to public service authorities and §15.2-2118 grants this authority to 16 additional localities. The City requests that it be added to the localities with this authority under §15.2-2118.

4. Civil Penalties for Inoperable Motor Vehicles and Trash and Weed Violations- To address the problem of blight in the City and other localities in the State, legislation is needed to allow localities the flexibility to impose civil penalties for violations of inoperable motor vehicles and local trash and weed removal ordinances.

5. Absentee Landlord Representation – Section 55-218.1 of the Code of Virginia requires property owners who own four or more units in the Commonwealth of Virginia, but do not reside in the Commonwealth themselves, to maintain an agent who is a resident of the State. It is difficult to serve summons and other notices

on property owners who do not live in the same locality, delaying action to address blight. The General Assembly is requested to amend this Code section to require that the property owner's leasing agent or representative operate in the same locality as the property or in an adjacent locality.

6. Study of Delinquent Tax Sale Process – The process to sell or transfer property with delinquent real estate taxes is difficult and time consuming. The General Assembly is requested to study ways to streamline this process that would include, among other things, looking at the process utilized in other states.

Other Legislative Priorities

Mr. Dick reviewed the following items that are a carry over from the 2002 General Assembly Session that the City would like to address in the up coming session:

1. Opposition to Restrictions on Local Zoning Authority – The City opposes any legislation such as HB 1212, introduced during the 2002 General Assembly, that would limit the authority of the City to restrict certain types of housing in certain areas of the City.

2. Opposition to Biosolids Restrictions – The City opposes legislation such as SB 618, also introduced in the 2002 General Assembly, that would allow localities to restrict or prohibit the application of biosolids in the locality.

3. Support for Virginia First Cities Coalition - As a member of Virginia First Cities, a group of 15 of the State's older cities, Roanoke supports the broad legislative objectives of this coalition, including: restructuring the State's tax system to raise State tax revenues to generate the additional funding required annually for education, transportation and human services; the adoption of an urban policy and smart growth strategies and holding older, core cities harmless from any budget balancing actions because of the fiscal stress they are facing.

Mr. Dick expressed appreciation to area legislators and their legislative aides and advised that the City continues to count on the strong legislative leadership of its delegation; the City of Roanoke is appreciative of past efforts on its behalf and looks forward to working with area legislators during the 2003 session of the Virginia General Assembly.

School Trustee F. B. Webster Day presented the School Board's 2003 Legislative Program, which is summarized as follows:

School Board Legislative Priorities:

Major legislative priorities, listed in priority sequence, by the Roanoke City School Board for the State are:

> **To improve its share of funding public education based on the results of the JLARC study**
>
> **To communicate to legislators that any reduction in State funding must be made through an across-the-board budget reduction rather than reductions in specific programs**
>
> **To enhance the State's support of school capital outlay projects through a permanent funding source for school construction and debt service requirements that will fund 55 per cent of school construction needs over the next five years. (This legislative issue has been adopted by the seven school boards and governing bodies who are members of the Roanoke Valley School Boards Consortium as a funding priority for FY2003-04)**
>
> **To maintain local governance over K-12 educational and administrative issues**
>
> **To continue to support standards and consequences for school accreditation that are non-punitive in nature**
>
> **To address student safety and discipline issues through additional funding and program support, and**

To provide incentives for the recruitment and retention of teachers and principals

Mr. Day further advised that legislative outcomes include State lottery funds, State incentive funds, SOL remediation and in-service, teacher salary improvement and maintenance of local control; Roanoke City outcomes include increased teacher salaries, enhanced principal recruitment, small class size, increased teaching positions, additional preschool classes, and renovation and improvements to middle and elementary schools.

He reviewed a chart illustrating State revenue increases from fiscal year 1998-99 to fiscal year 2002-03. He also reviewed legislative priorities which include: improve State funding, avoid program reductions, fund school construction needs, maintain local governance, support non-punitive consequences, address student safety and discipline, and provide recruitment incentives. Funding priorities include: teacher salaries, school staffing ratios, preschool programs, truancy programs, alternative education, school resource officers, school security equipment, recruitment incentives - scholarships, internships, financial incentives.

He explained Standards of Quality shortfalls, i.e.: Roanoke's actual average teacher salary is $5,100.00 more than State SOQ average; class size ratios: State standard 25 to 1 vs. Roanoke City's at 18 to 1; support costs based on prevailing statewide costs not actual local costs (e.g. School Nurses 12.5 FTE in Roanoke City but State only pays for 3.5 FTE.)

Mr. Day advised that legislative outcomes are: SOQ recognizes actual cost to locality for average teacher salary using national average as the basis; SOQ support costs based on more realistic costs for urban school districts, State share improved for preschool, alternative education, truancy, school safety personnel and equipment; State developed and funded recruitment incentives; State support of technology operating and replacement cost; and State established trust fund for 55 per cent of school construction needs. Insofar as legislative outcomes/budget reductions, any State budget reductions for K-12 must be across the board rather than by program.

The City Manager advised that some City departments, or agencies, have already experienced reductions in their current year's operating budgets as a result of the Governor's first round of budget cuts, and on December 20, the Governor will present his proposed budget, which will contain additional cuts, possibly in education, public safety and certain other areas. She stated that she, along with Council Member Carder, represent the City of Roanoke on the Virginia First Cities

Coalition which has held numerous discussions about how to address budget shortfalls, and the Coalition has not only made a recommendation that budget cuts occur where they have actually been identified at the State level, but the Coalition will support tax increases in certain areas in order to provide additional funding for education and transportation, which are two very crucial areas. She stated that the City of Roanoke will be represented in Richmond on December 20 when the Governor announces his proposed budget, and members of the City's delegation to the General Assembly, First Cities Coalition representatives and school representatives will be invited to a meeting following the Governor's General Assembly pronouncement, in order to begin discussions with regard to what the proposed reductions mean for Roanoke as a locality. She advised that the condition of the Commonwealth of Virginia needs to be addressed, Virginia is not the only state that is going through these times of budget adjustments, the economy is something that in many respects is beyond our control, but until the impact of budget reductions are made obvious to the citizens, no long term solution will be found. She stated that it is going to be a painful year, but asked that City Council, the School Board and their respective staffs, along with the City's delegation to the General Assembly, assume a united front in the wake of difficult positions that will have to be made.

Mr. Carder expressed concern that budget cuts in education will hurt those children who can least afford it--the at risk K-12 students--which represents 47 percent of the school population in our cities.

Dr. Harris advised that starting in November, in preparation for what clearly is the most difficult budget study and budget season in the last 12 years, the School Board began to review operations so that when it is time to make those difficult budget decisions, there will be a better foundation on which to build. He stated that it is important to remember the good times and use these difficult times as an opportunity to do a better job, although it will be difficult to do a better job if significant revenue is lost. He concurred in Councilman Carder's remarks, and advised that through recognition of the disparity in the City of Roanoke, certain incentive programs have allowed the City to gain about $4.5 million. He urged that the General Assembly preserve the opportunity for the locality to make the necessary cuts, because the City would not begin by cutting funds in those areas that would affect those students who are most in need. He stated that quality education is one of the greatest economic development tools of a locality, the City of Roanoke, along with its legislative representatives, are committed to a quality education system, and the School Board and its Administration will do the very best they can with what they have to work with.

The Mayor opened the floor for remarks by legislators.

Senator Edwards called attention to the severity of the funding crisis, which among other things, can be attributed to the capital gains tax increase that was applied as if it would continue indefinitely, and instead of investing the funds, the car tax cut was enacted. He stated that once the car tax was phased in, there was no formula in the State Code for a tax roll back, therefore, the State is in a situation where the car tax rebate is continuing to drill a hole in the budget. He stated that he has been advised that the shortfall in this biennial budget will be approximately $1.8 - $2 million, the car tax reimbursement will be about $1.8 and continues to increase. He advised that last year, the Governor and the General Assembly worked to preserve public education; however, in addition to safety measures, higher education, was dramatically cut, some State employees lost their jobs, the extension program was drastically cut, the price of college tuition has gone up 20-25 per cent, and the Virginia Department of Transportation Six Year Plan was revised and is currently unfunded. He stated that on December 20, the Governor will announce his proposed budget by cutting approximately $1 - $1.4 billion, however, the question is, where will the cuts occur when keeping in mind that only about 26 per cent of the state's budget is cuttable. He noted that it has been stated by some persons that there is no way to balance the budget without some type of recommended enhancement programs so as not to cut grades K-12, or public safety, or mental health, or Medicaid and other important programs. He added that the Commonwealth of Virginia is at a crisis situation, and unless it begins to get a handle on the situation, there will be a dismantling of government and disinvestment in the future. He expressed concern with regard to services provided by government and referred to newspaper articles about Commonwealth's Attorneys being forced to lay off assistants, therefore, misdemeanors are not being prosecuted in court and the most basic and core services of the Commonwealth--public safety and public education are being threatened? He expressed concern that constituents are not looking at the situation as responsible citizens who should be concerned about today as well as the future; and the list of budget cuts go on and on, therefore, it is imperative to get the message out so that citizens will understand the state's crisis situation.

Delegate Thomas referred to improvements in the City's School system over the past several years under the leadership of Superintendent Harris. He expressed concern with regard to the state of the Commonwealth which is at its worse during his 29 years of service on the General Assembly; and advised that citizens of the Commonwealth must be made to understand the seriousness of the budget crisis. He stated that something needs to be done to ensure that funding for education, grades K-12, is not cut. He stressed the importance of looking at steps that need to

be taken, even if the court system has to be used to make it happen, because the worst is yet to come, and the seriousness of the funding crisis must spread across the Commonwealth of Virginia in an effort to encourage citizens to speak out. He expressed appreciation to Council for its leadership and pledged to work with the City of Roanoke to address funding issues.

Delegate Woodrum concurred in the remarks of Delegate Thomas regarding Roanoke's school system and commended the work of its Superintendent. He stated that Members of Council serve on the front lines of democracy and should also be commended for the services they provide at the local level. He stated that in January, the General Assembly is going to have to make a decision, because there is a level of government services that is not supported by the level of government revenue, and a decision must be made to either downsize government to a point where it meets available revenue, or increase revenue to maintain a reasonable level of government services, and he, personally believes that there is a need to increase revenue through additional taxes. He stated that last year, he co-sponsored a budget amendment to role back the car tax to 47.5 per cent, which would have provided for the biennial approximately $680 million for education, however, unfortunately, the amendment received only 22 votes out of 100 in support on the floor of the General Assembly. He stated that when localities advocate for something, representatives need to look their Delegates straight in the eye and inquire as to what the State plans to do to raise revenues to fund programs. He advised that an increase in taxes is only one way to increase revenue and the Commonwealth of Virginia will have to come to that realization. He referred to the hardship on citizens of the Commonwealth as a result of the closing of some of the DMV offices, the Roanoke office operates four days a week and because the Bedford and Rocky Mount offices were closed, citizens from those localities are forced to conduct their DMV business at the Roanoke office, which has generated approximately 60,000 more customers. He stated that he used the DMV office closings to call attention to the fact that citizens of the Commonwealth are looking at a different level of government service unless something is done.

Council Member Bestpitch expressed appreciation to Senator Edwards and Delegates Thomas and Woodrum for their honesty and candidness. He emphasized that the City Manager has required all City departments to develop strategic business plans to ensure that the City's workforce is operating with the most efficiency and the highest level of productivity. He stated that in the 2001-2002 fiscal year budget, Council cut positions and/or left other positions unfunded in the hope that at some point in the future the budget situation will improve and the City will be able to recruit and again fill those positions. He advised that the City has maintained its tax base on the revenue side locally, while trying to be as prudent and

responsible as possible on the expenditure side in making decisions. He stated that everyone should continue to work together and come up with an alternative proposal so that Virginia will not go from being one of the lowest tax states in the country to one of the highest tax states, but enact minor adjustments where they might be needed. He stated that there must be something that could be done that would not prove to be onerous for anyone and would solve the problem.

The Mayor advised that in the November election, approximately one million people in a northern Virginia referendum said they did not want an increase in taxes. He stated that if there are tax increases at the General Assembly level, they will be relatively small which means that revenue will not be at a level to satisfy the needs. He spoke in support of looking at ways to be more efficient, or ways to better utilize available funds.

Council Member Cutler inquired as to what extent the Virginia First Cities Coalition has developed a larger coalition of other organizations.

Council Member Carder advised that Virginia First Cities has been careful to not represent itself as the champion of all causes and has adopted a specific initiative, thus, First Cities can be more effective by selecting those issues to partner with that are specific to the needs of localities.

The City Manager inquired as to the best way to communicate with constituents; whereupon, Delegate Woodrum advocated coalition building with groups affected by budget cuts in such categories as education, mental health, medical facilities, etc. He suggested that coalitions be built in any parallels between the problems occasioned by urban centers and extreme rural areas, problems of poverty, the school dropout rate, and others.

With reference to earlier remarks of the Mayor as to the referendum that failed in northern Virginia, Council Member Wyatt advised that exit poles indicate that the reason the referendum failed was not because citizens were against paying more taxes, but instead they did not trust the General Assembly to do what it is supposed to do with funds from increased taxes. She asked that the record reflect both sides of the perspective.

At 1:55 p.m., the Mayor declared the meeting in recess until 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, December 2, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith----------7.

ABSENT: None----------0.

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 meeting was opened with a prayer by The Reverend David J. Fuller, Missions Pastor, Church of the Holy Spirit.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT-CITIZEN OF THE YEAR: Mr. Cutler offered the following resolution recognizing George A. Kegley as the City of Roanoke's 2002 Citizen of the Year:

(#36143-120202) A RESOLUTION naming George A. Kegley as Roanoke's Citizen of the Year for the year 2002.

(For full text of Resolution, see Resolution Book No. 66, page 535.)

Mr. Cutler moved the adoption of Resolution No. 36143-120202. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

On behalf of the citizens of the City of Roanoke and the Members of City Council, the Mayor presented Mr. Kegley with a ceremonial copy of the above referenced measure.

ACTS OF ACKNOWLEDGMENT-DECEASED PERSONS: Mr. Carder offered the following resolution memorializing Ms. Adelaide Fisher, a long time resident of the Roanoke Valley and former Public Information Officer for the City of Roanoke.

(#36144-120202) A RESOLUTION memorializing the late Adelaide (Laddie) Fisher, a longtime Roanoke Valley resident.

(For full text of Resolution, see Resolution Book No. 66, page 537.)

Mr. Carder moved the adoption of Resolution No. 36144-120202. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

SISTER CITIES: Beth Neu, Director, Economic Development, advised that Mayor Ralph K. Smith led a delegation of citizens from Roanoke to Roanoke's Sister City of Wonju Korea, on October 22 - November 2, 2002. She stated that Roanoke and Wonju have enjoyed a Sister City relationship for 38 years, many exchanges have taken place over those years, and as a part of his visit, Mayor Smith focused on economic development, made business contacts and a medical exchange was included as a part of the mission. She advised that approximately 40 business persons from Wonju attended a Chamber of Commerce meeting, at which time she and Mayor Smith gave a power point presentation, including an overview of the Roanoke economy, major businesses located in the Roanoke Valley, the Roanoke Center for Industry and Technology, and the South Jefferson Redevelopment area and Biomedical Park, etc. She further advised that a meeting was held with the President of Sangli University, which shares a sister college relationship with Virginia Western Community College; the delegation visited the Hyundai Headquarters in Seoul, Korea, and met with a representative of the Virginia Economic Development Partnership in Seoul; a presentation was made to the Korean Trade Authority, headquartered in Seoul; and follow up visits with certain firms have begun.

Dr. Robert Roth, President, David K. Lisk, Executive Director, Roanoke Sister Cities, Inc., and Jack Tompkins, Vice-President, Roanoke/Wonju Sister City Committee, also spoke in connection with the Roanoke/Wonju Sister City relationship. It was noted that an exchange program has been established between Lewis Gale Hospital in Salem and Wonju Christian Hospital, in 2003, doctors from Wonju will visit Lewis Gale Hospital to participate in an exchange program and in 2004, doctors from Lewis Gale are scheduled to visit Wonju Christian Hospital.

CONSENT AGENDA

The 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.

DONATIONS/CONTRIBUTIONS-WESTERN VIRGINIA FOUNDATION FOR THE ARTS AND SCIENCES: A communication from the City Manager requesting that Council schedule a public hearing for Monday, December 16, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to donation of property described as Official Tax No. 4010217, to the Western Virginia Foundation for the Arts and Sciences, in connection with the Art Museum-IMAX Theatre, was before the body.

Mr. Cutler moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

OATHS OF OFFICE-COMMITTEES-BUILDINGS/BUILDING DEPARTMENT-INDUSTRIES-YOUTH-TRANSPORTATION SAFETY-HUMAN DEVELOPMENT COMMITTEE: The following reports of qualification were before Council:

> Judy O. Jackson as a member of the Human Services Committee, for a term ending June 30, 2003;
>
> John W. Brown, Jr., and Rick Clark as members of the City of Roanoke Transportation Safety Commission, for terms ending October 31, 2006;

Dennis R. Cronk as a Director of the Industrial Development Authority, for a term ending October 20, 2006;

Ashley Johnson as a member of the Youth Services Citizen Board to fill the unexpired term of Duriel M. Wood, ending May 31, 2003; and

Barry W. Baird as a member of the New Construction Code, Board of Appeals, for a term ending September 30, 2007.

Mr. Cutler moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

HUMAN DEVELOPMENT-WORKFORCE INVESTMENT ACT: Glenn D. Radcliffe, Director, Human Services, introduced a briefing with regard to the Workforce Investment Act Services program. He advised that in 1998, Congress enacted legislation establishing the Workforce Investment Act which replaced the Joint Training Partnership Act and initiated new mandates and requirements, one of which relates to administration and appointment of a Board of Directors composed of representatives from jurisdictions in the Fifth Planning District. He introduced Bruce M. Wood, Executive Director, Workforce Investment Act Services.

Mr. Wood advised that the Western Virginia Workforce Development Board is governed by a volunteer board of directors responsible for developing policy and overseeing local workforce development initiatives in partnership with local elected officials; members are appointed by the chief local elected officials from eight

jurisdictions, which membership includes representatives from business, education, community-based organizations, economic development, public employment services, public assistance agencies, vocational rehabilitation and labor organizations; and membership is drawn from individuals who have policy-making authority.

He advised that the Workforce Development Board serves as a point of contact for business, industry and the public sector to communicate their workforce needs, promote strategies to encourage lifelong learning and improve workplace skills; the Board assists in the development of new training programs to benefit the area's workforce, and conduct planning, oversight and evaluation of local workforce development programs including Workforce Centers; and coordinates efforts and activities with economic development to promote the area's availability of qualified workers and to promote cooperation among business and the public sector.

Mr. Wood explained that Workforce Centers are located in the City of Roanoke, Franklin County, and the City of Covington and serve the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke and the Cities of Covington, Roanoke and Salem. He stated that Workforce Centers offer individuals a full assortment of career planning services including job listings, vocational training, job referral, job seeking workshops, resume writing, job appointments, unemployment insurance, copier and fax service, job search assistance, job seeker skills workshops, on-the-job training, work experience, GED classes and testing, educational opportunities, youth vocational training, supportive services and local educational facilities and program referral. He stated that Workforce Centers offer businesses a wide range of value-added services, including applicant screening, applicant referrals, on-the-job training, work keys assessment, skill proficiency testing, pre-employment assessment, pre-employment training, labor market information, area wage surveys, small business assistance, entrepreneurial training, job postings, computerized skills-based matching, tax credits for hiring eligible employees, prevailing wage information, economic trends and other business resources.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

POLICE DEPARTMENT-BUDGET-DONATIONS/CONTRIBUTIONS: The City Manager submitted a communication advising that as the horrific events of September 11, 2001, were taking place all law enforcement agencies were forced to evaluate their response to acts of terrorism; the Roanoke Police Department has taken a pro-active approach to reduce the risk, and subsequently prepare the community for such threats; the mission of the Police Department's Homeland Defense Initiative is to assist organizations in the private, public, and government sector with awareness and understanding of combating terrorism through teamwork and partnerships; the Police Department has developed and offers to Roanoke Valley police officers a 40 hour block of instruction which focuses specifically on domestic preparedness through deterrence and combating terrorism; and additional specialized training has been identified in an effort to provide officers with adequate training to enhance their ability to prepare jurisdictions.

It was further advised that The Allstate Foundation has offered to donate $15,000.00 to the Police Department to offset expenses incurred from providing this specialized training; and City Code Section 2-263 requires action by Council to approve acceptance of gifts exceeding $5,000.00 in value.

The City Manager recommended that Council authorize acceptance of $15,000.00 for Homeland Defense training from The Allstate Foundation, with appreciation; and that Council further authorize appropriation of funding in Account No. 001-640-3114-2064, with a revenue estimate in the same amount to be established in the General Fund.

Mr. Carder offered the following budget ordinance:

(#36145-120202) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General Fund Appropriations, and dispensing with the second reading by title of the ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 539.)

Mr. Carder moved the adoption of Ordinance No. 36145-120202. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

Mr. Bestpitch offered the following resolution:

(#36146-120202) A RESOLUTION authorizing the City Manager to accept the donation of $15,000 from The Allstate Foundation for use by the City of Roanoke Police Department for specialized Homeland Defense training, and expressing appreciation for such donation.

(For full text of Resolution, see Resolution Book No. 66, page 540.)

Mr. Bestpitch moved the adoption of Resolution No. 36146-120202. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

Council Member Cutler suggested that Police Officer Eric A. Horne be invited to a future City Council meeting to present a briefing on Homeland Defense training.

CITY CODE-SEWERS AND STORM DRAINS-WATER RESOURCES-ENVIRONMENTAL POLICY: The City Manager submitted a communication advising that upon annual review of the Sewer Use Standards, staff identified one item which requires modification and a second item which requires clarification; recommendations include addition of language to allow for regulated industries to use time composite sampling and the second modification clarifies that regulated industries will submit surcharge information, upon written request of the Control Authority (Water Pollution Control Plant); the recommended changes will help reduce compliance burdens for regulated industries; and the Department of Environmental Quality has reviewed the recommended changes and classified the changes as minor and issued their approval.

The City Manager recommended that Council adopt revisions to the Sewer Use Standards, Code of the City of Roanoke (1979), as amended, Article III, Chapter 26, Subsections 26-55 (a) and (e), as more fully described in a proposed ordinance.

Mr. Dowe offered the following ordinance:

(#36147-120202) AN ORDINANCE amending and reordaining subsection (a) and (e) of §26-55, Measurement; sampling, etc., and report of discharges, of Chapter 26, Sewers and Sewage Disposal, Article III, Sewer Use Standards, Code of the City of Roanoke (1979), as amended, in order to clarify existing provisions of this Chapter

and make them consistent with other aspects of the program; which proposed amendments have been approved by the Virginia Department of Environmental Quality (DEQ); and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 541.)

Mr. Dowe moved the adoption of Ordinance No. 36147-120202. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

TAXES: The City Manager submitted a communication advising that on November 5, 2002, Virginians voted in favor of Constitutional Amendment #2 of Article X, Taxation and Finance, Section 6, Exempt Property, which amendment transfers the responsibility of determining tax exempt property from the General Assembly to the local governing body, effective January 1, 2003.

It was further advised that the City's current policy regarding supporting requests of non-profit organizations to exempt certain property from taxation was adopted on February 18, 1992, and requires that such organizations agree to pay an annual service charge equal to 20 per cent of the real estate tax levy on the property to be exempted as a condition to receiving a resolution from City Council supporting the request for tax exemption to the General Assembly; and the General Assembly requires a resolution by the local governing body before processing a request for exemption.

It was explained that the constitutional amendment requires a modification to the City's current policy for supporting requests of non-profit organizations to exempt certain property from taxation; essentially, City Council will now have final authority for determining tax-exempt property for non-profit organizations; and although the policy redefines the process and has been reviewed by the Commissioner of the Revenue, the Director of Real Estate Valuation, and the City Clerk, further legislation may be forthcoming from the General Assembly which may require further amendment of the policy.

The City Manager recommended that Council approve a modified City policy regarding the determination of tax-exempt property.

Mr. Carder offered the following resolution:

(#36148-120202) A RESOLUTION adopting a new policy and procedure with respect to requests of certain non-profit organizations to exempt certain property from taxation pursuant to Article X, §6 (a)(6), of the Constitution of Virginia, repealing Resolution No. 30884-021892, adopted February 18, 1992, as amended by Resolution No. 35645-111901, adopted November 19, 2001.

(For full text of Resolution, see Resolution Book No. 66, page 542.)

Mr. Carder moved the adoption of Resolution No. 36148-120202. The motion was seconded by Mr. Dowe.

Following discussion, Council Member Carder inquired as to whether Council may require that those organizations, which petition the City to have their real property declared tax exempt, agree to pay, voluntarily, the service district tax currently imposed in two areas of the City (downtown and Williamson Road).

The City Attorney advised that he would research the matter and advise Council accordingly.

Resolution No. 36148-120202 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

TOWING CONTRACT: The City Manager submitted a communication advising that an invitation for bid for the City's Towing Contract was advertised in The Roanoke Times and the Roanoke Tribune; and a pre-bid conference was held September 23, 2002, and as a result of questions asked during that pre-bid conference, two addenda were sent to prospective bidders, one extending the deadline for receipt of bids from October 7 to October 28 and the other clarifying questions that were asked at the pre-bid conference; on October 28, 2002, two bids were received, one from Robert Young Towing and the other from Woods Service Center; and after reviewing the two bids, it was determined that both bidders responded in a way which is deemed to be "non- responsive"; reviewers had to make assumptions as to annual costs for both bidders inasmuch as both bidders provided bids in formats different than that requested by the City; City

representatives will meet with both bidders to discuss format so as to accurately compare bids in response to another Invitation for Bid; therefor, it is recommended that both bids be rejected and following a meeting with both bidders, the bid format will be revised and readvertised.

The City Manager recommended that Council reject all bids submitted for a City Towing Contract.

Mr. Carder offered the following resolution:

(#36149-120202) A RESOLUTION rejecting all bids for a City of Roanoke Towing Contract.

(For full text of Resolution, see Resolution Book No. 66, page 543.)

Mr. Carder moved the adoption of Resolution No. 36149-120202. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

CITY CODE-TAXES-REAL ESTATE VALUATION: The City Attorney submitted a written report advising that Section 32-39, Code of the City of Roanoke, (1979), as amended, authorizes the Circuit Court to appoint annually three persons to serve one-year terms of office as a Board of Equalization for the City with authority to adjust, upon appeal, real property assessments; Section 58.1-3373, Code of Virginia, in the alternative, permits appointment by the Court of either three or five members to such a board, who would be appointed for staggered terms of three terms (initial appointments would be for terms of one, two, and three years in order to implement the staggered terms), in an effort to create an on-going or "permanent" board; and "permanent" board would have the advantage of helping to ensure that one or more members of the board are experienced in their work, and will also help to ensure continuity.

It was further advised that the Director of Real Estate Valuation supports creation of a "permanent" board; the choice of appointing Board of Equalization members for annual, or three-year terms of office, is a policy issue for Council; whereupon, he transmitted a measure hat would amend §532-39 and create a "permanent" Board of Equalization for consideration by Council.

Mr. Bestpitch offered the following ordinance:

(#36150-120202) AN ORDINANCE amending §32-39, Board of Equalization, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, by changing the terms of appointment of members to the Board of Equalization; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 544.)

Mr. Bestpitch moved the adoption of Ordinance No. 36150-120202. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of October 2002.

Council Member Cutler inquired if the purchase of water from Roanoke County and the City of Salem are about to taper off as the water level begins to rise at Carvins Cove. The City Manager advised that the City continues to purchase water from Salem and Roanoke County, no bill has been received for the month of November, it is anticipated that water will continue to be purchased for an indefinite period of time, and as water availability improves, the City will look for opportunities to cut back on the volume of water which is purchased from surrounding localities. She stated that the City cannot continue, indefinitely, to use retained earnings to fund monthly water bills from other localities and in all probability, Council will be requested within the next six to eight weeks, to establish higher water rates to address not only water projects, but additional capital projects that are necessary to ensure an adequate water supply for Roanoke's citizens, while the City continues to engage in discussions with Roanoke County relating to creation of an authority.

Without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

ZONING: Ordinance No. 36141, on second reading, amending certain conditions presently binding upon property bearing Official Tax No. 2761409, previously rezoned C-2, General Commercial District, by the adoption of Ordinance No. 32294-121994, and to rezone a portion of property bearing Official Tax No. 2761421, from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to proffered conditions contained in a Second Amended Petition filed in the City Clerk's Office on September 5, 2002, said property being located at the corner of Virginia Avenue and Westside Boulevard, N. W., having previously been before the Council for its first reading on Monday, November 18, 2002, read and adopted on its first reading and laid over, was again before the body, Mr. Dowe offering the following for its second reading and final and adoption:

(#36141-120202) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 276, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property bearing Official Tax No. 2761409, previously conditionally rezoned C-2, General Commercial District, by the adoption of Ordinance No. 32294-121994, and to rezone a portion of property bearing Official Tax No. 2761421 from RS-3, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions.

(For full text of Ordinance, see Ordinance Book No. 66, page 534.)

Mr. Dowe moved the adoption of Ordinance No. 36141-120202. The motion was seconded by Mr. Carder.

Council Member Bestpitch advised that his position has nothing to do with the petitioner or his business. He stated that rezoning ordinances do not zone individuals, but they do zone property, and he believes that two important questions should be answered when considering rezoning requests; i.e.: (1) is it a building which needs to be rezoned in order to be continued in some productive way and would otherwise be likely to remain empty and fall into disrepair, or (2) is there a shortage of a particular type of property within the general area of the City where the rezoning is being requested. He stated that the answer to the first question is that

there is no commercial building at this location, so there is no possibility of the building falling into disrepair and not being used, and the answer to the second question is that there are approximately 34 C-2 properties within one-half mile of this location that are either vacant or under utilized and approximately 80 properties within one mile. He advised that he is surprised that no small business owners and/or commercial property owners have protested these types of rezoning applications, because the affect of approving the ordinance under consideration is that it makes it that much harder for those property owners who have existing C-2 property to find someone who is willing to either lease or purchase their property at what the property should be worth.

Council Member Wyatt advised that she believes that a person's word is their bond. She stated that she served on Council when Mr. Wells gave his word that he would request only one exception, but he has repeatedly returned to the Council requesting further expansion of his business. She advised that out of compassion for Mr. Wells as a small business owner, she voted in favor of his previous request, but she is not inclined to support further expansion of his business.

Council Member Dowe advised that there are certain clear cut, black and white rules that help to assist in the governing of citizens, however, not everything falls within a specified parameter. He stated that he has been appreciative of the City's efforts to sustain businesses within the City of Roanoke and especially appreciative of the City's efforts in regard to small businesses that have opportunities to go elsewhere, but they have been able to sustain and to be successful in the City of Roanoke. He advised that the same principle used by the City to govern large entities in other sections of the City should also apply to the request of Mr. Wells and it would behoove Council to remain as consistent as possible.

Ordinance No. 36141-120202 was adopted by the following vote:

AYES: Council Members Carder, Cutler, Dowe, Harris, and Mayor Smith-----5.

NAYS: Council Members Bestpitch and Wyatt----------2.

CITY COUNCIL: Mr. Carder offered the following resolution canceling the work session meeting of City Council scheduled to be held at 12:15 p.m., on Monday, December 30, 2002:

(#36151-120202) A RESOLUTION canceling the work session meeting of City Council scheduled to be held at 12:15 p.m., on December 30, 2002.

(For full text of Resolution, see Resolution Book No. 66, page 545.)

Mr. Carder moved the adoption of Resolution No. 36151-120202. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

MOTIONS AND MISCELLANEOUS BUSINESS:

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

CITY EMPLOYEES: Mr. Bestpitch offered the following resolution closing City offices on Tuesday, December 24, 2002, and providing for additional holiday leave for all City employees:

(#36152-120202) A RESOLUTION closing certain City offices on Tuesday, December 24, 2002, and providing for additional holiday leave for all City employees.

(For full text of Resolution, see Resolution Book No. 66, page 546.)

Mr. Bestpitch moved the adoption of Resolution No. 36152-120202. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt and Mayor Smith----------7.

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

ZONING-COMMUNITY PLANNING: Council Member Wyatt inquired about the status of a proposed ordinance regulating tattoo parlors in the City of Roanoke; whereupon, the City Manager advised that the matter will be included on the next agenda of the City Planning Commission for consideration and referral to Council for appropriate action.

CELEBRATIONS: Council Member Carder called attention to the annual lighting of the City's Christmas Tree on Friday, December 6, 2002, at 5:30 p.m., at First Union Plaza, and the annual Christmas Parade on December 13, 2002, at 6:30 p.m.

PARKS AND RECREATION-LANDMARKS/HISTORIC PRESERVATION: Mayor Smith acknowledged the efforts of all persons responsible for activities associated with dedication of the historic plaque at the Mill Mountain Star on November 27 at 12:00 noon.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The 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 any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-REAL ESTATE VALUATION-CITY EMPLOYEES-WATER RESOURCES: Mr. Robert Gravely, 1728 Patterson Avenue, S. W., expressed dissatisfaction with wages paid to City employees, real estate assessment of properties in certain areas of the City, the City's high crime rate, and the City's water supply shortage.

CITY MANAGER COMMENTS: NONE.

At 4:00 p.m., the Mayor declared the meeting in recess for two Closed Sessions.

At 4:45 p.m., the meeting reconvened in the City Council Chamber, with Mayor Smith presiding, and all Members of the Council in attendance, with the exception of Vice-Mayor Harris who left the meeting during the Closed Session.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Carder 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 Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith----------6.

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

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-TRAFFIC: The Mayor advised that the 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, expired on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Julian H. Raney, Jr., and John B. Ferguson.

There being no further nominations, Messrs. Raney and Ferguson were reappointed as members of the Court Community Corrections Program Regional Criminal Justice Board, for terms ending June 30, 2005, by the following vote:

FOR MESSRS. RANEY AND FERGUSON: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith----------6.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-ROANOKE NEIGHBORHOOD PARTNERSHIP: The Mayor advised that the terms of office of Robin Murphy-Kelso, Shirley M. Bethel and Carl D. Cooper as members of the Roanoke Neighborhood Partnership Steering Committee, expired on November 30, 2002, and called for nominations to fill the vacancies.

Mr. Bestpitch placed in nomination the names of Robin Murphy-Kelso, Shirley M. Bethel and Carl D. Cooper.

There being no further nominations, Ms. Murphy-Kelso, Ms. Bethel and Mr. Cooper were reappointed as members of the Roanoke Neighborhood Partnership Steering Committee, for terms ending November 30, 2005, by the following vote:

FOR MS. MURPHY-KELSO, MS. BETHEL AND MR. COOPER: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith----------6.

(Vice-Mayor Harris was absent.)

OATHS OF OFFICE-BLUE RIDGE BEHAVIORAL HEALTHCARE BOARD OF DIRECTORS: The Mayor advised that the term of office of Robert Williams, Jr., as a member of the Blue Ridge Behavioral Healthcare Board of Directors will expire on December 31, 2002, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Robert Williams, Jr.

There being no further nominations, Mr. Williams was reappointed as a member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2005, by the following vote:

FOR MR. WILLIAMS: Council Members Bestpitch, Carder, Cutler, Dowe, Wyatt and Mayor Smith----------6.

(Vice-Mayor Harris was absent.)

There being no further business, the Mayor declared the meeting adjourned at 4:50 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

SPECIAL SESSION – ROANOKE CITY COUNCIL
December 6, 2002
10:30 a.m.

The Council of the City of Roanoke met in special session on Friday, December 6, 2002, at 10:30 a.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor C. Nelson Harris presiding, pursuant to Section 10, Meetings of Council of the Charter of the City of Roanoke.

PRESENT: Council Members William D. Bestpitch, William H. Carder, Alfred T. Dowe, Jr., Linda F. Wyatt and Vice-Mayor C. Nelson Harris----------5.

ABSENT: Council Member M. Rupert Cutler and Mayor Ralph K. Smith--------2.

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 meeting was opened with a prayer by Vice-Mayor Harris.

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

ZONING-ROANOKE CIVIC CENTER-STADIUM: The Vice-Mayor advised that the special meeting was called pursuant to the following communication from the City Manager:

"December 4, 2002

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of City Council:

Pursuant to §10, Meetings of Council, of the Charter of the City of Roanoke, I am calling a Special Meeting of Roanoke City Council to be held in Council

Chambers, 4th Floor, Municipal Building, on Friday, December 6, 2002, at 10:30 a.m., for the purpose of considering authorizing the filing of an amended petition to rezone the stadium/amphitheatre property.

Sincerely yours,
s/ Darelene L. Burcham
Darlene L. Burcham
City Manager

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

Mr. Carder offered the following resolution:

(#36153-120602) A RESOLUTION authorizing the filing of a petition to rezone property which is owned by the City of Roanoke and which is designated as Official Tax Nos. 3070301, 3070302, 3070303, 3070304, 3070305, 3070306, 3070307, 3070308, 3070309, 3070310, 3070313, 3070314, 3070315, 3070316, 2041816, 2041817, 3070501 and 3070318 and property which is owned by Calvin W. and Mary C. Powers and Theodore J. and Judy P. Sutton and which is designated as Official Tax No. 3070321.

(For full text of resolution, see Resolution Book No. 67, page 1.)

Mr. Carder moved the adoption of Resolution No. 36153-120602. The motion was seconded by Mr. Dowe.

Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, spoke in support of preserving Victory Stadium in memory of those veterans who served in World War II. He advised that Victory Stadium should be declared a historic landmark and used for outdoor events, such as the Fourth of July celebration, etc., and it is hoped that the $18 million which is to be used for construction of a new stadium/amphitheatre is a wise use of taxpayers' money.

The City Manager presented copy of a petition that is proposed to be filed on behalf of the City of Roanoke before the close of the day, provided that the above referenced measure is approved by Council. She called attention to the following proffers: (1) the property shall be used only for a coliseum, stadium, exhibit hall or similar facility or facilities; (2) provision of on-site parking shall include no less than 750 parking spaces and shall not exceed a maximum of 900 parking spaces; (3) there shall be no more than two points of vehicular ingress to or egress from, the

property with those two points of access limited to one point on Courtland Road, N. E., and one point on Carver Avenue, N. E.; (4) landscaping consisting of deciduous and evergreen trees, shrubs, perennials, grasses, ground covers, and vines, shall be planted and maintained on at least 15 per cent of the total site area; and (5) stadium field irrigation shall be supplemented by a rain water harvesting system which should reduce the dependence of the facility on the public water supply and reduce storm water run off. She stated that it is believed that this is a significantly different application than the one previously filed and the approval of Council is requested in order to file the petition. At the time of filing, she advised that a joint public hearing before the Council and the City Planning Commission on Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, will be requested.

For the record, Council Member Bestpitch asked that the City Manager confirm that the traffic and parking plan for the stadium/amphitheater complex has been completed, the City has identified the cost of implementing the plan, and any person who wishes to review costs, or how costs will be covered, may contact the City Manager's Office to obtain such information. The City Manager responded in the affirmative to all of the above.

There being no further discussion, Resolution No. 36153-120202 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Dowe, Wyatt and Vice-Mayor Harris----------5.

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

(Council Member Cutler and Mayor Smith were absent.)

There being no further business, the Vice-Mayor declared the special meeting adjourned at 10:50 a.m.

APPROVED

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

CITY OF ROANOKE
OFFICE OF THE MAYOR
215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

RALPH K. SMITH
Mayor

January 21, 2003

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

Dear Members of Council:

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

Sincerely,

Ralph K. Smith
Mayor

RKS:sm

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CITY OF ROANOKE
REAL ESTATE VALUATION
215 Church Avenue, S.W., Room 250
Roanoke, Virginia 24011

WILLARD N. CLAYTOR
Director

Telephone: (540) 853-2771
Facsimile: (540) 853-2796

January 16, 2003

Honorable Mayor Ralph K. Smith
and Members of Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

As prescribed by law, the Office of Real Estate Valuation has completed the Annual General Reassessment Program for Fiscal Year 2003-04. "Change of Assessment Notices" will be mailed to property owners January 18, 2003.

The real estate tax base has increased approximately **5.95%** due to this year's annual reassessment. This figure is subject to appeals and excludes new construction. Nearby localities experienced similar growth in property values. Roanoke County assessments increased by 5.4% this year. In the City of Salem, values increased 10% over their two year assessment cycle.

New construction in Roanoke City totals $80.5 million dollars and will add another **1.86%** to the tax base. This is down slightly from last year's 2.06% rate. Residential new construction totals $43.7 million dollars and commercial new construction totals $36.8 million dollars. Last year's new construction totaled $84.3 million dollars.

Overall, the general reassessment program and new construction indicate growth of **7.8%** in the real estate tax base to July 1, 2003. Last year's growth was 5.3%.

Please keep in mind the values will be adjusted for tax freezes, tax abatements and other miscellaneous items to arrive at a revenue estimate for the next fiscal year.

Unlike the financial markets, the real estate markets have remained strong during the last three years of weak economic growth. Low interest rates generally, and *historically* low mortgage interest rates in particular, have help the real estate markets weather this recessionary environment. The rates continue to fuel increased new home construction, remodeling and repair activity.

Individual property assessments vary widely from the citywide average of 5.95%. Most assessment changes will range from 4% to 8%, with a majority at 7% or less. If an owner has made improvements to the property during the year that increased its value, that property owner may receive an increase higher than others.

Assessment Appeals will be conducted from January 18 through February 15, 2003. I would be most happy to respond to any inquiries you may receive from our citizens about the reassessment program. You recently passed an ordinance creating a permanent Board of Equalization. I expect the Board of Equalization to begin hearing appeals in April of this year.

Should you need additional information or assistance with an assessment matter, please feel free to call me.

Respectfully submitted,

Willard N. Claytor
Director

Attachment

c: The Honorable Sherman A. Holland, Commissioner of the Revenue
The Honorable David C. Anderson, City Treasurer
Darlene L. Burcham, City Manager
Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Drew Harmon, Municipal Auditor

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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

January 21, 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr. Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Special Military Leave Pay

Background:

Military leave at full pay is limited to fifteen work days per federal fiscal year for employees of the City of Roanoke who are military reservists called to active duty. City Council approved Special Military Pay on November 5, 2001, to provide supplemental pay for military reservists called to active duty related to the war on terrorism. This special council action was effective through September 30, 2002, and benefited three City employees called from reserves to active duty. There are thirty-eight reservists in twelve departments within the City of Roanoke full time employment.

Recommended Action:

Approve special policy to pay military reservists who are called to active duty and serve between October 1, 2002 and September 30, 2003 the difference between their military base pay (including any other related compensation received from

the military) and pay with the City of Roanoke in their current job. Covered employees would be those reservists who are called to active duty related to our country's war on terrorism subsequent to the employee's employment with the City of Roanoke. This supplemental pay will be provided upon request and with necessary documentation to the Department of Human Resources.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:bka

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Kenneth S. Cronin, Director of Human Resources

CM02-0270

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing payment of supplementary compensation and restoration of certain benefits to certain employees called to active military duty.

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

1. The City shall pay, upon request, to any City employee who is a military reservist and who, between October 1, 2002, and September 30, 2003, is called to and serves in active duty related to our country's war on terrorism, subsequent to that employee's employment with the City, a supplement equal to the difference between that employee's regular City salary and military base pay plus any other compensation received for military service. This supplement shall not be paid for any days that regular City salary must be paid to such employees. Employees shall provide the Department of Human Resources with the necessary documentation to establish their eligibility for the supplement.

2. Each such employee shall be deemed to have earned City vacation, paid and extended illness leave for the period of such active duty in the same manner as if such employee had remained in service with the City.

3. For each such employee who returns to service with the City within seven (7) working days of the conclusion of such active military duty, the City shall pay the City portion of the health and dental benefit premiums necessary to provide coverage for the employee effective upon the date of return to service with the City.

ATTEST:

City Clerk

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CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Fire Programs Grant

Background:

The Fire Programs Fund was established by the General Assembly effective October 4, 1985, pursuant to section 38.1-44.1 of the Code of Virginia. The sunset clause requiring expiration of this fund July 1, 1990 was removed; thus, the City's annual allocation of state funds will continue indefinitely.

Program guidelines require that funds received are non-supplanting and may not be used to replace existing local funding. Funds must be used in accordance with the provisions established by the State Department of Fire Programs.

The City of Roanoke's allocation of $127,201.85 was deposited into account 035-520-3233-3233 from the Department of Fire Programs.

Considerations:

The City's portion of the Roanoke Regional Fire-EMS Training Center debt service is $60,000, which is paid annually from this revenue source.

City Council action is needed to formally accept and appropriate these funds, and authorize the Director of Finance to establish revenue estimates and appropriate accounts in the Grant Fund to purchase equipment and supplies in accordance with provisions of this program.

Recommended Action:

Authorize the City Manager to accept the grant, to accept and file any documents setting forth the conditions of the FY2003 Fire Programs Funds Grant, to furnish such additional information as may be required and appropriate grants funds of $127,202 with corresponding revenue estimates in accounts established by the Director of Finance in the Grant Fund.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:jsf

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George S. Snead, Assistant City Manager for Operations
James Grigsby, Fire-EMS Chief

#CM02-00294

Fire Program Fund FY03		$127,201.85
1. Expendable Equipment	(035-520-3233-2035)	$ 22,201.85
2. Training and Development	(035-520-3233-2044)	$ 10,000.00
3. Wearing Apparel	(035-520-3233-2064)	$ 30,000.00
4. Recruiting	(035-520-3233-2065)	$ 5,000.00
5. Regional Training Facility	(035-520-3233-9073)	$ 60,000.00

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 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 certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	$	2,579,797
Fire Program Fund FY03 (1)		127,202

Revenues

Public Safety	$	2,579,797
Fire Program Fund FY03 (2)		127,202

1)	Expendable Equipment <$5,000	(035-520-3233-2035)	$ 22,202
2)	Training and Development	(035-520-3233-2044)	10,000
3)	Wearing Apparel	(035-520-3233-2064)	30,000
4)	Recruiting	(035-520-3233-2065)	5,000
5)	Regional Fire Training Facility	(035-520-3233-9073)	60,000
6)	State Grant Receipts	(035-520-3233-3233)	127,202

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.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of the FY2003 Fire Programs Funds Grant made to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

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

1. The City of Roanoke hereby accepts the offer made by the Virginia Department of Fire Programs of the FY2003 Fire Programs Funds Grant in the amount of $127,201.85.

2. The City Manager or the Assistant City Manager for Operations is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of the FY2003 Fire Programs Funds Grant.

3. The City Manager or the Assistant City Manager for Operations is further directed to furnish such additional information as may be required by the Virginia Department of Fire Programs in connection with the City's acceptance of the foregoing grant or with such project.

ATTEST:

City Clerk

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CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor and Members of Council:

Subject: Acceptance of Byrne Grant, Appropriation of Funds, and Authority to Execute Agreement with Va. CARES

Background:

Virginia Community Action Re-entry System, Inc. (Va. CARES) is a statewide, nonprofit offender services organization with its home office in the City of Roanoke. Va. CARES was awarded $950,000 in state funding from the Virginia Department of Criminal Justice Services (DCJS) to operate from July 1, 2002, to June 30, 2003. Due to budget cuts, DCJS notified Va. CARES that state funds would terminate on December 31, 2002, but that federal Byrne Memorial Formula Grant Program (Byrne Grant) funds, also administered by DCJS, would be made available for the remainder of the program year. The federal funds require a 25% cash match and may be awarded only to a locality, which would then be expected to contract with Va. CARES to conduct the offender services. At its meeting on January 6, 2003, by resolution 36192-010603, City Council authorized the City Manager to sign an application for $331,102 in Byrne Grant funds, contingent upon Va. CARES' ability to secure and operate for at least the initial six weeks with the matching funds.

Considerations:

Since City Council's action on January 6th, the City has been in contact with DCJS, which has provided the forms for accepting the Byrne Grant. At the same time, Va. CARES has been working to secure all necessary matching funds and is presently using matching funds to operate, in accordance with the City's conditions regarding the Byrne Grant application. Va. CARES and City staff have also held meetings to work out the details of a contract between the two parties. Attached to this report is a draft contract, which incorporates all applicable provisions of the Va. CARES program design from its prior agreement with DCJS, as well as the

application for the Byrne Grant funds and the pending grant agreement between the City and DCJS. Under the contract, the City will act as fiscal agent and project administrator, but day-to-day operational activities, such as service delivery, payroll functions and vendor payments, will be performed by the Va. CARES home and satellite offices and its subcontractors.

Because Va. CARES operates through a network of twelve (12) offices, including its home office, two (2) Va. CARES satellite offices and nine (9) subcontractor offices, it would not be feasible for the City to obtain all source documents for expenditures when disbursing grant funds. In addition, because Va. CARES has no cash flow other than the matching funds it has secured, the City would need to begin advancing grant funds as early as February 2003. As with any advance disbursement agreement, the City must be willing to assume a level of risk with respect to the actuality of disbursed funds being expended and the allowability of those expenditures. Contract procedures will provide that Byrne Grant funds disbursed to Va. CARES cannot exceed the amount warranted by match expenditures, in principle avoiding City liability for match shortfalls. Limited reviews of expenditure source documents can be made by the Department of Finance at interim points during the period of the Agreement, prior to the program audit. The City's risk is further mitigated by the over twenty (20) years of Va. CARES' continuous operation and its consistent record with the State for clean audits. However, risk cannot be eliminated. It is also important to consider that, should Va. CARES not secure funding for the future, obtaining program records and other efforts associated with closing out the program will be the City's responsibility.

Recommendations:

1. Authorize the City Manager to sign, on behalf of the City, the necessary forms for accepting the DCJS Byrne Grant funds;

2. Appropriate $331,102 in Byrne Grant funds to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance; and

3. Authorize the City Manager to execute a subgrant agreement with Va. CARES, similar in form and content to the attached draft, approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham
City Manager

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Frank E. Baratta, Budget Team Leader

CM03-00008

AGREEMENT

This Agreement is made and entered into this first day of January, 2003, in the City of Roanoke, by and between the following parties:

The Grantee	City of Roanoke, Virginia 215 Church Avenue, S.W. Roanoke, Virginia 24011
The Subgrantee	Virginia Community Action Re-Entry System, Inc. ("Va. CARES") 145 Campbell Avenue, S.W., Suite 555 Roanoke, Virginia 24011

WITNESSETH:

WHEREAS, by Resolution No. _____-010603 the Roanoke City Council authorized the City Manager to apply to the Virginia Department of Criminal Justice Services ("DCJS") for Byrne Memorial Formula Grant Program ("Byrne Grant") funds on behalf of the Subgrantee; and

WHEREAS, by Resolution No. _____-012103 the Roanoke City Council authorized the City Manager to accept the $331,102 Byrne Grant award from DCJS and approved the execution of a subgrant agreement between the Grantee and the Subgrantee, and by Ordinance No. _____-012103 appropriated funds therefor;

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. **PURPOSE:**

   This Agreement shall implement the activities, services, performance objectives, and terms and conditions of Section B, Project Description, of the DCJS Statement of Grant Award, dated June 28, 2002 ("Project Description"), the Byrne Grant application, dated November 14, 2002 ("Application"), and the DCJS Statement of Grant Award, dated December 20, 2002 ("Award"), which are incorporated hereinto by reference and which shall be binding upon the Grantee and the Subgrantee and its subcontractors. All changes, amendments or revisions to these documents shall likewise be incorporated hereinto by reference and shall be binding upon the Grantee and the Subgrantee and its subcontractors.

2. **STATEMENT OF RESPONSIBILITIES:**

   a. General – Pursuant to the purpose stated in section 1, the Grantee and the Subgrantee shall undertake a program, known as "Va. CARES," of pre-release and post-incarceration services for offenders through a network of subcontractors encompassing a service area of some forty-four cities and counties within the Commonwealth of Virginia. These services shall ease and assist the re-integration of such individuals into these communities and into productive, law-abiding lifestyles.

b. Responsibilities of the Grantee -- During the period of this Agreement, defined in section 3, the Grantee shall:

(1) Act as the fiscal agent for the Va. CARES program, including:

(a) Approving and submitting draw requests to DCJS, based, as applicable, on the timely and satisfactory documentation provided by the Subgrantee;
(b) Disbursing funds to the Subgrantee, according to procedures stated in section 5;
(c) Maintaining records of such transactions in sufficient detail as may be needed for DCJS reviews, audits or other similar purposes.

(2) Act as project administrator for the Va. CARES program, including:

(a) Compiling and submitting financial and programmatic reports as are required by the DCJS grant award, including reviewing and approving such reports as prepared by the Subgrantee pursuant to section 2.c. below; and
(b) Providing general programmatic and administrative guidance and other nonfinancial support to the Subgrantee;

c. Responsibilities of the Subgrantee -- During the period of this Agreement, defined in section 3, the Subgrantee shall:

(1) Maintain home office staffing and subcontractor assistance sufficient to ensure satisfactory performance under this Agreement and compliance with DCJS terms, conditions and performance expectations;

(2) Perform all day-to-day program operations, including, but not limited to:

(a) Delivery, through subcontractors or home office staff, of all client services;
(b) Administration of home office personnel functions such as payroll and records management;
(c) Development and administration of subcontractor agreements, including review, approval and payment of subcontractor and other vendor invoices, allowable under and consistent with the Project Description, Application, and Award;
(d) Monitoring and oversight of subcontractors activities and overall achievement of programmatic and financial performance objectives, including applying timely and appropriate measures to remedy underperformance; and
(e) All other activities associated with the day-to-day operations of the Va. CARES program, as described in the Project Description, Application, and Award.

(3) Maintain regular communications with the Grantee's Project Manager, identified in section 19 below, regarding the activities and progress of the Va. CARES program, including circumstances which both positively or adversely affect the Subgrantee's, and thereby, the Grantee's, ability to satisfy the terms and conditions of the Project Description, Application and Award.

(4) Ensure that all provisions of this Agreement and those of the Project Description, Application and Award are incorporated into all subcontracts pursuant to the Va. CARES program to which the Subgrantee is a party. The Subgrantee shall provide the Grantee a copy of each subcontractor agreement, and any amendments thereto.

(5) Prepare and submit to the Grantee quarterly progress and financial reports and final close-out documents complying with DCJS requirements, as further described in section 7 below.

3. **PERIOD OF THE AGREEMENT:**

Unless amended, this Agreement shall begin January 1, 2003, and end June 30, 2003.

4. **BUDGET:**

The total Va. CARES program budget under this Agreement shall be $441,464. This amount shall be composed of up to $331,102 in Byrne Grant funds to be made available by the Grantee and $110,362 in cash matching funds contributed by the Subgrantee's subcontractors and home office. The Grantee shall not be liable for any match shortfall. The Subgrantee's specific line item authority shall be as authorized under the Application and Award.

5. **DISBURSEMENT PROCEDURES:**

a. Disbursements – As soon as practicable following its January 2003 closing, and, thereafter, not more frequently than monthly, the Subgrantee shall submit to the Grantee's Project Manager a disbursement and reconciliation request. Such request shall be in a format and provide documentation satisfactory to the Grantee to identify expenditures for the preceding period and estimate expenditures for the current period, which may be one or more months. At no time shall the amount of grant funds disbursed exceed three (3) times the amount of match expended. Within ten (10) calendar days of the receipt of a properly documented request, the Grantee shall disburse any grant funds requested by and due to the Subgrantee. Proper documentation for a request shall include the timely receipt of monthly and quarterly reports, as described in section 7 below.

b. Match Adjustment – Because of the necessity for the Subgrantee and its subcontractors to satisfy the match liability prior to receiving a disbursement of grant funds, in the event of an underexpenditure of grant funds, it is possible that the amount of match expended may exceed the 25% DCJS requirement. Any grant disbursement adjustments needed to reimburse overages of necessary match expenditures shall be requested by the Subgrantee only as part of the final reconciliation and close-out.

c. Final Reconciliation – Within ten (10) calendar days after the date of expiration of this Agreement, as defined in section 3, the Subgrantee shall make payment on all outstanding, allowable costs incurred during the period of this Agreement. Within sixty (60) calendar days after the date of expiration of this Agreement, the Subgrantee shall submit to the Grantee a final reconciliation of all Byrne Grant funds remaining on hand, and shall remit

to the Grantee the full amount of any such remaining Byrne Grant funds.

6. **AUDIT:**

The Subgrantee shall provide for an independent audit to be made of the expenditures under this Agreement and for two (2) copies of the completed audit to be delivered to the Grantee.

7. **RECORDS AND REPORTS:**

a. Records -- The Subgrantee and its subcontractors shall maintain full and accurate records with respect to all matters covered under this Agreement. Documentation shall be at a level of detail sufficient to allow for monitoring reviews and audit. All records pertaining to this Agreement, and the services performed pursuant to it, shall be retained for the applicable period required by DCJS after the expiration date of this Agreement. Appropriate Grantee and/or DCJS personnel shall have free access during normal business hours to those records, including those maintained by the Subgrantee's subcontractors, for the period of this Agreement and the subsequent DCJS-required retention period. The Subgrantee and its subcontractors shall provide copies of expenditure source documents as requested by the Grantee for the purpose of conducting reviews. In the event that the Subgrantee discontinues operations following the expiration of this Agreement, it shall transfer to the Grantee all home office records pertaining to the Agreement and shall require that subcontractor records are retained by subcontractors until audited or until the expiration of the retention period required by DCJS, whichever is later.

b. Monthly Reports – By the 15th of each month, the Subgrantee shall submit to the Grantee's Project Manager a report of the progress of the program. The format and content of the report shall be as provided in Attachment A of this Agreement or as mutually agreed to by the Grantee and Subgrantee.

c. Quarterly Reports – By the 10th calendar day following the end of each calendar quarter, the Subgrantee shall submit to the Grantee for approval the quarterly progress and financial reports required by DCJS and necessary supporting documentation. Upon approval, the Grantee shall submit the required original and copy of the progress report to DCJS and shall enter the financial report on the DCJS Grants Management Online Information System.

d. Final Reports and Grant Close-Out Documents – The Subgrantee shall prepare and submit to the Grantee the final reports and documents to close-out the Byrne Grant in accordance with section 5.c. above and DCJS timeframes and procedures.

8. **INDEMNIFICATION:**

The Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any negligent or willful act or omission of the Subgrantee including: (a) the performance under this Agreement; (b) the

exercise of any right or privilege granted by or under this Agreement; or (c) the failure, refusal or neglect of the Subgrantee to perform any duty imposed upon or assumed by the Subgrantee by or under this Agreement. In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with the Subgrantee on account of an alleged negligent or willful act or omission by the Subgrantee, in whole or in part, the Subgrantee upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgement being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, as a result of an alleged negligent or willful act or omission by the Subgrantee, in whole or in part, either independently or jointly with the Subgrantee then the Subgrantee will pay such settlement or judgement in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

9. **EQUAL EMPLOYMENT OPPORTUNITY:**

Non-Discrimination: During the performance of this Agreement, the Subgrantee agrees as follows:

a. The Subgrantee will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the Subgrantee. The Subgrantee agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

b. The Subgrantee, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, will state that such Subgrantee is an equal opportunity employer.

c. Notices, advertisement and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

d. The Subgrantee will include the provisions of the foregoing subsections (a), (b) and (c) in every contract or purchase order of over ten thousand dollars and no cents ($10,000.00) so that the provisions will be binding upon each contractor or vendor.

10. **DRUG-FREE WORKPLACE:**

The Subgrantee will: (i) provide a drug-free workplace for the Subgrantee's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(iii) state in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars and no cents ($10,000.00), so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this subsection, "drug-free workplace" means a site for the performance of work done in connection with this contract.

11. **FAITH-BASED ORGANIZATIONS:**

Pursuant to §2.2-4343.1 of the Code of Virginia (1950), as amended, the City of Roanoke does not discriminate against faith-based organizations.

12. **CONFLICT OF INTEREST:**

No employee, agent, consultant, officer or appointed official of the Subgrantee, who is in a position to participate in a decision-making process or gain inside information with regard to any activity under this Agreement, may obtain a personal or financial interest in any contract, subcontract or agreement with respect thereto, or in the proceeds thereunder, either for themselves, their family or business associates, during their tenure or for one (1) year thereafter.

13. **SUSPENSION AND TERMINATION:**

In the event the Subgrantee materially fails to comply with any term or condition of the Agreement, or the Byrne Grant application or award, the Grantee may suspend or terminate, in whole or in part, this Agreement or take such other remedial action as it deems appropriate.

Byrne Grant funds to be made available by the Grantee under this Agreement are contingent upon the award by DCJS. In the event that DCJS should rescind or otherwise withdraw grant funds, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

14. **THIRD-PARTY CONTRACTS:**

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee. Further, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided, the Subgrantee shall remain fully obligated under the provisions of this Agreement. Any third party shall comply with all applicable requirements of this Agreement.

15. **ENTIRE AGREEMENT:**

This Agreement, including all of its Exhibits, represents the entire agreement between the parties and this Agreement shall not be modified, amended, altered or changed, except as set forth in section 16 below.

16. **AMENDMENTS:**

This Agreement, including any attachments, may be amended only through the mutual written consent of the parties hereto, subject to the terms and conditions of the DCJS Byrne Grant award to the Grantee. The Grantee may, however, without consultation with or the consent of the Subgrantee, execute such administrative amendments to this Agreement as may be necessary to comply with requirements imposed by DCJS.

17. **INDEPENDENT CONTRACTOR:**

Services under this Agreement shall be performed on an independent contractor basis and under no circumstances shall this Agreement be construed as establishing an employee/employer relationship. The Subgrantee shall be completely responsible for its activities in performing services hereunder

18. **GOVERNING LAW AND VENUE:**

By virtue of entering into this Agreement, the Subgrantee submits itself to a court of competent jurisdiction in the City of Roanoke, Virginia, and further agrees that this Agreement is controlled by the laws of the Commonwealth of Virginia and that all claims, disputes, and other matters shall only be decided by such court according to the laws of the Commonwealth of Virginia.

19. **NOTICES:**

All notices, waivers, demands, requests or other communications required or permitted hereunder shall, unless otherwise expressly provided, be in writing and be deemed to have been properly given, served and received (i) if delivered by messenger, when delivered, (ii) if mailed, on the third business day after deposit in the United States, certified or registered, postage prepaid, return receipt requested, or (iii) if delivered by reputable overnight express courier, freight prepaid, the next business day after delivery to such courier; in every case addressed to the party to be notified as follows:

The Grantee: Darlene L. Burcham, City Manager, City of Roanoke, Virginia, 215 Church Avenue, SW, Room 364, Roanoke, VA 24011

A copy of all such notices shall be provided to the Grantee's Project Manager, Glenn D. Radcliffe, Director of Human Services and Social Services, City of Roanoke, Virginia, 215 Church Avenue, SW, Room 307, Roanoke, VA 24011, or his designee.

The Subgrantee: Cynthia A. Martin, Executive Director, Virginia CARES, 145 Campbell Avenue, SW, Suite 555, Roanoke, Virginia 24011

Rejection or refusal to accept, or inability to deliver because of changed address or because no notice of changed address was given, shall be deemed receipt.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year hereinabove written:

ATTEST:

By _____
Mary F. Parker, City Clerk

FOR THE GRANTEE:

By_____
Darlene L. Burcham, City Manager

ATTEST:

By _____

FOR THE SUBGRANTEE:

By_____
Cynthia Martin, Executive Director

APPROVED AS TO FORM

_____
Assistant City Attorney

APPROPRIATION AND FUNDS REQUIRED FOR THIS CONTRACT CERTIFIED

_____
Director of Finance

Date _____

Acct. No. 035-xxx-xxxx-xxxx $331,102

APPROVED AS TO EXECUTION

_____
Assistant City Attorney

(Monthly Report Format)

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 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 certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Health and Welfare	$	3,819,589
VA Cares FY03 (1)		331,102

Revenues

Health and Welfare	$	3,819,589
VA Cares FY03 (2)		331,102

1)	Fees for Professional Services	(035-630-8080-2010)	$ 331,102
2)	State Grant Receipts	(035-630-8080-8080)	331,102

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.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION accepting a grant of funds from the Byrne Memorial Formula Grant Program, administered by the Virginia Department of Criminal Justice Services, authorizing the City Manager to execute the requisite documents for such grant, authorizing the City Manager to execute a subgrant agreement with the Virginia Community Action Re-entry System, Inc. ("Virginia CARES"), upon certain terms and conditions.

WHEREAS, due to State budget cuts, state funds will terminate for the Byrne Memorial Formula Grant Program on December 31, 2002, but federal funds will be available for the remainder of the program year; and

WHEREAS, federal funds for the Byrne Memorial Formula Grant Program require a twenty-five percent cash match and may be awarded only to a locality which has contracted with Virginia CARES; and

WHEREAS, the City of Roanoke applied for $331,102 in Byrne Grant funds, contingent upon the ability of Virginia CARES to secure and operate for the initial six weeks with matching funds.

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

1. The grant of funds from the Byrne Memorial Formula Grant Program is hereby ACCEPTED.

2. The City Manager is authorized to execute, and the City Clerk is authorized to attest, the requisite Bryne Memorial Formula Grant documents with the Virginia Community Action Re-

entry System, Inc., for such funds, in form as is approved by the City Attorney, as more particularly set out in the City Manager's letter dated January 21, 2003, to this Council.

3. The City Manager is authorized to execute, and the City Clerk is authorized to attest, a subgrant agreement with the Virginia Community Action Re-entry System, Inc. ("Virginia CARES"), in such form as is approved by the City Attorney, as more particularly set out in the City Manager's letter dated January 21, 2003, to this Council.

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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: FEMA Grant

Background:

The Federal Emergency Management Agency has awarded the City of Roanoke a grant in the amount of $22,692 through the State and Local All-Hazards Emergency Operations Planning Grant Program.

This funding, which will be available by mid-January, must be used to ensure comprehensive plans that address preparation for, and response to, all threats including terrorist attacks. Funds will be used to enhance ongoing emergency operations planning programs, development of strategies for overall local preparedness, training and exercising of plans.

Considerations:

This 100% federal grant is based on $5,000 per locality plus $.18 per capita. Funds must be spent by December 12, 2003.

The City of Roanoke must agree to complete specific activities designed to improve operational effectiveness. These activities were expressly developed for each jurisdiction based on current levels of preparedness. They include regional planning, mutual aid, training, and exercises. It also involves assessing current capabilities, developing a plan to enhance community readiness and identifying the use of future federal funds.

City Council action is needed to formally accept and appropriate funds in the Grant Fund in accordance with provisions of this program.

Recommended Action:

Authorize the City Manager to execute the grant agreement and appropriate funding in the amount of $22,692 with a corresponding revenue estimate in the Grant Fund.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:WBR:de

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Wanda B. Reed, Coordinator of Emergency Management

CMO3-00004

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 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 certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

General Government	$	22,692
FEMA 03-04 (1)		22,692

Revenues

General Government	$	22,692
FEMA 03-04 (2)		22,692

1)	FEMA 03-04	(035-660-9640-5392)	$	22,692
2)	FEMA 03-04	(035-660-9640-3416)		22,692

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.

W MIT

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a grant of funds from the State and Local All-Hazards Emergency Operations Planning Grant Program offered through the Federal Emergency Management Agency (FEMA), 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 Federal Emergency Management Agency a grant in the amount of $22,692.00, such grant being more particularly described in the letter of the City Manager, dated January 21, 2003, upon all terms, provisions and conditions relating to the receipt of such funds.

2. The City Manager is hereby authorized to execute, on behalf of the City, any documentation required in connection with the acceptance of such grant and to furnish such additional information as may be required by the Federal Emergency Management Agency.

ATTEST:

City Clerk

H:\MEASURES\r-femAALLHAZARDSGRANT.doc

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
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Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
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CityWeb: www.roanokegov.com

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Property Rights Acquisition for Roanoke Water Pollution Control Plant (WPCP) Wet Weather Project

The Roanoke WPCP Wet Weather Project approved earlier this year by Council is approaching the 65% design phase. Based upon comments received from both the Virginia Department of Health and the Department of Environmental Quality, and the recommendations of our contract Engineers critical elements of the project will require that adjacent parcels be purchased in order to obtain a functional design. The design of the project is sufficiently complete to identify the property acquisitions necessary for construction.

Authorization is needed to move forward with procurement of title work, appraisals, and document preparation related to acquisition of the necessary property rights. See Attachment 1 for a list of properties affected.

The projected cost for acquisition of the necessary property rights is approximately $1,000,052. This cost cannot be included within the anticipated financing mechanism for the project. In light of this restriction, it will be necessary to fund these purchases from WPC Retained Earnings.

Recommended Action:

Authorize the City Manager and City Attorney to take all steps necessary to acquire all property rights as shown on the attached list. Said property rights may be acquired by negotiation or eminent domain, and may include fee simple, permanent easements, permanent access easements, temporary construction easements,

rights of way, licenses or permits, etc., subject to a satisfactory environmental site inspection.

Appropriate funding totaling $1,000,052 to the WPC Wet Weather project account no. 003-510-8362 as follows: $457,124 from WPC Retained Earnings and establish an accounts receivable for shared expenses of the property acquisition costs to be funded with the other jurisdictional partners.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:mtm:sss

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Michael T. McEvoy, Director of Utilities
S. Scott Shirley, Wastewater Division Manager

CM03-00003

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Pollution Control 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 certain sections of the 2002-2003 Water Pollution Control Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Capital Outlay	$	27,718,074
WPCP - Property Acquisition for Wet Weather Improvements (1-2).....		1,000,052

Revenues

Due from Other Governments (3-6)	$	2,393,669

Retained Earnings

Retained Earnings - Available for Appropriation (7).....	$	3,958,680

1)	Appropriated from Other Governments	(003-510-8362-8999)	$	542,929
2)	Appropriated from General Revenue	(003-510-8362-9003)		457,123
3)	Due from City of Salem	(003-1071)		184,210
4)	Due from County of Roanoke	(003-1072)		245,213
5)	Due from Botetourt County	(003-1073)		64,703
6)	Due from Town of Vinton	(003-1074)		48,803
7)	Retained Earnings - Available for Appropriation	(003-3348)		(457,123)

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.

DK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE providing for the acquisition of property rights needed by the City for the construction of the Roanoke Water Pollution Control Plant ("WPCP") Wet Weather Project; authorizing the City Manager to fix a certain limit on the consideration to be offered by the City; providing for the City's acquisition of such property rights by condemnation, under certain circumstances; authorizing the City to make motion for the award of a right of entry on any of the parcels for the purpose of commencing the project; and dispensing with the second reading by title of this ordinance.

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

1. For the construction of the Roanoke Water Pollution Control Plant ("WPCP") Wet Weather Project, the City wants and needs all property rights, as more specifically set forth in the report and attachments thereto, upon the terms and conditions set forth in the City Manager's letter to this Council dated January 21, 2003. The proper City officials are authorized to acquire for the City from the respective owners all property rights, for such consideration as the City Manager may deem appropriate, subject to the limitation set out below and subject to applicable statutory guidelines. All requisite documents shall be upon form approved by the City Attorney.

2. The City Manager is directed to offer on behalf of the City to the owners of each of the aforesaid parcels, such consideration as she deems appropriate for the necessary

interests, provided, however, the total consideration offered or expended shall not exceed $1,000,052.00 without further authorization of Council. Upon the acceptance of any offer and upon delivery to the City of a deed, approved as to form and execution by the City Attorney, the Director of Finance is directed to pay the respective consideration to the owners of the interest conveyed, certified by the City Attorney to be entitled to the same.

3. Should the City be unable to agree with the owner of any real estate regarding the fair market value for the purchase of any real estate in fee simple which is required or should any owner be a person under a disability and lacking capacity to convey real estate or should the whereabouts of the owner be unknown, the City Attorney is authorized and directed to institute condemnation or legal proceedings to acquire for the City the appropriate property rights.

4. In instituting or conducting any condemnation proceeding, the City Attorney is authorized to make motion on behalf of the City for entry of an order, pursuant to §25-46.8, Code of Virginia (1950), as amended, granting to the City a right of entry for the purpose of commencing the project. The Director of Finance, upon request of the City Attorney, shall be authorized and directed to drawn and pay into court the sums offered to the respective owners.

5. Pursuant to §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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable Dr. M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: OEMS Consolidated Grants Program

Background:

The Virginia Department of Health, Office of Emergency Medical Services has a Consolidated Grants Program that is administered twice annually. Roanoke Fire-EMS applied for this grant in order to furnish front-line ambulances with seven Zoll M-Series Defibrillators.

In January 2003, the State Office of Emergency Medical Services awarded Roanoke Fire-EMS a grant of $42,000 for this project, requiring a $42,000 local match. Sufficient matching funding for this grant was appropriated through CMERP in the fall 2002 and is available in account 001-520-3213-9132 and 001-520-3521-2005.

Considerations:

City Council action is needed to formally accept and appropriate these funds, and to authorize the Director of Finance to establish revenue estimates and appropriation accounts to purchase the equipment and supplies in accordance with provisions of this grant.

Recommended Action:

Accept the grant as described above, authorize the City Manager to execute the grant agreement and any related documents, and appropriate State grant funds of $42,000 with a corresponding revenue estimate in accounts established by the Director of Finance in the Grant Fund. Additionally, transfer local match of $38,580 from account (001-520-3213-9132) and $3,420 from account (001-520-3521-2005) to the same Grant Fund account.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:jsf

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Jr., Assistant City Manager for Operations
James Grigsby, Fire-EMS Chief

#CM03-00007

AHS.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Public Safety	$	46,474,221
Fire - Operations (1)		11,739,103
Emergency Medical Services (2)		2,130,702
Nondepartmental	$	74,979,052
Transfer to Other Funds (3)		71,988,834

Grant Fund

Appropriations

Public Safety	$	2,663,797
OEMS Consolidated Grants Program FY03 (4)		84,000

Revenues

Public Safety	$	2,663,797
OEMS Consolidated Grants Program FY03 (5-6)		84,000

1)	CMERP - Equipment Purchases	(001-520-3213-9132)	$ (38,580)
2)	Maintenance Contracts	(001-520-3521-2005)	(3,420)
3)	Transfer to Grant Fund	(001-520-9310-9535)	42,000
4)	Expendable Equipment < $5,000	(035-520-3350-2035)	84,000
5)	State Grant Receipts	(035-520-3350-3350)	42,000
6)	Local Match	(035-520-3350-3351)	42,000

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.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of the Office of Emergency Medical Services (OEMS) Consolidated Grant made to the City of Roanoke by the Virginia Department of Health, Office of Emergency Medical Services and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

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

1. The City of Roanoke hereby accepts the offer made by the Virginia Department of Health, Office of Emergency Medical Services of the Consolidated Grant in the amount of $42,000.00.

2. The City Manager or the Assistant City Manager for Operations is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of Virginia Department of Health, Office of Emergency Medical Services Consolidated Grant.

3. The City Manager or the Assistant City Manager for Operations is further directed to furnish such additional information as may be required by the Virginia Department of Health, Office of Emergency Medical Services in connection with the City's acceptance of the foregoing grant or with such project.

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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: State Asset Sharing

Background:

In 1991, Virginia General Assembly passed State legislation allowing local law enforcement to seize and have forfeited property connected with illegal narcotics distribution. The law also makes it possible for police departments to receive proceeds from these forfeited properties. Application for an equitable share of the property seized by local law enforcement must be made to the Department of Criminal Justice Services, Forfeited Asset Sharing Program and certified by the Chief of Police. Property, including funds shared with State and local agencies, may be used only for law enforcement purposes. Program requirements include that these funds be placed in an interest bearing account and the interest earned be used in accordance with program guidelines.

Revenues totaling $75,950 have been collected and are available for appropriation in Grant Fund account numbers 035-640-3302-3300 and 035-640-3302-3299.

Recommended Action:

Appropriate $75,950 to the Grant Fund account for Overtime Wages (035-640-3302-1003) and increase the Grant Fund revenue estimate for account 035-640-3302-3300 by $73,790 and 035-640-3302-3299 by $2,160.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/tp

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse Hall, Director of Finance
Rolanda Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM03-0001

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 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 certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	$ 2,528,545
State Asset Forfeiture (1)	294,968

Revenues

Public Safety	$ 2,528,545
State Asset Forfeiture (2-3)	294,968

1)	Overtime Wages	(035-640-3302-1003)	$ 75,950
2)	State Asset Forfeiture Proceeds	(035-640-3302-3300)	73,790
3)	Interest	(035-640-3302-3299)	2,160

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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Sharing Federally Forfeited Property

Background:

In 1986, Congress authorized the transfer of certain federally forfeited property to state and local law enforcement agencies that participated in the investigation and seizure of the property. Application for an equitable share of property seized by local law enforcement must be made to the U. S. Department of Justice and certified by the City Attorney. This property, including funds shared with state and local agencies, may be used only for the purpose stated in the application, i.e., narcotics investigations related to law enforcement.

Participation in federally forfeited property enhances the effectiveness of narcotics investigations by providing necessary investigations equipment, investigative funds, and it offsets the costs that would otherwise have to be borne by the city's taxpayers. The Police Department receives funds periodically from the federal government's asset sharing program. Grant requirements state that these funds be placed in an interest bearing account and the interest earned be used in accordance with program guidelines.

Revenues totaling $13,877 have been collected and are available for appropriation in Grant Fund accounts 035-640-3304-3305 and 035-640-3304-3306.

Recommended Action:

Appropriate $13,877 to the Grant Fund account for Investigations & Rewards (035-640-3304-2150) and increase the Grant Fund revenue estimate for account 035-640-3304-3305 by $13,596 and account 035-640-3304-3306 by $281.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/tp

cc: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda Russell, Assistant City Manager
A. L. Gaskins, Chief of Police

CM03-0002

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 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 certain sections of the 2002-2003 Grant Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	$ 2,466,472
Federal Asset Forfeiture (1)	359,757

Revenues

Public Safety	$ 2,466,472
Federal Asset Forfeiture (2-3)	359,757

1)	Investigations and Rewards	(035-640-3304-2150)	$ 13,877
2)	Federal Asset Forfeiture Proceeds	(035-640-3304-3305)	13,596
3)	Interest	(035-640-3304-3306)	281

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

January 21, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Virginia Recreational Trails Fund Grant CM03-0012

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to apply for a grant for a Virginia Recreational Trails Fund Program administered through the Virginia Department of Conservation and Recreation.

BE IT RESOLVED by the Council of the City of Roanoke that the City Manager be and is hereby authorized to sign on behalf of the City an application to the Virginia Department of Conservation and Recreation for a Virginia Recreational Trails Fund Grant, in an 80/20 reimbursable grant, to enable the City to, among other things, rehabilitate an eight-mile section of the over forty mile Carvins Cove trail system, in an overall grant amount not to exceed $80,000.00.

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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Appropriation of Funds for the Development of a Marketing Identity

Background:

In early 2002, at the request of City Council, the city began the process of establishing a Roanoke marketing identity, or brand, to help spur regional economic development and tourism. The city surveyed the scope, cost and effectiveness of branding services procured by a number of localities in Virginia and elsewhere. A Request for Proposals was developed in partnership with Roanoke County, was advertised, and was mailed to approximately 25 local, regional, national, and international firms with branding experience. On February 15, 2002, nine proposals were received.

A regional team consisting of economic development, tourism and marketing professionals (public, private and non-profit) reviewed the bids, interviewed finalists, and identified the top candidate as the San Francisco-based Landor Associates, reportedly the largest and oldest branding firm in the world. Landor has branded such well known entities as Florida, Hong Kong, FedEx, Microsoft Windows, Alamo Rent-a-Car, BP, the New York Stock Exchange and KFC.

The identity development process will take approximately four months and will consist of the following activities:

- **discovery:** exploring existing research and views and determining competitive strengths through a series of management and stakeholder interviews and through other research
- **vision development:** determining our strategic vision, position and goals through an equity modeling workshop, constituent assessments and other research
- **identity development:** creating our brand identity through design, work sessions, and presentations
- **marketing plan development:** determining key applications for and extensions of the brand through the development of a marketing plan
- **documentation**: ensuring the consistency of the brand through the development of guidelines and graphic requirements

Funding in the amount of $300,000 is needed for the project. Funding for the project was designated in the Capital Maintenance and Equipment Replacement Program approved by City Council in September 2002.

Considerations:

This work will focus specifically on the development of a "Roanoke" marketing identity for use by the city of Roanoke and by Roanoke County, if so desired. However, this identity will be developed with consideration to a regional endorsement brand, to be developed under the guidance of the Roanoke Valley-Alleghany Regional Commission's Regional Alliance.

Recommended Action:

Authorize the transfer $300,000 from account 008-052-9575-9178 to an account to be established by the Director of Finance.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:cls

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Robert H. Bird, Acting Manager, Purchasing Division

CM03-00011

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects 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 certain sections of the 2002-2003 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Economic Development	$	25,195,051
Marketing Identity (1)		300,000
Capital Improvement Reserve	$	5,879,440
Capital Improvement Reserve (2)		579,593

1)	Appropriated from General Revenue	(008-310-9798-9003)	$ 300,000
2)	Economic Development	(008-052-9575-9178)	(300,000)

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

TELEPHONE: 540-853-2431
FAX: 540-853-1221
EMAIL: cityatty@ci.roanoke.va.us

WILLIAM M. HACKWORTH
CITY ATTORNEY

ELIZABETH K. DILLON
STEVEN J. TALEVI
GARY E. TEGENKAMP
DAVID L. COLLINS
HEATHER P. FERGUSON
ASSISTANT CITY ATTORNEYS

January 21, 2003

Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Hotel Roanoke Conference Center Commission

Dear Mayor Smith and Members of Council:

As requested by Council, I have prepared the attached resolution which would express Council's intent as to its appointments to membership on the Hotel Roanoke Conference Center Commission.

With kindest personal regards, I am

Sincerely yours,

William M. Hackworth

William M. Hackworth
City Attorney

WMH:f
Attachment
cc: Darlene L. Burcham, City Manager
Jesse A. Hall, Director of Finance

WMH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION amending Resolution No. 30964-041392, relating to the appointment of Commissioners to the Hotel Roanoke Conference Center Commission.

WHEREAS, the 1991 Session of the General Assembly enacted the Hotel Roanoke Conference Center Commission Act, hereinafter referred to as the "Act," Chapter 440 of the 1991 Acts of Assembly;

WHEREAS, by Resolution No. 30963-041392, the City of Roanoke declared that there was a need for a Conference Center Commission and that the City and Virginia Polytechnic Institute and State University should unite in its formation;

WHEREAS, pursuant to Section 5 of the Act, the governing body of the City is to appoint Commissioners to the commission;

WHEREAS, by Resolution No. 30964-041392, this Council provided for the appointment of its initial three Commissioners, subject to certain terms and conditions; and

WHEREAS, Council wishes to express its intent as to who should represent the City on the Commission.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that for appointments on and after the date of this resolution, that it is Council's intent in making such appointments to designate the Commissioners such that:

(1) one member be a current member of City Council;
(2) one member be either the City Manager or another City employee; and
(3) one member be a citizen at large.

ATTEST:

City Clerk.

H:\MEASURES\r-AMhrccccommissioners.doc

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

January 21, 2003

File #467

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

Dear Mayor Smith and Members of Council:

Pursuant to Chapter 9, Education, Code of the City of Roanoke (1979), as amended, establishing a procedure for the election of School Trustees, this is to advise you that the terms of office of F. B. Webster Day, Marsha W. Ellison and Gloria P. Manns will expire on June 30, 2003. Ms. Ellison is ineligible to serve another term inasmuch as she has served three consecutive three year terms of office.

Pursuant to Section 9-16 of the Code of the City of Roanoke (1979), as amended, on or before February 15 of each year, Council shall announce its intention to elect Trustees of the Roanoke City School Board for terms commencing July 1 through (1) public announcement of such intention at two consecutive regular sessions of the Council and (2) advertisement of such intention in a newspaper of general circulation in the City twice a week for two consecutive weeks.

Section 9-17 of the City Code provides that applications must be filed in the City Clerk's Office by March 10 of each year. Application forms will be available in the City Clerk's Office and may be obtained between the hours of 8:00 a.m., and 5:00 p.m., Monday through Friday or applicants may complete the application online at the City of Roanoke's web page www.roanokegov.com. Information describing the duties and responsibilities of School Trustees will be available.

With kindest regards, I am

Sincerely,

Mary F. Parker

Mary F. Parker, CMC
City Clerk

MFP:sm

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

January 21, 2003

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable William H. Carder, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Subject: Transfer of General Fund Balance Reserve for Self-Insured Liabilities

Dear Mayor Smith and Members of City Council:

Section 2-188.1 Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that, at the conclusion of each fiscal year, two hundred fifty thousand dollars ($250,000) to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City. The maximum balance of the reserve is three percent of total General Fund appropriations for the concluded fiscal year. As such, at June 30, 2002; $250,000 was reserved in the General Fund for self-insured liabilities.

The attached budget ordinance appropriates the $250,000 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund where the remaining self-insured reserve exists. The budget ordinance also establishes a revenue estimate in the Risk Management Fund for this transfer, increasing the Reserve for Self-Insured Liabilities.

We recommend your approval of this budget ordinance.

Sincerely,

Jesse A. Hall

Jesse A. Hall
Director of Finance

JAH/THT/pac

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Kenneth S. Cronin, Director of Human Resources
Glenn A. Asher, Risk Manager
James R. Wells, Manager of Accounting Services

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 General and Risk Management Funds Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 General and Risk Management Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Nondepartmental	$ 75,187,052
Transfers to Other Funds (1)	72,196,834

Fund Balance

Reserved Fund Balance	$ 1,352,031
Reserve for Self-Insured Claims (2)	-0-

Risk Management Fund

Revenues

Nonoperating	$ 465,000
Transfers from Other Funds (3)	250,000

Retained Earnings

Reserve for Self-Insured Claims (4)	$ 5,310,118

1) Transfer to Risk Management Fund	(001-250-9310-9529)	$ 250,000
2) Reserve for Self-Insured Claims	(001-3327)	(250,000)

3) Transfer from General Fund	(019-110-1234-1037)	$ 250,000
4) Reserve for Self-Insured Claims	(019-3327)	250,000

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.

Gloria P. Manns, Chairman
Ruth C. Willson, Vice Chairman
F. B. Webster Day
Marsha W. Ellison
William H. Lindsey
Melinda J. Payne
Robert J. Sparrow
E. Wayne Harris, Ed.D., Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

January 21, 2003

The Honorable Ralph K. Smith, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its January 14 meeting, the Board respectfully requests City Council to approve the following appropriations:

- $8,250.00 for the Western Virginia Regional Science Fair. This continuing grant program is funded by participating school districts and corporate and individual contributions with a local match by Roanoke City Public Schools.
- $5,000.00 for the Homeless Assistance program to provide instructional services to homeless students. This continuing program is one hundred percent reimbursed by federal funds.
- $15,000.00 for the FY2002-03 Chess program to pay for chess materials and tournament participation costs. This continuing grant program has received a private donation.

Additionally, the School Board respectfully requests City Council to approve appropriations which were approved at the School Board's May 14, 2002, meeting in connection with improvements to Roanoke Academy for Mathematics and Science. Please recall that the Board withheld requesting City Council to approve the appropriations until the land swap for the Kennedy Park property was approved by the federal government. The appropriations are as follows:

- $6,395,000.00 for improvements to Roanoke Academy for Mathematics and Science. The improvements are funded with 1999 Bond funds, a Literary Fund loan, and City capital funds.

- $1,276,260.00 for improvements to Roanoke Academy for Mathematics and Science. Funding is being provided by Qualified Zone Academy Bond (QZAB) funds and will be used to purchase furniture and equipment for the facility.

The School Board appreciates your approval of this request.

Sincerely,

Cindy H. Lee

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy
Mr. William L. Murray
Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Jim Wells (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

January 21, 2003

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable William H. Carder, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

As the result of official School Board action at its January 14 meeting, the Board respectfully requests City Council to approve the following appropriations:

- $8,250 for the Western Virginia Regional Science Fair. This continuing grant program is funded by participating school districts and corporate and individual contributions with a local match by Roanoke City Public Schools.

- $5,000 for the Homeless Assistance program to provide instructional services to homeless students. This continuing program is one hundred percent reimbursed by federal funds.

- $15,000 for the FY2002-03 Chess program to pay for chess materials and tournament participation costs. This continuing grant program has received a private donation.

Additionally, the School Board respectfully requests City Council to approve appropriations which were approved at the School Board's May 14, 2002, meeting in connection with improvements to Roanoke Academy for Mathematics and Science. The Board withheld requesting City Council to approve the appropriations until the land swap for the Kennedy Park property was approved by the federal government. The land swap was approved by the federal government in 2002.

Honorable Mayor and Members
of City Council
January 21, 2003

The appropriation request is as follows:

- $7,671,260 for improvements to Roanoke Academy for Mathematics and Science. The improvements are funded with $695,000 of 1999 Bond funds, a $5,000,000 Literary Fund loan, $700,000 of City capital funds, and $1,276,260 in Qualified Zone Academy Bond funds.

  The School Board appreciates your approval of this request.

Sincerely,

Jesse A. Hall

Jesse A. Hall
Director of Finance

JAH/ctg

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
E. Wayne Harris, Superintendent of City Schools

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Capital Projects, School and School Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2002-2003 Capital Projects, School and School Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Capital Projects Fund

Appropriations

Nondepartmental	$ 1,995,000
Transfers to Other Funds (1)	1,995,000

Fund Balance

Fund Balance Available for Appropriation (2)	$ 313,826

School Fund

Appropriations

Education	$136,322,880
Chess Program 2002-03 (3-4)	15,000
Homeless Assistance Program (5-8)	40,000
Western Virginia Regional Science Fair (9-14)	8,250

Revenues

Education	$134,379,503
Chess Program 2002-03 (15)	15,000
Homeless Assistance Program (16)	40,000
Western Virginia Regional Science Fair (17-18)	8,250

School Capital Projects Fund

Appropriations

Education	$ 21,167,418
Roanoke Academy Improvements (19-21)	11,804,450
Roanoke Academy Renovation (22)	1,291,618
Public Improvement Bonds - Series 1999 (23)	356,271

Revenues

Intergovernmental	$ 13,217,967
Roanoke Academy Literary Loan (24)	5,000,000
Roanoke Academy QZAB (25)	1,291,618
Miscellaneous	$ 1,700,000
Transfer from Capital Projects Fund (26)	1,700,000

1) Transfer to School Capital Projects Fund	(008-530-9712-9531)	$ 700,000
2) Fund Balance Available for Appropriation	(008-3349)	(700,000)
3) Tournament Fees	(030-062-6611-6102-0332)	3,000
4) Tournament Attendance	(030-062-6611-6102-0554)	12,000
5) Instructor	(030-062-6842-6100-0121)	3,940
6) Social Security	(030-062-6842-6100-0201)	301
7) Retirement	(030-062-6842-6100-0202)	372
8) Health Insurance	(030-062-6842-6100-0204)	387
9) Contracted Services	(030-062-6849-6311-0313)	2,685
10) Travel Expenses	(030-062-6849-6311-0554)	3,725
11) Membership Fees	(030-062-6849-6311-0581)	500
12) Instructional Supplies	(030-062-6849-6311-0614)	1,040
13) Security Guards	(030-062-6849-6685-0195)	279
14) Social Security	(030-062-6849-6685-0201)	21
15) Donations	(030-062-6611-1103)	15,000
16) Federal Grant Receipts	(030-062-6842-1102)	5,000
17) Local Match	(030-062-6849-1101)	2,000
18) Fees	(030-062-6849-1103)	6,250
19) Appropriated from Series 1999 Bond Issue	(031-060-6058-6896-9001)	695,000
20) Appropriated from General Revenue	(031-060-6058-6896-9003)	700,000
21) Appropriated from Literary Loan/VPSA Bond Funds	(031-060-6058-6896-9006)	5,000,000

22) Appropriated from QZAB	(031-060-6060-6896-9109)	$ 1,276,260
23) Schools	(031-060-9709-6896-9182)	(695,000)
24) Literary Fund Loan-RAMS	(031-060-6058-1301)	5,000,000
25) QZAB Roanoke Academy	(031-060-6060-1273)	1,276,260
26) Transfer from Capital Projects Fund	(031-060-6052-1237)	700,000

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
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

January 21, 2003

The Honorable Ralph K. Smith, Mayor
The Honorable C. Nelson Harris, Vice Mayor
The Honorable William D. Bestpitch, Council Member
The Honorable William H. Carder, Council Member
The Honorable M. Rupert Cutler, Council Member
The Honorable Alfred T. Dowe, Jr., Council Member
The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Enclosed are copies of the FY02 Comprehensive Annual Financial Report (CAFR) and FY02 Pension Comprehensive Annual Financial Report (CAFR). Due to the implementation of the Government Accounting Standards Board Statement No. 34, previously discussed with Council, the FY02 CAFR is significantly different from previous CAFRs. Therefore, we thought it important to brief Council on some of the changes and have scheduled a 30-minute briefing for review of the CAFR.

Sincerely,

Jesse A. Hall

Jesse A. Hall
Director of Finance

JAH:ca

Attachments

c: Darlene L. Burcham, City Manager
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney

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

January 21, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: Two-Way Traffic on Campbell Avenue

This is to request space on Council's regular agenda for a 30-minute briefing on the above referenced subject.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk

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OFFICE OF THE CITY MANAGER

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January 21, 2003

Honorable Ralph K. Smith, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

Subject: General Permit Registration Statement for Storm Water Discharges From Small Municipal Separate Storm Sewer Systems

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

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
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

January 21, 2003

Mr. Robert B. Manetta, Chairman, Planning Commission
Mr. Richard A. Rife, Vice Chairman, Planning Commission
Mr. Gilbert E. Butler, Jr., Planning Commission
Mr. S. Wayne Campbell, Planning Commission
Mr. Kent D. Chrisman, Planning Commission
Mr. Melvin L. Hill, Planning Commission
Mr. Fredrick M. Williams, Planning Commission

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Members of the Planning Commission and City Council:

Subject: Amendment of Sections 36.1-25, Definitions; 36.1-206, Permitted uses; 36.1-207, Special exception uses; 36.1-227, Permitted uses; and 36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, providing for general service establishments and personal service establishments in the C-2, General Commercial District, and the C-3, Central Business District, and providing for regulations pertaining to the location of tattoo parlors or body piercing establishments in the City of Roanoke; and deleting the definition of "service establishments" contained in Section 36.1-25.

Background:

Currently there are six tattoo parlors and body piercing establishments operating in the City of Roanoke, one being located downtown, one in southeast, one along

the Franklin Road corridor, and three along the Williamson Road corridor. In response to a citizen's inquiry regarding an existing tattoo parlor in late 2001, staff was directed by City Council and the City Manager to research and recommend methods by which the zoning ordinance could better address tattoo parlors and body piercing establishments in the City. Staff researched the regulation of tattoo parlors and body piercing establishments in other localities in the Commonwealth of Virginia, and is proposing two alternative text amendments as a result of that research and discussion.

Both of the alternative text amendments define the terms "tattoo parlor" and "body piercing establishment" and regulate each of them as a specific use. Alternative 1 permits tattoo parlors and body piercing establishments in the C-2, General Commercial District, and C-3, Central Business District, by special exception. Alternative 2 regulates tattoo parlors and body piercing establishments by allowing them in the C-2, General Commercial District, and C-3, Central Business District, by special exception, only after meeting specified dispersal requirements.

The two alternative text amendments were discussed at a meeting of the Ordinance and Names Committee of the Planning Commission on January 8, 2003.

Considerations:

Under the existing zoning ordinance, tattoo parlors and body piercing establishments are not regulated as specifically defined uses. They are currently regulated under the category of "general service establishments, including the provision of business and personal services and other similar uses" and, as such, are permitted by right in the C-2, General Commercial District, and C-3, Central Business District.

In order to better address "tattoo parlors" and "body piercing establishments" in the zoning ordinance, both alternative text amendments include the following common provisions:

- Set forth definitions of a "tattoo parlor" and a "body piercing establishment";
- Delete the definition of "service establishments";
- Set forth definitions of a "general service establishment" and "personal service establishment"; and
- Permit "general service establishments", "personal service establishments", and "business services establishments" by right as principal uses in the C-2, General Commercial District, and C-3, Central Business District.

By being individually defined as specific uses in both of the alternative text amendments, "tattoo parlors" and "body piercing establishments" would no longer

be regulated under the use categories of general, personal, and business "service establishments."

With tattoo parlors and body piercing establishments individually defined as uses, there are two proposed approaches to regulating them in the zoning ordinance:

1) Regulate them as special exception uses, or
2) Regulate them as special exception uses with certain conditions, including dispersal requirements.

With each alternative text amendment, tattoo parlors and body piercing establishments would be permitted by special exception only in the City's most intensive commercial districts, namely C-2, General Commercial District, and C-3, Central Business District.

Alternative 1:
Application would be made to the Board of Zoning Appeals for a special exception use. Special exception uses are typically reserved for those uses that have elements that need to be assessed on a case-by-case basis depending on the location and established criteria to evaluate impacts on adjoining property. The BZA is charged with scrutinizing each application as to the proposed business and its compatibility with the character of the surrounding neighborhood. The BZA can also impose conditions on the special exception use as it may deem necessary in the public interest, such as a time limit on the permit, limiting the hours of operation, or restrictions on signage. Conditions pertaining to a tattoo parlor or body piercing establishment could also include a prohibition of tattooing or piercing activity being visible from the exterior of the building or the public right-of-way.

Alternative 2:
This alternative text amendment seeks to regulate tattoo parlors and body piercing establishments as special exception uses with certain conditions, including minimum distance requirements from residentially zoned districts, schools, churches, parks, day care centers, and other tattoo parlors and body piercing establishments. Specifically, this text amendment permits tattoo parlors or body piercing establishments only by special exception in the C-2, General Commercial District, and the C-3, Central Business District, provided that the proposed location satisfies the following dispersal requirements:

- Not within 1,000 feet of any other tattoo parlor or body piercing establishment; and
- Not within 500 feet of a residentially zoned district, or a school, educational institution, church, public park, playground, playfield or day care center.

The minimum distance requirements provided in Alternative 2 are the same as the dispersal requirements for "adult uses" in the current zoning regulations.

In Alternative 2, only after satisfying the dispersal requirements could a special exception for a tattoo parlor or body piercing establishment in the C-2, General Commercial District, or the C-3, Central Business District, be granted by the Board of Zoning Appeals.

The Virginia Supreme Court has upheld a locality's ability to regulate tattoo parlors and body piercing establishments through zoning. The United States Supreme Court has upheld spacing requirements, in certain instances, for "adult uses", such as book stores and movie theaters, but has further ruled that a community which adopts such requirements must do so on the basis of a record which justifies the action as necessary to protect the public health, safety, and welfare. The courts have further held that any regulation of tattoo parlors or body piercing establishments must leave reasonable opportunities for the location and operation of such establishments. Staff conducted an analysis of eligible areas in the City of Roanoke for tattoo parlors and body piercing establishments if proposed dispersal/separation buffers were applied to land area currently zoned C-2 and C-3. Applying those factors, real opportunities for such establishments represented approximately eight percent of the C-2 and C-3 land area in the City. City staff research has not identified any applicable studies to justify the regulation of tattoo parlors and body piercing establishments with dispersal requirements. In fact, one such study conducted by the City of High Point, North Carolina, August 2001, concluded that there was no basis, that is no legitimate public purpose, to regulate tattoo parlors and body piercing establishments differently than other businesses. A review of calls received by the City of Roanoke Police Department offers no data to warrant spatial regulation of tattoo parlors or body piercing establishments. City staff research has shown, however, that other Virginia localities have adopted dispersal requirements for tattoo parlors and body piercing establishments apparently without any study that appears to justify the regulations developed, except through statements of public policy specific to the locality.

Vision 2001-2020 includes the following policies and actions:

- Roanoke's sustainability is measured not only by the health of its economy but also by its quality of life. (p. 7, Roanoke in 2020: A Vision of the Future)
- Roanoke is a well-defined city that must be able to maintain a long-term strategy of reinvestment in both the physical and social fabric of existing neighborhoods. (p. 39, Housing and Neighborhoods, Policy Approach)
- Citizens place a strong emphasis on neighborhoods as being an "essential element in Roanoke's quality of life" and as such, the "character and environmental quality" of neighborhoods should be protected." (p.77, Public Services, Policy Approach, Zoning and Development Code Administration)
- Revise zoning ordinances to address new development patterns and land uses. (p.79, PS A9)

Staff conclusions:

- Tattoo parlors and body piercing establishments, by means of their unique operational and functional requirements, should be clearly defined as specific land uses and regulated accordingly as opposed to being placed in the general category of service establishments.

- Tattoo parlors and body piercing establishments should be limited to the most intensive of commercial districts, namely C-2, General Commercial District, and C-3, Central Business District, and should be permitted within those districts by special exception.

- Permitting tattoo parlors and body piercing establishments by special exception would allow the City to review such proposed businesses on a case-by-case basis to determine the appropriateness of the use. In granting a special exception, the Board of Zoning Appeals may impose more restrictive conditions relating to the use for which the special exception is granted when zoning district standards do not adequately protect the public interest, mitigate any adverse impacts, or further the policies of **Vision 2001-2020**.

- The extent of zoning regulations should be proportional to the nature and intensity of the use being regulated. Although some communities have grouped tattoo parlors and body piercing establishments with "adult uses" and have regulated them similarly with dispersal requirements, staff finds that by definition and regulation, the connection between adult uses and tattoo parlors and body piercing establishments is weak. There is a lack of clear justification for dispersal requirements for tattoo parlors and body piercing establishments. The lack of such justification may unnecessarily expose the City to a challenge of dispersal regulations that would be difficult to sustain.

- Regulation of tattoo parlors and body piercing establishments by special exception in the City's most intensive commercial districts, C-2 and C-3, would give the City an increased and satisfactory level of scrutiny of the location and operation of such proposed businesses.

Recommendation:

Staff believes it is in the best interest of the City to revise the zoning ordinance to regulate tattoo parlors and body piercing establishments as special exception uses, without provisions for spatial dispersion. Therefore, staff supports text amendment Alternative 1 that would regulate tattoo parlors and body piercing establishments as defined land uses permitted by special exception only in the C-2, General Commercial District, and C-3, Central Business District. This text

amendment will adequately strengthen the City's ability to preserve the integrity of future land use and the public welfare by scrutinizing such proposed uses on a case-by-case basis to determine their appropriateness. The Planning Commission should recommend approval of Alternative 1 to City Council.

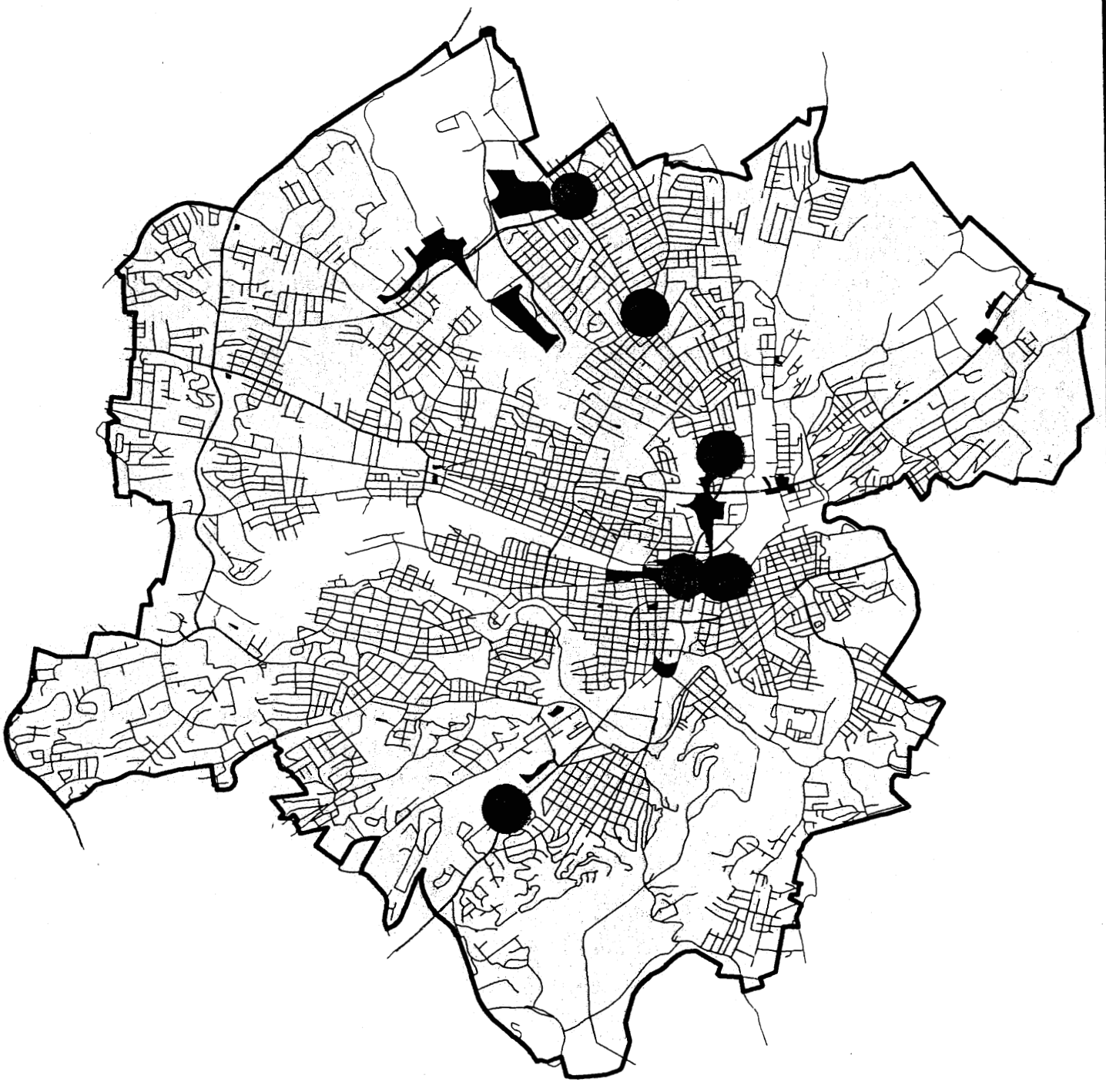
City Council should approve the Alternative 1 text amendment to regulate tattoo parlors and body piercing establishments by special exception in the C-2 and C-3 districts, after considering the recommendation of the Planning Commission.

Respectfully submitted,

R. Brian Townsend

R. Brian Townsend, Agent
Roanoke City Planning Commission

attachments
cc: Darlene Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Steven J. Talevi, Assistant City Attorney



Existing tattoo parlors (1,000' buffer)
Residential, park, religious, and school uses (500' buffer)
C-2 & C-3 zoning districts (not within buffers)

Roanoke Department of Planning Building & Development

T. 3/03 No distribution requirements)

7

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending §36.1-25, Definitions; §36.1-206, Permitted uses; §36.1-207, Special exception uses; §36.1-227, Permitted uses; and §36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, providing for general service establishments and personal service establishments in the C-2, General Commercial District, and the C-3, Central business District, and providing for regulations pertaining to the location of tattoo parlors or body piercing establishments in the City of Roanoke; deleting the definition of "service establishments" contained in §36.1-25; and dispensing with the second reading by title of this ordinance.

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

1. Section 36.1-25. Definitions, §36.1-206, Permitted uses, §36.1-207, Special exception uses, §36.1-227, Permitted uses, and §36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§36.1-25. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be defined as follows:

* * *

Body piercing establishment: An establishment in which body piercing takes place. For the purposes of this definition, the term "body piercing" means the

act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature, but does not include the use of a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear, or both.

* * *

General service establishment: A place of business primarily engaged in the repair or maintenance of household, or commercial goods, including appliances, computers, office equipment and automobiles.

* * *

Personal service establishment: A place of business primarily engaged in the training, development or care of a person or his apparel, including barber and beauty shops, garment repair and alteration shops, tailoring and dressmaking shops, shoe repair shops, photographic studios, and music or art studios, but not including the provision of medical services or tattoo parlors or body-piercing establishments.

* * *

Tattoo parlor: An establishment which offers or practices the placement of designs, letters, scrolls, figures, symbols, or any other kind of marks upon or under the skin of a person with ink or any other substance, resulting in permanent coloration or marking of the skin, by the aid of needles or other instruments designed to touch or puncture the skin, except when performed by a medical doctor or other medical services personnel licensed pursuant to Title 54.1 of the Code of Virginia in the performance of his or her professional duties.

* * *

Section 36.1-206. Permitted uses.

The following uses shall be permitted as principal uses in the C-2, General Commercial District:

* * *

(26) General service establishments, but not such establishments primarily engaged in the repair or maintenance of automobiles, trucks, or construction equipment.

* * *

(48) Personal service establishments.

(49) Business service establishments.

Section 36.1-207. Special exception uses.

The following uses shall be permitted only by special exception in the C-2, General Commercial District:

* * *

(10) Tattoo parlor or body piercing establishments, provided that the establishment of a tattoo parlor or body piercing establishment as referred to in this subsection shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope of service or activities or physical area, or the conversation, in whole or in part, of an existing business to a tattoo parlor or body piercing establishment.

* * *

Section 36.1-227. Permitted uses.

The following uses shall be permitted as principal uses in the C-3, Central Business District:

* * *

(26) General service establishments, but not such establishments primarily engaged in the repair or maintenance of automobiles, trucks or construction equipment.

* * *

(40) Personal service establishments.

(41) Business service establishments.

Section 36.1-228. Special exception uses.

The following uses shall be permitted only by special exception in the C-3, Central Business District:

* * *

(6) Tattoo parlor or body piercing establishments, provided that:the establishment of a tattoo parlor or body piercing establishment as referred to in this subsection shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope of service or activities or physical area, or the conversation, in whole or in part, of an existing business to a tattoo parlor or body piercing establishment.

2. Section 36.1-25, Definitions, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended by the deletion of the definition of "service establishments".

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.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending §36.1-25, Definitions; §36.1-206, Permitted uses; §36.1-207, Special exception uses; §36.1-227, Permitted uses; and §36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, providing for general service establishments and personal service establishments in the C-2, General Commercial District, and the C-3, Central business District, and providing for regulations pertaining to the location of tattoo parlors or body piercing establishments in the City of Roanoke; deleting the definition of "service establishments" contained in §36.1-25; and dispensing with the second reading by title of this ordinance.

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

1. Section 36.1-25. Definitions, §36.1-206, Permitted uses, §36.1-207, Special exception uses, §36.1-227, Permitted uses, and §36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§36.1-25. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be defined as follows:

* * *

Body piercing establishment: An establishment in which body piercing takes place. For the purposes of this definition, the term "body piercing" means the

act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature, but does not include the use of a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear, or both.

* * *

General service establishment: A place of business primarily engaged in the repair or maintenance of household, or commercial goods, including appliances, computers, office equipment and automobiles.

* * *

Personal service establishment: A place of business primarily engaged in the training, development or care of a person or his apparel, including barber and beauty shops, garment repair and alteration shops, tailoring and dressmaking shops, shoe repair shops, photographic studios, and music or art studios, but not including the provision of medical services or tattoo parlors or body-piercing establishments.

* * *

Tattoo parlor: An establishment which offers or practices the placement of designs, letters, scrolls, figures, symbols, or any other kind of marks upon or under the skin of a person with ink or any other substance, resulting in permanent coloration or marking of the skin, by the aid of needles or other instruments designed to touch or puncture the skin, except when performed by a medical doctor or other medical services personnel licensed pursuant to Title 54.1 of the Code of Virginia in the performance of his or her professional duties.

* * *

Section 36.1-206. Permitted uses.

The following uses shall be permitted as principal uses in the C-2, General Commercial District:

* * *

(26) General service establishments, but not such establishments primarily engaged in the repair or maintenance of automobiles, trucks, or construction equipment.

(26) General service establishments, but not such establishments primarily engaged in the repair or maintenance of automobiles, trucks, or construction equipment.

* * *

(48) Personal service establishments.

(49) Business service establishments.

Section 36.1-207. Special exception uses.

The following uses shall be permitted only by special exception in the C-2, General Commercial District:

* * *

(10) Tattoo parlor or body piercing establishments, provided that:

(a) no tattoo parlor or body piercing establishment may be established within one thousand (1,000) feet of any other tattoo parlor or body piercing establishment.

(b) no tattoo parlor or body piercing establishment may be established within five hundred (500) feet of a residentially zoned district, or a school, educational institution, church, public park, playground, playfield or day care center, as set forth herein.

(c) the establishment of a tattoo parlor or body piercing establishment as referred to in this subsection shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope of service or activities or physical area, or the conversation, in whole or in part, of an existing business to a tattoo parlor or body piercing establishment.

(d) the distances referenced in this subsection shall be measured from the property line of the establishment to the nearest property line of the specified use or district boundary of the residentially zoned district.

Section 36.1-227. Permitted uses.

The following uses shall be permitted as principal uses in the C-3, Central Business District:

* * *

(26) General service establishments, but not such establishments primarily engaged in the repair or maintenance of automobiles, trucks or construction equipment.

* * *

(40) Personal service establishments.

(41) Business service establishments.

Section 36.1-228, Special exception uses.

The following uses shall be permitted only by special exception in the C-3, Central Business District:

* * *

(6) Tattoo parlor or body piercing establishments, provided that:

(a) no tattoo parlor or body piercing establishment may be established within one thousand (1,000) feet of any other tattoo parlor or body piercing establishment.

(b) no tattoo parlor or body piercing establishment may be established within five hundred (500) feet of a residentially zoned district, or a school, educational institution, church, public park, playground, playfield or day care center, as set forth herein.

(c) the establishment of a tattoo parlor or body piercing establishment as referred to in this subsection shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope of service or activities or physical area, or the conversation, in whole or in part, of an existing business to a tattoo parlor or body piercing establishment.

(d) the distances referenced in this subsection shall be measured from the property line of the establishment to the nearest property line of the specified use or district boundary of the residentially zoned district.

2. Section 36.1-25, Definitions, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended by the deletion of the definition of "service establishments".

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.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending §36.1-25, Definitions; §36.1-206, Permitted uses; §36.1-207, Special exception uses; §36.1-227, Permitted uses; and §36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, providing for general service establishments and personal service establishments in the C-2, General Commercial District, and the C-3, Central Business District, and providing for regulations pertaining to the location of tattoo parlors or body piercing establishments in the City of Roanoke; deleting the definition of "service establishments" contained in §36.1-25; and dispensing with the second reading by title of this ordinance.

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

1. Section 36.1-25. Definitions, §36.1-206, Permitted uses, §36.1-207, Special exception uses, §36.1-227, Permitted uses, and §36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§36.1-25. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be defined as follows:

* * *

Body piercing establishment: An establishment in which body piercing takes place. For the purposes of this definition, the term "body piercing" means the

act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature, but does not include the use of a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear, or both.

* * *

General service establishment: A place of business primarily engaged in the repair or maintenance of household, or commercial goods, including appliances, computers, office equipment and automobiles.

* * *

Personal service establishment: A place of business primarily engaged in the training, development or care of a person or his apparel, including barber and beauty shops, garment repair and alteration shops, tailoring and dressmaking shops, shoe repair shops, photographic studios, and music or art studios, but not including the provision of medical services or tattoo parlors or body-piercing establishments.

* * *

Tattoo parlor: An establishment which offers or practices the placement of designs, letters, scrolls, figures, symbols, or any other kind of marks upon or under the skin of a person with ink or any other substance, resulting in permanent coloration or marking of the skin, by the aid of needles or other instruments designed to touch or puncture the skin, except when performed by a medical doctor or other medical services personnel licensed pursuant to Title 54.1 of the Code of Virginia in the performance of his or her professional duties.

* * *

Section 36.1-206. Permitted uses.

The following uses shall be permitted as principal uses in the C-2, General Commercial District:

* * *

(26) General service establishments, but not such establishments primarily engaged in the repair or maintenance of automobiles, trucks, or construction equipment.

* * *

(49) Personal service establishments.

(50) Business service establishments.

Section 36.1-207. Special exception uses.

The following uses shall be permitted only by special exception in the C-2, General Commercial District:

* * *

(11) Tattoo parlor or body piercing establishments, provided that the establishment of a tattoo parlor or body piercing establishment as referred to in this subsection shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope of service or activities or physical area, or the conversion, in whole or in part, of an existing business to a tattoo parlor or body piercing establishment.

* * *

Section 36.1-227. Permitted uses.

The following uses shall be permitted as principal uses in the C-3, Central Business District:

* * *

(26) General service establishments, but not such establishments primarily engaged in the repair or maintenance of automobiles, trucks or construction equipment.

* * *

(41) Personal service establishments.

(42) Business service establishments.

Section 36.1-228. Special exception uses.

The following uses shall be permitted only by special exception in the C-3, Central Business District:

* * *

(6) Tattoo parlor or body piercing establishments, provided that the establishment of a tattoo parlor or body piercing establishment as referred to in this subsection shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope of service or activities or physical area, or the conversion, in whole or in part, of an existing business to a tattoo parlor or body piercing establishment.

2. Section 36.1-25, Definitions, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended by the deletion of the definition of "service establishments".

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.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending §36.1-25, Definitions; §36.1-206, Permitted uses; §36.1-207, Special exception uses; §36.1-227, Permitted uses; and §36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, providing for general service establishments and personal service establishments in the C-2, General Commercial District, and the C-3, Central Business District, and providing for regulations pertaining to the location of tattoo parlors or body piercing establishments in the City of Roanoke, including regulations which require the placement of tattoo parlors and body piercing establishments a certain distance from one another, residentially zoned districts, schools, churches, parks and playgrounds; deleting the definition of "service establishments" contained in §36.1-25; and dispensing with the second reading by title of this ordinance.

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

1. Section 36.1-25. Definitions, §36.1-206, Permitted uses, §36.1-207, Special exception uses, §36.1-227, Permitted uses, and §36.1-228, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended and reordained to read and provide as follows:

§36.1-25. Definitions.

For the purpose of this chapter, certain terms and words used herein shall be defined as follows:

* * *

Body piercing establishment: An establishment in which body piercing takes place. For the purposes of this definition, the term "body piercing" means the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature, but does not include the use of a mechanized, pre-sterilized ear piercing system that penetrates the outer perimeter or lobe of the ear, or both.

* * *

General service establishment: A place of business primarily engaged in the repair or maintenance of household, or commercial goods, including appliances, computers, office equipment and automobiles.

* * *

Personal service establishment: A place of business primarily engaged in the training, development or care of a person or his apparel, including barber and beauty shops, garment repair and alteration shops, tailoring and dressmaking shops, shoe repair shops, photographic studios, and music or art studios, but not including the provision of medical services or tattoo parlors or body-piercing establishments.

* * *

Tattoo parlor: An establishment which offers or practices the placement of designs, letters, scrolls, figures, symbols, or any other kind of marks upon or under the skin of a person with ink or any other substance, resulting in permanent coloration or marking of the skin, by the aid of needles or other instruments designed to touch or puncture the skin, except when performed by a medical doctor or other medical services personnel licensed pursuant to Title 54.1 of the Code of Virginia in the performance of his or her professional duties.

* * *

Section 36.1-206. Permitted uses.

The following uses shall be permitted as principal uses in the C-2, General Commercial District:

* * *

(26) General service establishments, but not such establishments primarily engaged in the repair or maintenance of automobiles, trucks, or construction equipment.

* * *

(49) Personal service establishments.

(50) Business service establishments.

Section 36.1-207. Special exception uses.

The following uses shall be permitted only by special exception in the C-2, General Commercial District:

* * *

(11) Tattoo parlor or body piercing establishments, provided that:

(a) no tattoo parlor or body piercing establishment may be established within one thousand (1,000) feet of any other tattoo parlor or body piercing establishment.

(b) no tattoo parlor or body piercing establishment may be established within five hundred (500) feet of a residentially zoned district, or a school, educational institution, church, public park, playground, playfield or day care center, as set forth herein.

(c) the establishment of a tattoo parlor or body piercing establishment as referred to in this subsection shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope of service or activities or physical area, or the conversion, in whole or in part, of an existing business to a tattoo parlor or body piercing establishment.

(d) the distances referenced in this subsection shall be measured from the property line of the establishment to the nearest property line of the specified use or district boundary of the residentially zoned district.

* * *

Section 36.1-227. Permitted uses.

The following uses shall be permitted as principal uses in the C-3, Central Business District:

* * *

(26) General service establishments, but not such establishments primarily engaged in the repair or maintenance of automobiles, trucks or construction equipment.

* * *

(41) Personal service establishments.

(42) Business service establishments.

Section 36.1-228. Special exception uses.

The following uses shall be permitted only by special exception in the C-3, Central Business District:

* * *

(6) Tattoo parlor or body piercing establishments, provided that:

(a) no tattoo parlor or body piercing establishment may be established within one thousand (1,000) feet of any other tattoo parlor or body piercing establishment.

(b) no tattoo parlor or body piercing establishment may be established within five hundred (500) feet of a residentially zoned district, or a school, educational institution, church, public park, playground, playfield or day care center, as set forth herein.

(c) the establishment of a tattoo parlor or body piercing establishment as referred to in this subsection shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope of service or activities or physical area, or the conversion, in whole or in part, of an existing business to a tattoo parlor or body piercing establishment.

(d) the distances referenced in this subsection shall be measured from the property line of the establishment to the nearest property line of the specified use or district boundary of the residentially zoned district.

2. Section 36.1-25, Definitions, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, is hereby amended by the deletion of the definition of "service establishments".

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
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

January 21, 2003

Mr. Robert B. Manetta, Chairman, Planning Commission
Mr. Richard A. Rife, Vice Chairman, Planning Commission
Mr. Gilbert E. Butler, Jr., Planning Commission
Mr. S. Wayne Campbell, Planning Commission
Mr. Kent D. Chrisman, Planning Commission
Mr. Melvin L. Hill, Planning Commission
Mr. Fredrick M. Williams, Planning Commission

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Members of the Planning Commission and City Council:

Subject: Request from the City of Roanoke, Calvin W. and Mary C. Powers and Theodore J. and Judy P. Sutton that tracts of land designated as Official Tax Numbers 3070301, 3070302, 3070303, 3070304, 3070305, 3070306, 3070307, 3070308, 3070309, 3070310, 3070313, 3070314, 3070315, 3070316, 2041816, and 2041817 be rezoned from LM, Light Manufacturing District, and Official Tax Numbers 3070501, 3070318, and 3070321 be rezoned from C-2, General Commercial District, to C-3, Central Business District, subject to certain conditions proffered by the petitioners.

Background:

On May 17, 2001, City Council authorized the City Manager to negotiate and acquire properties in the area north of the Civic Center to serve as a location for construction of a municipal stadium and amphitheater facility. A Petition to Rezone, with conditions, was filed on December 6, 2002.

Conditions proffered by the petitioners are as follows:

1) The property shall be used only for a coliseum, stadium, exhibit hall or a similar facility or facilities;
2) The provision of on-site parking shall include no less than 750 parking spaces and shall not exceed a maximum of 900 parking spaces;
3) There shall be no more than two (2) points of vehicular ingress to, or egress from, the property with those two (2) points of access limited to one (1) point on Courtland Road, N.E., and one (1) point on Carver Avenue, N.E.;
4) Landscaping consisting of deciduous and evergreen trees, shrubs, perennials, grasses, ground covers, and vines, shall be planted and maintained on at least fifteen percent (15%) of the total site area; and
5) Stadium field irrigation shall be supplemented by a rain water harvesting system which shall reduce dependence on the public water supply and reduce storm water runoff.

The subject properties identified in this petition include 18 City-owned parcels containing 23.2 acres and a 0.55-acre parcel owned by Calvin and Mary Powers and Theodore and Judy Sutton (which the owners have agreed to donate to the City).

Considerations:

The current zoning of 16 of the subject properties is LM, Light Manufacturing District, which does not permit a stadium/amphitheater. Three parcels are zoned C-2, General Commercial District, which permits "coliseums, stadiums, exhibition halls, and similar facilities." A rezoning of the 19 properties to C-3, Central Business District, with conditions, is requested. Coliseums, stadiums, exhibition halls, and similar facilities are permitted uses in the C-3, Central Business District. Existing land uses of the properties to be rezoned are mostly industrial, including equipment and materials storage and parking. The largest parcels are part of the City's public works complex and are mostly vacant.

Zoning to the east of the site is C-2, General Commercial (existing land uses include retail sales and service establishments), to the west is RM-2, Residential Multifamily, Medium Density (Lincoln Terrace Housing), to the south is C-2, Commercial District (commercial/retail establishments) and LM, Light Manufacturing (cemetery), and to the north is LM, Light Manufacturing (City of Roanoke Public Works Service Center).

The proffered use of the property is a "coliseum, stadium, exhibit hall or a similar facility or facilities." The proposed municipal stadium and amphitheater facility will have approximately 8,000 seats in the stadium configuration and a capacity of up to 16,000 persons in an outdoor concert amphitheater configuration. Given the nature of the surrounding land uses, the impact on adjacent properties is

expected to be minimal. The proposed facility will combine a sports venue with a concert entertainment amphitheater that should complement renovations of the existing Roanoke Civic Center and enhance additional development opportunities in the surrounding area.

From an urban design standpoint, this project would strengthen the link between downtown and the Williamson Road area. The proposed stadium/amphitheater facility would provide an infill project on underutilized land, thus providing continuity and a destination between these areas. The project also has the potential to provide better pedestrian linkages between the areas. Williamson Road is a linear commercial area that needs "anchor points", and efforts have been made to develop this anchor point by defining the gateway at Orange Avenue. Use of the subject site in proximity to the Civic Center would also achieve a desired grouping of complementary entertainment facilities.

The proposed development supports the following three Strategic Initiatives of **Vision 2001-2020**, the City's Comprehensive Plan:

- Investing in critical amenities (p. 48)
- Redeveloping underutilized commercial and industrial sites (p. 58)
- Selling Roanoke to residents, newcomers, and visitors (p. 59)

Vision 2001-2020 identifies the subject area as a future stadium site (p. 75, Map 3.5.1, Public Facilities). Furthermore, development of the site as proposed is consistent with the following policies of **Vision 2001-2020**:

1. Roanoke will develop, maintain, and manage parks and recreation facilities that enhance the City's and the region's quality of life. (p. 49, EC P1)
2. Downtown will continue to serve as the region's central business district with opportunities for downtown living, office space, retail, and cultural and entertainment attractions. (p. 59, ED P3)
3. Develop an entertainment strategy for the downtown market area. (p. 60, ED A5)
4. Underutilized and vacant industrial sites will be evaluated and redevelopment encouraged. (p. 59, ED P5)
5. Roanoke will encourage commercial development in appropriate areas (i.e. key intersections and centers) of Roanoke to serve the needs of citizens and visitors. (p. 59, ED P6)
6. Facilitate the development of significant regional attractions. (p. 60, Downtown, ED A8)
7. Identify underutilized commercial sites and promote revitalization. (p. 61, Commercial Development, ED A26)

Because of the site's adjacency to major arterial streets and the nature of the surrounding land uses, the site is appropriate for an intense commercial use. The site is adequately served by public water and sanitary sewer systems, with

linkage into existing transmission lines adjacent to the site. An on-site storm water management system, including detention pond facilities and French drains, has been developed to reduce the storm water runoff impact from the site. Furthermore, the petitioner has proffered that the playing field's irrigation system will be supplemented by a rain water harvesting system that collects and stores storm water runoff from a portion of the stadium's roof structure. The reduced dependence on the public water supply and the reduction of storm water runoff from the site are consistent with the policies of **Vision 2001-2020**.

A traffic study (*Roanoke Civic Center and Stadium/Amphitheatre Traffic Management Plan*, HSMM, Inc. and Wilbur Smith Associates, October 2002) has been completed, analyzing expected traffic conditions and identifying the best options for traffic management. The petitioners have proffered a maximum of two points of vehicular access to, and egress from, the site, with those points limited to one on Courtland Road, N.E., and one on Carver Avenue, N.E. A traffic management plan has been developed to address off-site vehicular access and circulation depending on the type of event being held at the stadium, and the relationship to events that may be occurring at the nearby Civic Center complex.

The traffic study analyzed seven representative scenarios; namely, major event (sellout) at both the Civic Center and Stadium/Amphitheater, major event at the Civic Center, major event at the Stadium/Amphitheater, normal event (event that occurs ten or more times such as hockey games and high school football games) at the Civic Center, normal event at the Stadium/Amphitheater, minor events (less than 2,000 attendees) at both the Civic Center and Stadium/Amphitheater, and normal events at both the Civic Center and Stadium/Amphitheater.

- The study concluded that there is adequate parking and road capacity to reasonably handle the traffic associated with four of the seven scenarios, using the on-site and nearby leased parking lots. Those events will not be dependent on remote parking and shuttle service.

- The study further concluded that, although the other three scenarios would create traffic and parking demand that exceed the physical capacity of both the adjacent road network and the onsite parking lots, an active, coordinated traffic management plan geared specifically to each of those three scenarios would efficiently accommodate traffic and parking operational needs. This approach of not accommodating all parking on site and implementing a traffic management plan is consistent with the way many modern stadiums are developed.

- The traffic management plan includes elements of varying degrees appropriate to each scenario, including remote parking and shuttle service, police officers directing traffic at major intersections, planning and publicity, and advance signage and temporary traffic control devices. Many elements of the plan were implemented for Civic Center events

during the fall of 2002 and were successful in reducing traffic congestion and improving parking operations.

- The traffic study determined that providing additional roadway capacity to handle these infrequent peak event traffic volumes is neither practical nor necessary. This approach is consistent with the policies of **Vision 2001-2020**, including encouraging the use of mass transit (p. 73, IN A 11 and A14), discouraging excessive surface parking lots (p. 72, IN P4), and keeping the pavement of streets to the minimum width necessary (p. 93, Streets, Design Principles).

Although the C-3, Central Business District, zoning designation has no on-site parking requirement, the petitioner has proffered that 750 to 900 parking spaces shall be provided on site. A pedestrian bridge over Orange Avenue to the existing Civic Center parking lot is proposed to provide a shared parking arrangement, as necessary. Because of the site's close proximity to downtown, shuttle service to and from downtown parking garages is viable. On-site parking, existing Civic Center parking, leased off-site parking, and shuttles to City-owned downtown parking garages will adequately serve the parking needs of the proposed stadium and amphitheater facility. These are consistent with the following policies of **Vision 2001-2020**:

- Provide transportation connections (i.e. shuttle service) to multiple sites such as Explore Park, Carvins Cove, and Mill Mountain. (p. 60, ED A13)
- Limit the amount of impervious surfaces to reduce runoff. (p. 50, EC A13)
- Discourage excessive surface parking lots. (p. 72, IN P4)
- Explore streetcars or other mass transit systems. (p. 73, IN A14)
- Shared parking should be encouraged. (p. 92, Regional commercial centers, Design Principles)

The site provides excellent opportunities for pedestrian linkages. The stadium/ amphitheater facility would be located one mile north of the City Market, thereby making pedestrian access to the downtown core possible. A planned segment of the Lick Run Greenway runs near the site and could provide pedestrian access to downtown. A planned pedestrian bridge over Orange Avenue will enhance pedestrian access to both the Civic Center parking and to the downtown core. The provision and enhancement of pedestrian access and greenway connections are consistent with the following policies of **Vision 2001-2020**:

- Promote greenways and linkages to the downtown and surrounding areas. (p. 60, ED A14)
- Roanoke will develop a high-quality network of regional greenways for recreation, conservation, and transportation. (p. 49, EC P2, Greenways)
- Develop a greenway system to provide pedestrian and bicycle linkages between the region's parks, rivers, creeks, natural areas, recreation areas, business centers, schools, and other institutions. (p. 73, IN A7)

The petitioner's proffer that at least fifteen percent of the total site area will be landscaped with deciduous and evergreen trees, shrubs, perennials, grasses, ground covers, and vines is consistent with the following policies of **Vision 2001-2020**:

- Trees and other vegetation represent both an environmental resource and an important landscape feature in the quality of life in the City. Maintaining and increasing the City's tree canopy will have a beneficial impact on air quality, storm water control, noise levels, temperature, and visual appearance. (p. 48)
- Roanoke will maintain and increase its tree canopy coverage as a way to improve air quality. (p. 49, EC P5)

Because of surrounding land uses, the proximity of the Roanoke Civic Center and its current renovation activities, and the opportunity for the development of an underutilized commercial/ industrial site, the proposed change in zoning is a reasonable development strategy that is consistent with **Vision 2001-2020**. This petition supports a commitment to enhancing the quality of life, investing in the economic development of downtown Roanoke, and enhancing downtown Roanoke's position as the region's central business district.

As of the publishing of this report, no one has contacted the planning staff in opposition to this petition.

Recommendation:

Given that the development of the property for a municipal stadium and amphitheater facility will encourage economic development of the area, provide a regional entertainment attraction near the downtown core, enhance the quality of life and expand the region's cultural and recreation amenities, redevelop an underutilized area, incorporate the concept of shared parking, and create a better linkage between downtown and the Williamson Road area, the Planning Commission should recommend approval of the request for rezoning to C-3, Central Business District, with proffered conditions.

City Council should approve the request, after considering the recommendation of the Planning Commission.

Respectfully submitted,

R. Brian Townsend

R. Brian Townsend, Agent
Roanoke City Planning Commission

attachments

cc: Darlene Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Steven J. Talevi, Assistant City Attorney
Calvin and Mary Powers, Petitioner
Theodore and Judy Sutton, Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of tracts of land designated as Official Tax Numbers 3070301, 3070302, 3070303, 3070304, 3070305, 3070306, 3070307, 3070308, 3070309, 3070310, 3070313, 3070314, 3070315, 3070316, 2041816, 2041817, from LM, Light Manufacturing District, and Official Tax Numbers 3070501, 3070318 and 3070321, from C-2, General Commercial District, to C-3, Central Business District.

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, City of Roanoke, Virginia, owns parcels of land in the City of Roanoke designated as Official Tax Nos. 3070301, 3070302, 3070303, 3070304, 3070305, 3070306, 3070307, 3070308, 3070309, 3070310, 3070313, 3070314, 3070315, 3070316, 2041816, 2041817, 3070501 and 3070318, and the Petitioners, Calvin W. and Mary C. Powers and Theodore J. and Judy P. Sutton own a parcel of land in the City of Roanoke designated as Official Tax No. 3070321, in the same general location. Official Tax Numbers 3070301, 3070302, 3070303, 3070304, 3070305, 3070306, 3070307, 3070308, 3070309, 3070310, 3070313, 3070314, 3070315, 3070316, 2041816 and 2041817 are zoned LM, Light Manufacturing District. Official Tax Nos. 3070501, 3070318 and 3070321 are zoned C-2, General Commercial District. A map of the property to be rezoned is attached as Exhibit A. A concept plan for proposed development of the properties is attached as Exhibit B. Such properties are considered zoned LM, Light Manufacturing District, and C-2, General Commercial District, as a result of a Court's ruling dated December 2, 2002, and Order to be entered pursuant to that ruling.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioners request that the said properties be rezoned from LM, Light Manufacturing District, and C-2, General Commercial District, to C-3, Central Business District, for the purpose of constructing a municipal stadium and amphitheater facility to be used in conjunction with the existing Roanoke Civic Center, subject to proffered conditions.

The Petitioners agree that if the property is rezoned, the property will be subject to the following proffered conditions:

(1) The property shall be used only for a coliseum, stadium, exhibit hall or a similar facility or facilities;

(2) The provision of on-site parking shall include no less than 750 parking spaces and shall not exceed a maximum of 900 parking spaces;

(3) There shall be no more than two (2) points of vehicular ingress to, or egress from, the property with those two (2) points of access limited to one (1) point on Courtland Road, N.E., and one (1) point on Carver Avenue, N.E.;

(4) Landscaping consisting of deciduous and evergreen trees, shrubs, perennials, grasses, ground covers, and vines, shall be planted and maintained on at least fifteen percent (15%) of the total site area; and

(5) Stadium field irrigation shall be supplemented by a rain water harvesting system which shall reduce dependence on the public water supply and reduce storm water runoff.

The Petitioners believe the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will redevelop an underutilized industrial area, provide increased recreational and entertainment opportunities for the City and the region, and provide increased economic development investment in the downtown area.

Attached as Exhibit C are the names, address 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 property to be rezoned.

WHEREFORE, the Petitioners request that the above-described tracts be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Submitted this 6th day of December, 2002.

Respectfully,

Darlene L. Burcham, City Manager
City of Roanoke, Virginia
215 Church Avenue, S.W, Room 364
Roanoke, VA 24011
(540) 853-2333

Calvin W. Powers
P. O. Box 12068, Roanoke, VA 24022

Mary C. Powers
P. O. Box 12068, Roanoke, VA 24022

Theodore J. Sutton
P. O. Box 12068, Roanoke, VA 24022

Judy P. Sutton
P. O. Box 12068, Roanoke, VA 24022

Exhibit A

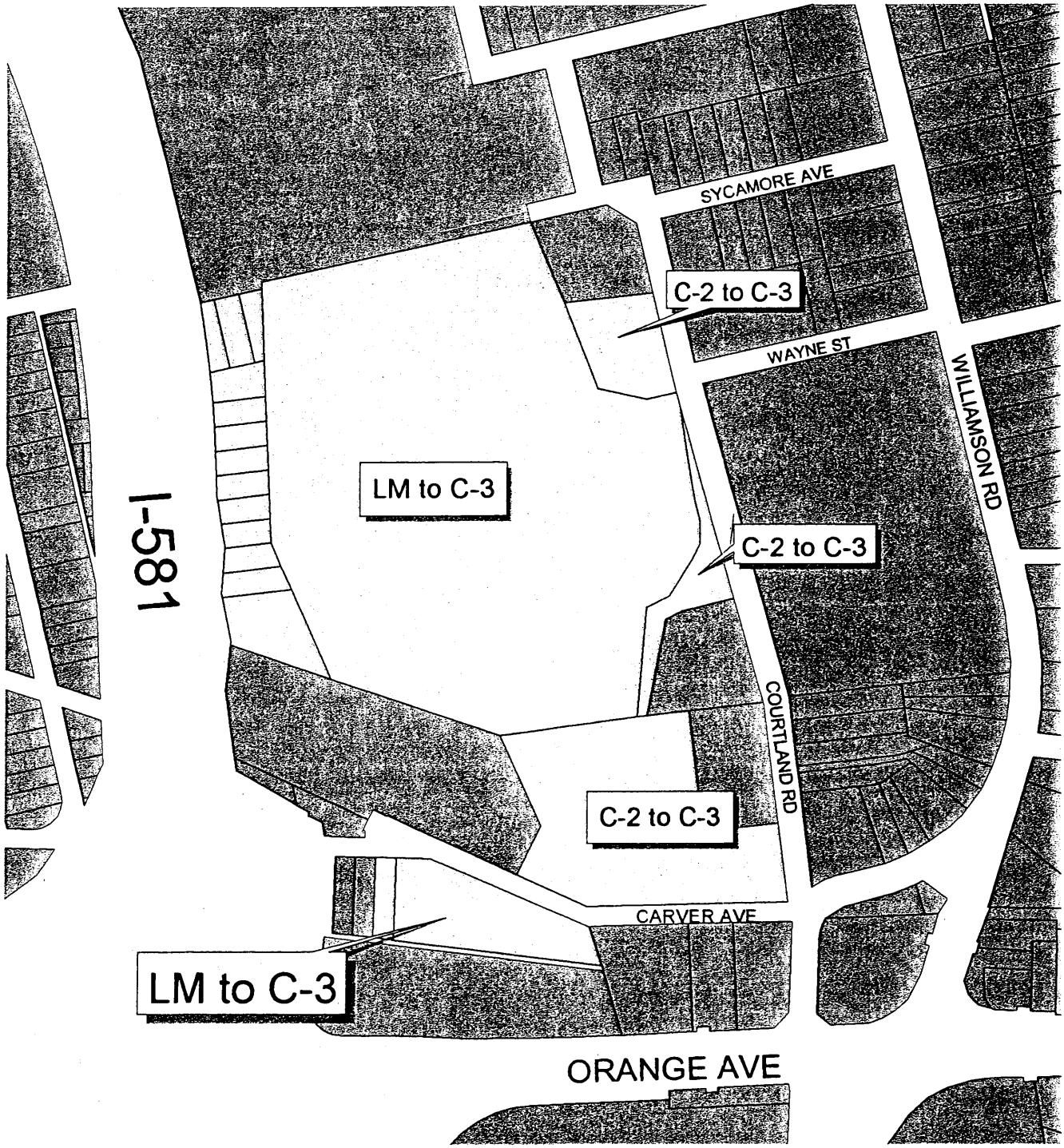

SYCAMORE AVE
C-2 to C-3
WAYNE ST
WILLIAMSON RD
LM to C-3
I-581
C-2 to C-3
COURTLAND RD
C-2 to C-3
CARVER AVE
LM to C-3
ORANGE AVE

EXHIBIT B

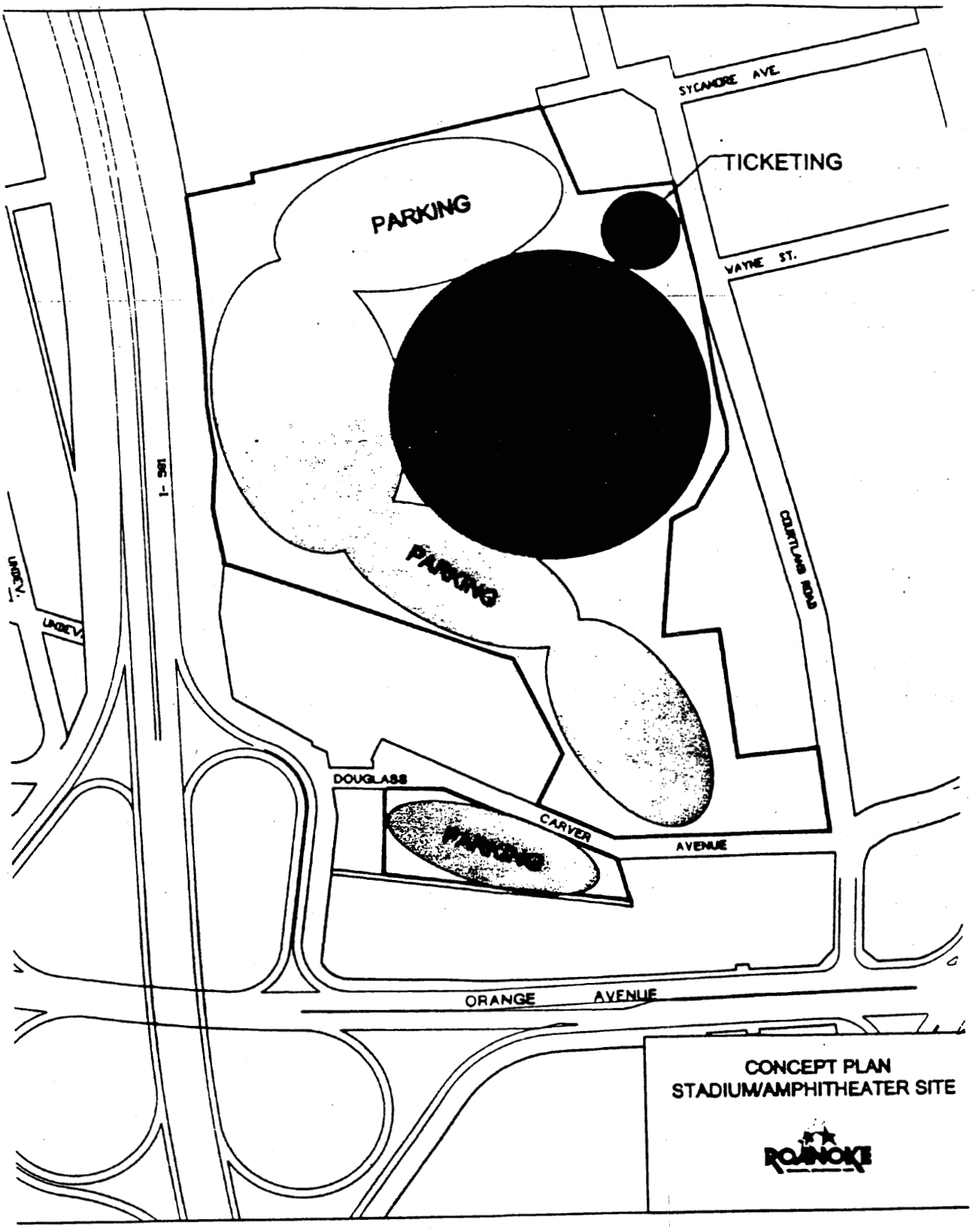

SYCAMORE AVE.
TICKETING
PARKING
WAYNE ST.
I-581
COURTLAND ROAD
PARKING
DOUGLASS
CARVER
AVENUE
PARKING
ORANGE AVENUE
CONCEPT PLAN
STADIUM/AMPHITHEATER SITE
ROANOKE

EXHIBIT C
ADJOINING PROPERTY OWNERS

Tax No.	Property Address	Property Owner
2040101	1823 Dunbar Street, NW	Roanoke Redevelopment and Housing Authority P O Box 6359 Roanoke, VA 24017
2041315	1515 Dunbar Street, NW	James W. Perdue Revocable Trust 1515 Dunbar Street, NW Roanoke, VA 24012
2041316	Dunbar Street, NW	James W. Perdue 1515 Dunbar Street, NW Roanoke, VA 24012
2041317 2041318	Dunbar Street, NW	Richard N. Ross 1824 Fremont Circle, NW Roanoke, VA 24017
2041319	Dunbar Street, NW	James K. Bowers, Jr. Antwone Dixon, et al 3224 Trinkle Avenue, NW Roanoke, VA 24012
2041341	210 Carver Avenue, NW	Robert R. Young 210 Carver Avenue, NW Roanoke, VA 24012
2041703	Carver Avenue, NW	TLC Properties, Inc. c/o Ben R. Miller, Jr. P O Box 66338 Baton Rouge, LA 70896
2041815	Carver Avenue, NW	Fred C. Ellis 4514 Oakland Blvd Roanoke, VA 24012
3020101	Orange Avenue, NE	Trustees, First Baptist Church P O Box 2799 Roanoke, VA 24001
3020102	308 Orange Avenue, NE	Shivam, LLC 308 Orange Avenue, NE Roanoke, VA 24012
3020117	326 Orange Avenue, NE	Blue Eagle Partnership P O Box 12068 Roanoke, VA 24012
3020118	316 Orange Avenue, NE	Jack E. May Family Trust 316 Orange Avenue NW Roanoke, VA 24012

3020201 3070901	1212 Williamson Road, NE Carver Avenue, NE	Randall Sheetz 315 S. Stewart Street Winchester, VA 22601
3070103 3070104 3070120 3070121 3080433	Dunbar Street, NW 1802 Courtland Road, NE	City of Roanoke
3070108	Lukens Street, NE	Ernest D. Tate, Trustee 126 Overlook Circle Moneta, VA 24121
3070113	Dunbar Street, NW	Yolanda L. Bell 1619 Dunbar Street, NW Roanoke, VA 24012
3070407	110 Wayne Street, NE	Farrell Properties, LTD P O Box 19346 Roanoke, VA 24019
3070320	Courtland Avenue, NE	Alice H. Baker 4101 Hazelridge Road, NW Roanoke, VA 24012
3070105	Lukens Street, NE	Arthur C. Edwards 1127 Melrose Avenue, NW Roanoke, VA 24017
3070317 3070319	1502 Williamson Road, NE	Calvin W. and Mary C. Powers P O Box 12068 Roanoke, VA 24022
3070504	1330 Courtland Road, NE	Southeastern Building Corp. 900 Ridgefield Drive, #250 Raleigh, NC 27609
3070512	Courtland Road, NE	Warren L. Baker, et als 4101 Hazelridge Road, NW Roanoke, VA 24012
3070517	410 Carver Avenue, NE	Stanley A. Eichelberger 410 Carver Avenue, NE Roanoke, VA 24012

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 204 and 307, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicants, and dispensing with the second reading by title of this ordinance.

WHEREAS, the City of Roanoke and Calvin W. and Mary C. Powers and Theodore J. and Judy P. Sutton have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from LM, Light Manufacturing District, and C-2, General Commercial District, to C-3, Central Business District, subject to certain conditions proffered by the applicants; and

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 January 21, 2003, 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 rezoning; 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 hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 204 and 307 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

Those certain tracts of land lying generally west of Courtland Avenue, north of Orange Avenue and south of Sycamore Avenue, designated more specifically as Official Tax Numbers 3070301, 3070302, 3070303, 3070304, 3070305, 3070306, 3070307, 3070308, 3070309, 3070310, 3070313, 3070314, 3070315, 3070316, 2041816, 2041817 and Official Tax Numbers 3070501, 3070318 and 3070321, be, and are hereby rezoned from LM, Light Manufacturing District, and C-2, General Commercial District, to C-3, Central Business District, subject to the proffered conditions stated in the Petition to Rezone filed in the Office of the City Clerk on December 6, 2002, and that Sheet Nos. 204 and 307 of the Zone Map be changed in this respect.

BE IT FURTHER 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
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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Northwest Neighborhood Environmental Organization (NNEO) and Robert Crowder that nine tracts of land located on the south side of the 500 block of Loudon Avenue, N.W., identified as Official Tax Map Numbers 2013101, 2013102, 2013103, 2013104, 2013105, 2013106, 2013107, 2013108, and 2013109, be rezoned from RM-2, Residential Multifamily, Medium Density District, to RM-3, Residential Multifamily, High Density District, such rezoning to be subject to certain conditions, and that three tracts of land located on the north side of the 500 block of Centre Avenue, N.W., identified as Official Tax Map Numbers 2013117, 2013118, and 2013119, be rezoned from LM, Light Manufacturing District, to RM-3, Residential Multifamily, High Density District., such rezoning to be subject to certain conditions.

Planning Commission Action:

Public hearing was held on Thursday, December 19, 2002, and by a vote of 6-0 (Mr. Williams absent), the Planning Commission recommended approval of the request, as proffered.

Background:

A petition to rezone:

Approximately 0.812 acres, more or less, owned by the Northwest Neighborhood Environmental Organization (NNEO), and consisting of seven parcels located within the 500 blocks of Centre and Loudon Avenues, designated as Tax Map Numbers 2013101 through 2013103, Tax Map Numbers 2013105 through 2013107, and Tax Map Number 2013109 from RM-2, Residential Multifamily, Medium Density District, to RM-3, Residential Multifamily, High Density District;

Approximately 0.462 acres, more or less, consisting of four parcels located within the 500 blocks of Centre and Loudon Avenues, for which NNEO has Purchase Agreements, and designated as Tax Map Number 2013108 (zoned RM-2, Residential Multifamily, Medium Density District) and Tax Map Numbers 2013117, 2013118, and 2013119 (zoned LM, Light Manufacturing District) to RM-3, Residential Multifamily, High Density District; and

Approximately 0.113 acres, more or less, owned by Robert Crowder, and consisting of one parcel located within the 500 block of Loudon Avenue, designated as Tax Map Number 2013104, from RM-2, Residential Multifamily, Medium District, to RM-3, Residential Multifamily, High Density District.

A Petition to Rezone was filed on November 7, 2002. The Planning Commission heard the request on December 19, 2002, and recommended approval, subject to the filing of An Amended Petition, to include one proffered condition as agreed upon in the hearing. Said Amended Petition to Rezone was filed on December 31, 2002, subject to the following condition proffered by the petitioner:

1. Development along Centre Avenue shall not be set back any further than 15 (fifteen) feet from the property line as it abuts the street.

Improvements on the subject properties include a 5,360 square foot, one-story structure formerly used for automobile repair and service (Tax Map No. 2013101), a boarded up converted duplex (Tax Map No. 2013103), three boarded up single-family residential structures (Tax Map Numbers 2013102, 2013106, and 2013107), an occupied single-family residential structure (Tax Map No. 2013104) and a 1,500 square foot masonry structure formerly used for automobile repair (Tax Map No. 2013117). The other parcels in the petition are vacant.

Considerations:

The subject properties are located within the block bounded by Loudon Avenue N.W., Fifth Street, Centre Avenue N.W., and Sixth Street and are currently zoned RM-2, Residential Multifamily, Medium Density, and LM, Light Manufacturing. An

L-shaped alley that is the subject of a petition to close and vacate separates some of the subject properties.

Surrounding zoning is LM, Light Manufacturing, C-2, General Commercial, and RM-2, Residential Multifamily, Medium Density.

- The abutting property to the west on the north side of Centre Avenue is zoned LM, Light Manufacturing (Saint John Grand Lodge of Virginia), as is the property to the west of Sixth Street (Mincom, Inc.).
- The abutting properties to the east on the north side of Centre Avenue are also zoned LM, Light Manufacturing (3 parcels of vacant land, one of which is owned by NNEO).
- Properties on the south side of Centre Avenue between Fifth and Sixth Streets, across the street from the subject properties, are zoned LM, Light Manufacturing, and include the site of Quality Produce Co. warehouse and cooler facility.
- Properties on the west side of Sixth Street on both the north and south sides of Loudon Avenue are zoned RM-2, Residential Multifamily, Medium Density, as are the properties on the north side of Loudon Avenue across from the subject properties (includes four vacant parcels, two vacant single-family residential structures, and two occupied single-family residential structures).
- Abutting properties on the west side of Fifth Street are zoned C-2, General Commercial and include three vacant parcels and one vacant structure owned by NNEO and one other vacant parcel.
- The property on the east side of Fifth Street is zoned LM, Light Manufacturing, and is the site of the Coca Cola (Wometco) facility.

Northwest Neighborhood Environmental Organization plans to develop "Fifth Street Gateway" on the subject properties, providing 25 units of high density, affordable housing and a community center. NNEO proposes to develop the 25 housing units by a combination of renovation/conversion, infill, and new construction.

One of the City's goals in **Vision 2001-2020** is "a balanced, sustainable housing supply." (p. 42, NH A23) The proposed use of the property is consistent with that goal and the following housing and neighborhoods policies in **Vision 2001-2020**:

- Housing choice: The City will have a balanced, sustainable range of housing choices in all price ranges and design options that encourage social and economic diversity throughout the City. (p. 40, NH P5)

- Housing clusters: Development of housing clusters will be used to encourage and promote neighborhood revitalization, replace derelict or neglected structures, and complement the surrounding neighborhood. (p. 40, NH P6)

- Affordable housing: Affordable housing will be available in all parts of the City. (p. 41, NH P7)

- Identify and assemble vacant or underutilized land for the development of housing clusters. Consider using public or community development corporations to assemble property for housing development. (NH A27)

NNEO owns or has an executed option to purchase six of the eight adjacent C-2, General Commercial, properties fronting on the west side of Fifth Street between Loudon and Centre Avenues. The master plan for the "Fifth Street Gateway" includes a contemplated future rezoning of those properties to CN, Neighborhood Commercial, with the development of commercial uses on the first floors and residential on the second floors. This neighborhood commercial/mixed use cluster would be consistent with the village center concept outlined in **Vision 2001-2020** whereas it is located on a major thoroughfare and its neighborhood commercial uses could serve the immediately adjacent high-density residential area. (p. 97, Small Village/Neighborhood Center)

The properties that are the subject of this current rezoning petition would give definition to a higher density residential area adjacent to a potential neighborhood village center. **Vision 2001-2020** includes the following principles and policies regarding village centers:

- Village centers are characterized by a mixture of high-density uses, including neighborhood-oriented retail, office, and residential uses. Buildings are typically set close to the street and often adjoin each other; parking is located to the side or rear of principal buildings. (p. 91, Village centers)

- Higher-density residential development should be concentrated within and immediately adjacent to village centers; housing density should decrease with distance away from the village center. (p. 91, Village centers, Design principles)

- Parking should be located on the street or to the rear or side of principal buildings, and on-street parking should be encouraged. (p. 91, Village centers, Design principles)

The application of the RM-3, Residential Multifamily, High Density District, to the subject properties is appropriate and is consistent with the housing and village center concepts discussed in **Vision 2001-2020**. The proposed development on the subject properties could, in fact, help to solidify the definition of a village center in this area. The proposal's combination of renovation, infill, and new construction is consistent with **Vision 2001-2020's** goals of maintaining the viability of Roanoke's neighborhoods and revitalizing underutilized land and underutilized, neglected structures.

During the Planning Commission public hearing, Mr. James Lesniak, Executive Director of NNEO, Don Harwood, project architect, and Susheela Shende, consultant, gave the presentation. Nancy Snodgrass presented the staff report. Mr. Eddie Bova, owner of Quality Produce Co. at 116 Fifth Street (directly across from the Centre Avenue subject properties), spoke at the hearing. He pointed out that he has a well-established, viable business at that location that (1) operates seven days a week and includes night hours, (2) includes noisy truck traffic, and (3) includes employee parking on the street.

Mr. Rife's discussion with the petitioner focused on the concept plan:

- The plan appears to be more suburban in character rather than urban;
- The plan should show buildings pulled up closer to the street, particularly along Centre Avenue; and
- Parking areas should be located to the rear of buildings and not between buildings and the street.

Mr. Harwood responded that the presentation was only a concept plan and not a proffered site plan. Mr. Hill stated that this area was in great need of revitalization and development, and the requested rezoning to permit NNEO's project would be beneficial to the community.

Concerns over buildings being set back from Centre Avenue, with parking between the buildings and the street, resulted in discussion of, and agreement to, a proffered condition limiting the distance that buildings along Centre Avenue could be set back from the street.

Recommendation:

Planning Commission recommended approval of the request, as amended. Given the adjacent land uses and zoning patterns and the underutilization of these properties, RM-3, Residential Multifamily, High Density District, is an appropriate application.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Donald C. Harwood, Project Manager

PETITION TO REZONE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of nine tracts of land located on the south side of the 500 block of Loudon Avenue, N.W., identified as Official Tax Map Numbers 2013101, 2013102, 2013103, 2013104, 2013105, 2013106, 2013107, 2013108, and 2013109, from RM-2, Residential Multifamily, Medium Density District to RM-3, Residential Multifamily, High Density District, such rezoning to be subject to certain conditions, and rezoning of three tracts of land located on the north side of the 500 block of Centre Avenue, N.W., identified as Official Tax Map Numbers 2013117, 2013118, and 2013119, from LM, Light Manufacturing District to RM-3, Residential Multifamily, High Density District, such rezoning to be subject to certain conditions.

AMENDED PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, Northwest Neighborhood Environmental Organization, owns land in the City of Roanoke containing .812 acres, more or less, located within the 500 blocks of Centre and Loudon Avenues, designated as Tax Map Numbers 2013101 through 2013103, Tax Map Numbers 2013105 through 2013107, and Tax Map Number 2013109. The Petitioner, Northwest Neighborhood Environmental Organization, has Purchase Agreements on land in the City of Roanoke containing .462 acres, more or less, located within the 500 blocks of Centre and Loudon Avenues, designated as Tax Map number 2013108 and Tax Map numbers 2013117, 2013118, and 2013119. The Petitioner, Robert Crowder, owns land in the City of Roanoke containing .113 acres, more or less, located within the 500 block of Loudon Avenue, identified as Tax Map Number 2013104. Tax Map Numbers 2013101 through 2013109 are currently zoned RM-2, Residential Multifamily, Medium Density District. Tax Map Numbers 2013117 through 2013119 are currently zoned LM, Light Manufacturing District. A map of the properties to be rezoned showing their current zoning is attached as Exhibit A.

Pursuant to section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioners request that the said properties be rezoned from RM-2, Residential Multifamily, Medium Density District and LM, Light Manufacturing District, to RM-3, Residential Multifamily High Density District, conditional, for the purpose of providing 25 units of high density, affordable housing involving a combination of renovation, infill, and new construction, and associated off-street parking.

The Petitioners believe the rezoning of the said tracts of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will provide an additional 25 housing opportunities to the neighborhood, and provide a strong mix of renovated residential structures with infill and new construction.

The Petitioners agree that, if the property is rezoned, the property will be subject to the following condition:

1. Development along Centre Avenue shall not be set back any further than 15 (fifteen) feet from the property line as it abuts the street.

A map of the proposed rezoning is attached as Exhibit B.

A Conceptual Comprehensive Development Plan is attached as Exhibit C.

Attached a Exhibit D 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 property to be rezoned.

WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this thirty first day of December, 2002.

Respectfully submitted,

By: _____
James Lesniak, Executive Director, NNEO (Owner)

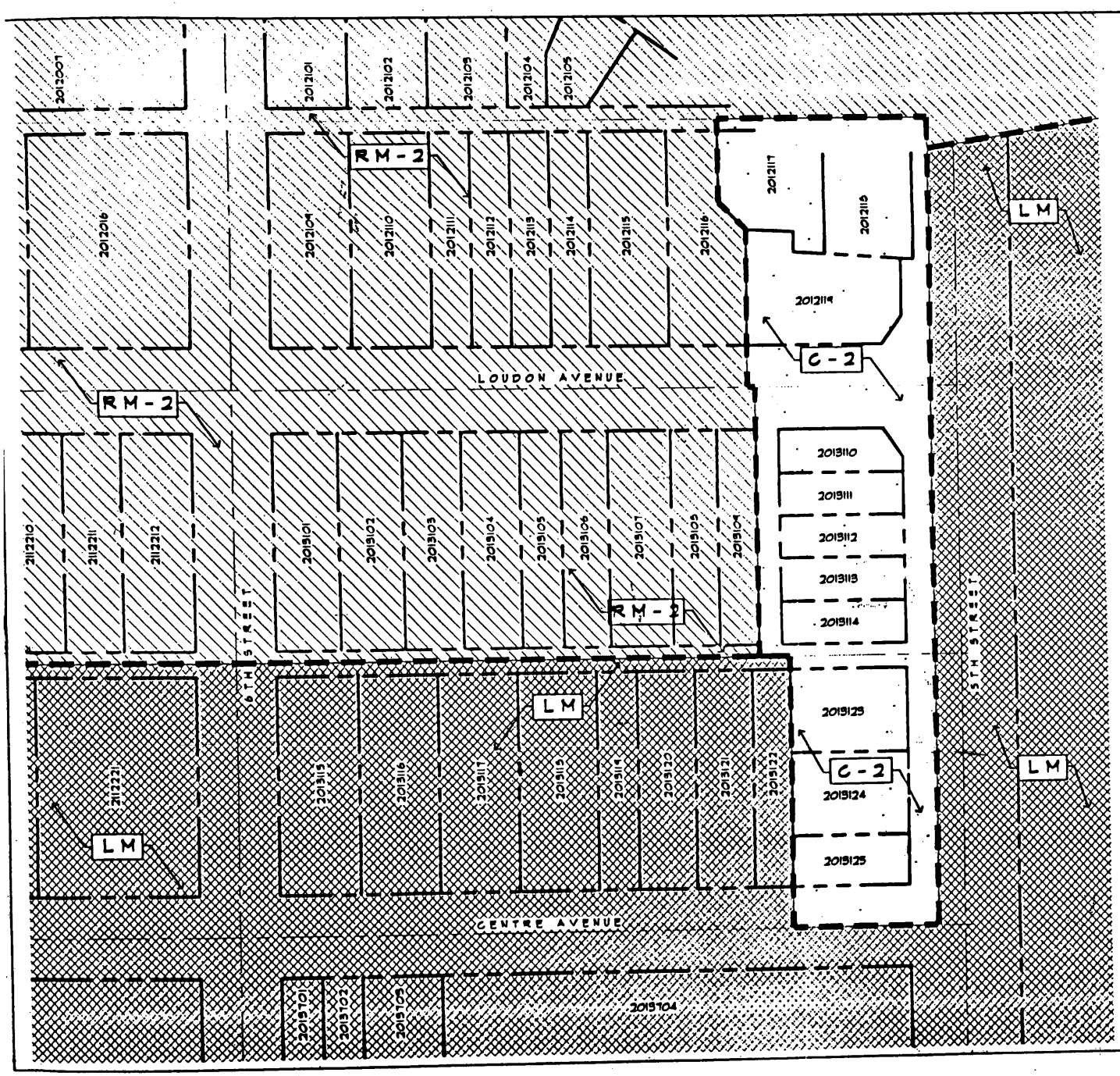
Robert Crowder
_____
Robert Crowder, Owner

James Lesniak, Executive Director
Northwest Neighborhood Environmental Organization
802 Loudon Avenue, NW
Roanoke, VA 24016
Telephone: (540) 343-5674

Robert Crowder
522 Loudon Avenue, NW
Roanoke, VA 24016
Telephone: (540) 985-0778

Donald C. Harwood, Project Manager
Hill Studio, P.C.
120 West Campbell Avenue
Roanoke, VA 24011
Telephone (540) 342-5263

HSPC Project #: 0152



NORTHWEST NEIGHBORHOOD
ENVIRONMENTAL
ORGANIZATION (NNEO)

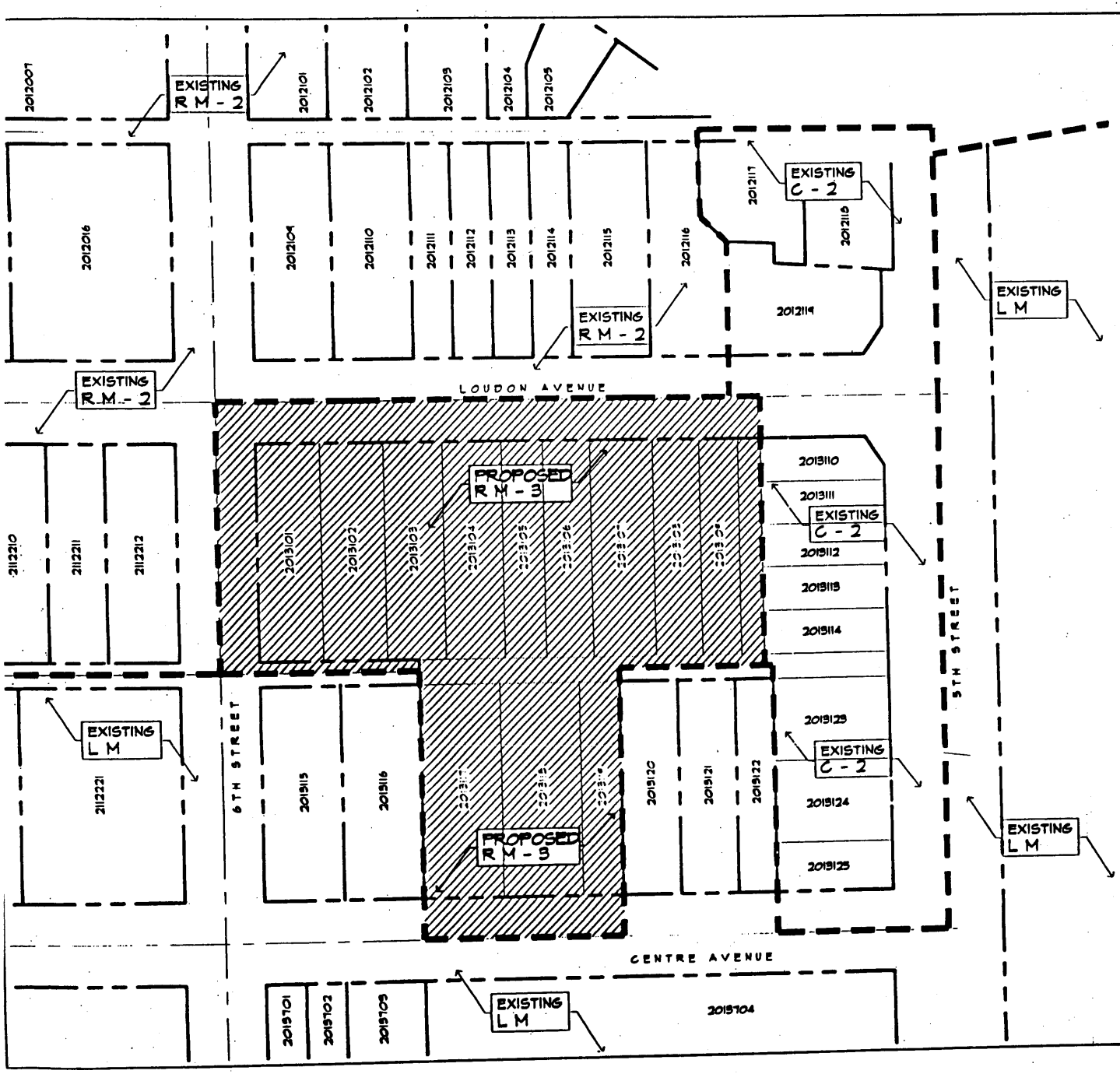
5th STREET GATEWAY

EXISTING ZONING

1" = 60'

NOVEMBER 7, 2002

EXHIBIT A



NORTHWEST NEIGHBORHOOD ENVIRONMENTAL ORGANIZATION (NNEO)

5th STREET GATEWAY

PROPOSED ZONING

1" = 60'

NOVEMBER 7, 2002

EXHIBIT B

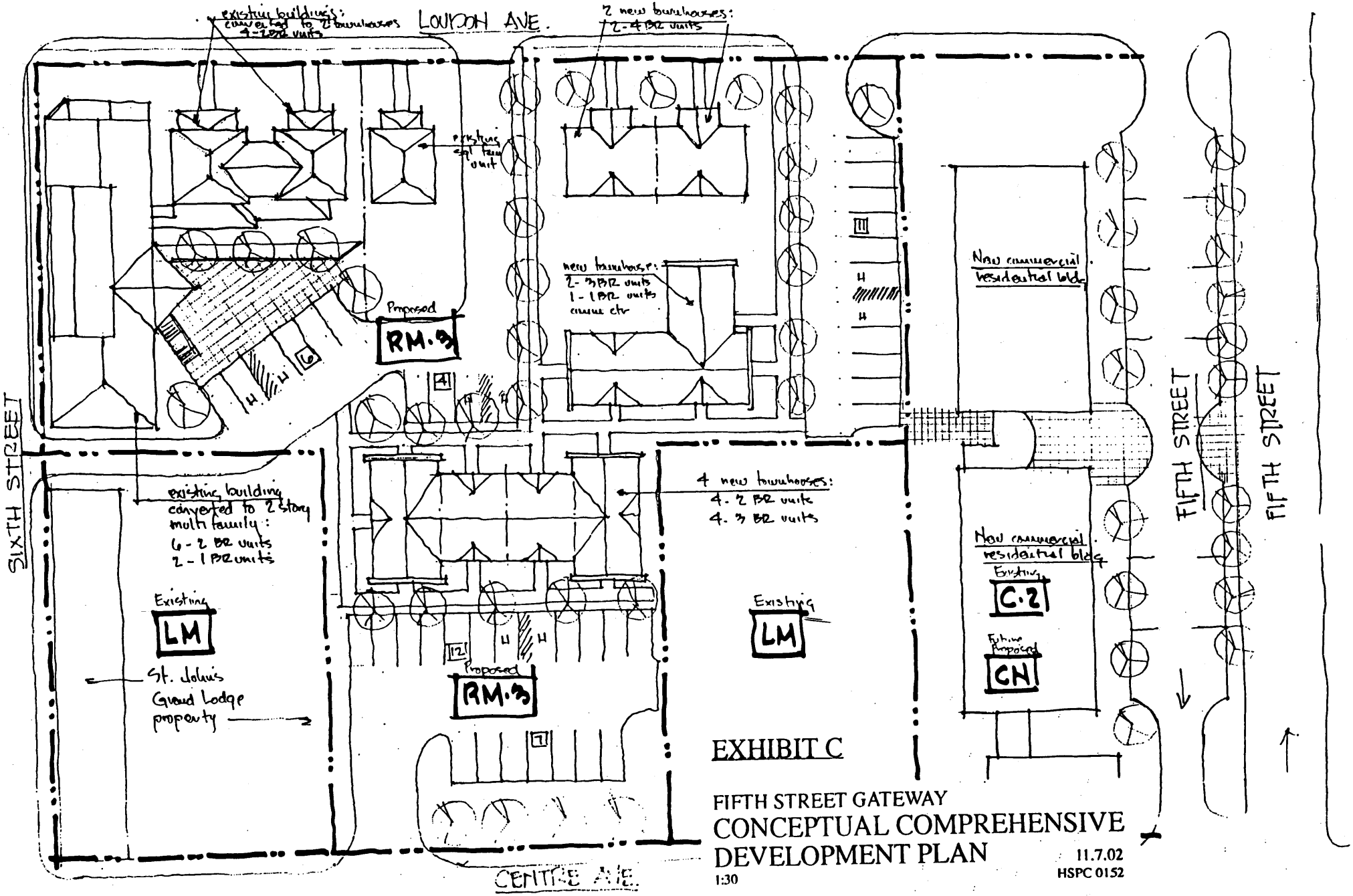


EXHIBIT C

FIFTH STREET GATEWAY

CONCEPTUAL COMPREHENSIVE DEVELOPMENT PLAN

1:30

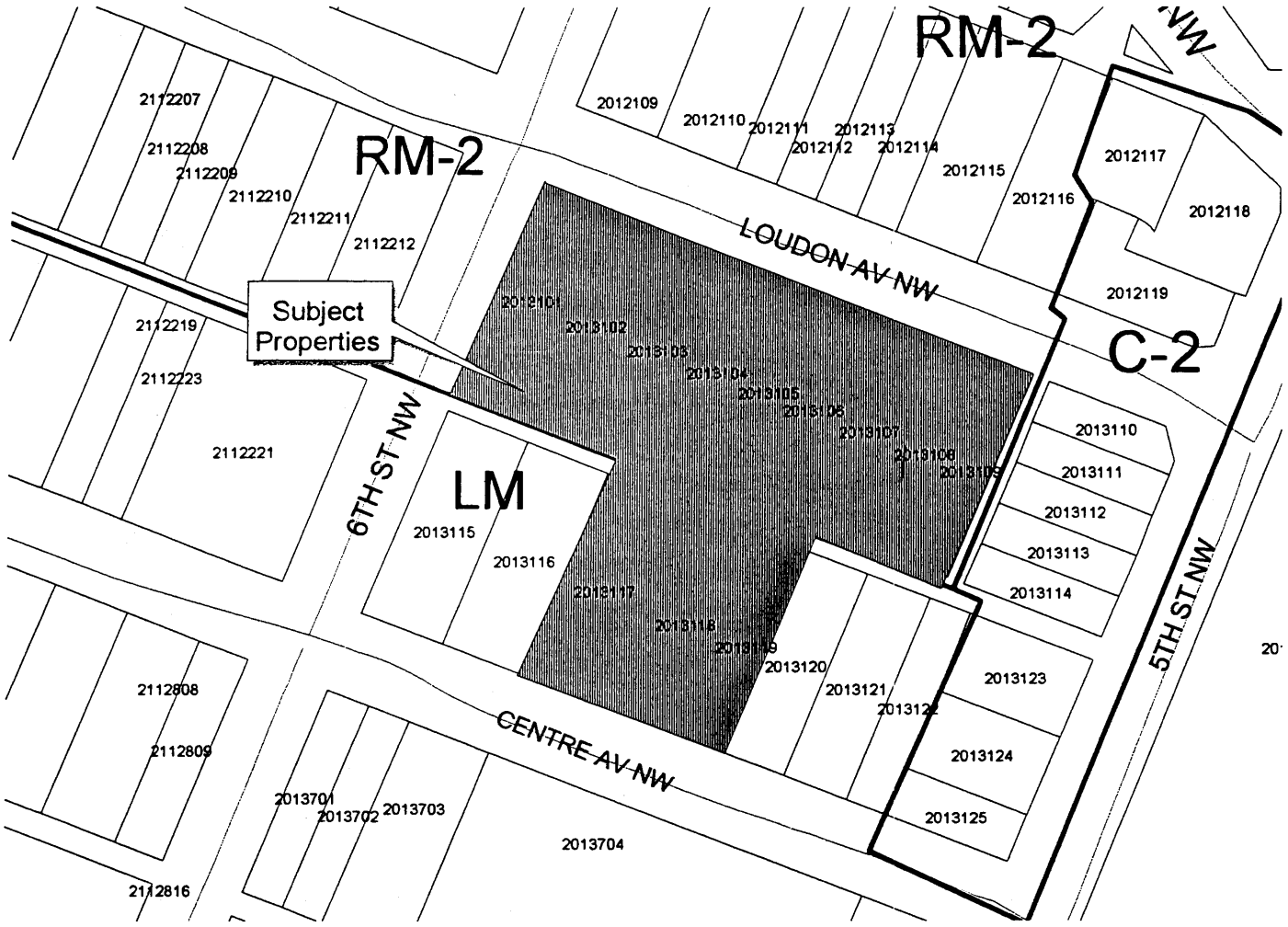
11.7.02

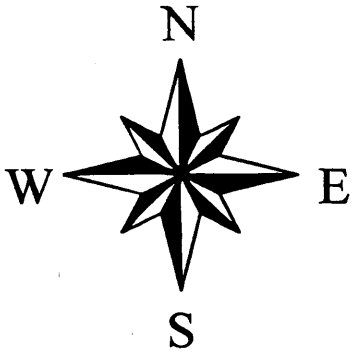
HSPC 0152

Adjacent Property Owners for Fifth Street Gateway Development EXHIBIT 12

Tax ID	Address/Location	Property Type	Owner	Owner Address
2013704	116 Fifth Street, NW	Comm/Ind	Carl E. & Mary Jane Bova	P O Box 4462, Roanoke, VA 24015
2013703	500 Block of Centre Avenue, NW	Vacant Land	Nestle Brooke LLC	P O Box 2544, Roanoke, VA 24010
2013702	500 Block of Centre Avenue, NW	Vacant Land	Natalie Foster Roberts c/o Andrew Roberts	711 Fifth ST SW, Roanoke, VA 24016
2013701	500 Block of Centre Avenue, NW	Vacant Land	Natalie Foster Roberts c/o Andrew Roberts	711 Fifth ST SW, Roanoke, VA 24016
2013115	531 Centre Avenue	Comm/Ind	St. John Grand Lodge	531 Centre Ave., NW, Roanoke, VA 24016
2013116	500 Block of Centre Avenue, NW	Vacant Land	St. John Grand Lodge	531 Centre Ave., NW, Roanoke, VA 24016
2013120	500 Block of Centre Avenue, NW	Vacant Land	Commonwealth of VA & Edward Keeling	7092 Starlight Lane, SW, Roanoke, VA 24018
2013121	500 Block of Centre Avenue, NW	Vacant Land	Edward Keeling	7092 Starlight Lane, SW, Roanoke, VA 24018
2013122	500 Block of Centre Avenue, NW	Vacant Land	NNEO	802 Loudon Ave., NW, Roanoke, VA 24016
2013123	200 Block of Fifth Street, NW	Vacant Land	Clarence Wallace	1602 Gilmer Ave., NW, Roanoke, VA 24016
2013124	200 Block of Fifth Street, NW	Vacant Land	NNEO	802 Loudon Ave., NW, Roanoke, VA 24016
2013125	202 Fifth Street, NW	Vacant Structure	Xavier Fox (NNEO has an executed option)	P O Box 6597, Roanoke, VA 24017
2013110	200 Block of Fifth Street, NW	Vacant Land	NNEO	802 Loudon Ave., NW, Roanoke, VA 24016
2013111	200 Block of Fifth Street, NW	Vacant Land	NNEO	802 Loudon Ave., NW, Roanoke, VA 24016
2013112	200 Block of Fifth Street, NW	Vacant Land	NNEO	802 Loudon Ave., NW, Roanoke, VA 24016
2013113	200 Block of Fifth Street, NW	Vacant Land	Delinda Ann Powell & Harold Lynwood	1726 Patterson Ave., Roanoke, VA 24016
2013114	212 Fifth	Vacant Structure	NNEO	802 Loudon Ave., NW, Roanoke, VA 24016
2012109	500 Block of Loudon Avenue, NW	Vacant Land	NNEO	802 Loudon Ave., NW, Roanoke, VA 24016
2012110	525 Loudon Avenue, NW	Vacant Structure	NNEO	802 Loudon Ave., NW, Roanoke, VA 24016
2012111	523 Loudon Avenue, NW	Occupied Structure	Charles & Hazel Williamson	212 Eugene Dr., NW, Roanoke, VA 24017
2012112	500 Block of Loudon Avenue, NW	Vacant Land	Laura Mae White	521 Loudon Ave., NW, Roanoke, VA 24016
2012113	517 Loudon Avenue, NW	Occupied Structure	Edward & Hazel Dungee	517 Loudon Ave., NW, Roanoke, VA 24016
2012114	515 Loudon Avenue, NW	Vacant Structure	Arthur Gravely	236 Union Street, Salem, VA 24153
2012115	500 Block of Loudon Avenue, NW	Vacant Lot	St. Paul United Methodist	502 Gilmer Ave., NW, Roanoke, VA 24016
2012116	500 Block of Loudon Avenue, NW	Vacant Lot	St. Paul United Methodist	502 Gilmer Ave., NW, Roanoke, VA 24016
2012119	500 Block of Loudon Avenue, NW	Vacant Lot	Common of VA	215 Church Ave., NW, Roanoke, VA 24016
2112212	600 Block Loudon Avenue, NW	Vacant Lot	Lillian Rodgers	P O Box 641773, Omaha, NE 68114

Rezoning:
Loudon & Centre Ave, NW





SJT
1/6/03

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 201, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

WHEREAS, Northwest Neighborhood Environmental Organization and Robert Crowder, have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned as follows:

(1) That tract of land lying on the south side of the 500 block of Loudon Avenue, N.W., identified as Official Tax Nos. 2013101 through 2013109, inclusive, from RM-2, Residential Multi-family District, Medium Density District, to RM-3, Residential Multi-family, High Density District; and

(2) That tract of land lying on the north side of the 500 block of Centre Avenue, N.W., identified as Official Tax Nos. 2013117, 2013118 and 2013119, from LM, Light Manufacturing District, to RM-3, Residential Multi-family, High Density 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; and

WHEREAS, a public hearing was held by City Council on said application at its

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 rezoning; 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 hereinafter described property should be rezoned as herein provided.

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

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 201 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That tract of land on the south side of the 500 block of Loudon Avenue, N.W., identified as Official Tax Nos. 2013101 through 2013109, inclusive, and designated on Sheet No. 201 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby rezoned from RM-2, Residential Multi-Family, Medium Density District, to RM-3, Residential Multi-family, High Density District, subject to the Amended Petition filed in the Office of the City Clerk on December 31, 2002, and that Sheet No. 201 of the Zone Map be changed in this respect; and

2. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 201 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That tract of land lying on the north side of the 500 block of Centre Avenue, N.W., identified as Official Tax Nos. 2013117, 2013118 and 2013119, and designated on Sheet No. 201 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby rezoned from LM, Light Manufacturing District, to RM-3, Residential Multi-family, High Density District, subject to the Amended Petition filed in the Office of the City Clerk on December 31, 2002, and that Sheet No. 201 of the Zone Map be changed in this respect.

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
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

January 21, 2003

Architectural Review Board
Board of Zoning Appeals
Planning Commission

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Northwest Neighborhood Environmental Organization that an alley running from 5th 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, be permanently vacated, discontinued and closed.

Planning Commission Action:

Public hearing was held on Thursday, December 19, 2002, and by a vote of 6-0 (Mr. Williams absent), the Planning Commission recommended approval of the request.

Background:

The petitioner, Northwest Neighborhood Environmental Organization (NNEO), has filed a rezoning petition for Official Tax Map Numbers 2013101, 2013102, 2013103, 2013104, 2013105, 2013106, 2013107, 2013108, and 2013109, concurrently with this petition. Combined, these two petitions request what is needed for the petitioner to develop all but five parcels of a Northwest City block bounded by 5th Street to the east, 6th Street to the west, Loudon Avenue to the north, and Centre Avenue to the south.

The portion of the subject alley that runs east to west is open to traffic, but is not

paved. The other portion of the alley that runs north to south and connects to Loudon Avenue is not open to traffic.

Considerations:

The parcels to the north of the subject alley are zoned RM-2, Residential Multi-family Medium Density District. To the south the zoning is LM, Light Manufacturing. The subject alley is the zoning line between these two districts. To the east the zoning is C-2, General Commercial District, on the western side of 5th Street and LM on the eastern side. The petitioner's rezoning petition requests that the aforementioned parcels be rezoned to RM-3, Residential Multifamily, High Density District.

To the north and west of the subject alley is a single-family residential neighborhood. To the south are several vacant parcels and some small industrial uses. East of the subject alley on 5th Street is a stretch of commercially-zoned properties that are either vacant or contain vacant buildings.

The area is served by public utilities. Staff received comments from American Electric Power (AEP), Verizon and Roanoke Gas, all of whom stated no objection to the request. Verizon stated that it would need to maintain a public utility easement.

The City Engineer advised that a sanitary sewer line runs under the subject alley, and the petitioner will be responsible for providing easements or relocating the line if necessary.

The requested closure will not have a discernible impact on traffic in the area. Staff did not receive any comments opposing this request.

Vision 2001-2020 contains several references to the function of alleys in the City. The Transportation element of the plan states:

"Access to parking by alleys can be an alternative to reduce the impact of cars entering and exiting lots on neighborhood streets (p.66)."

The City Design chapter of the plan states:

"Where possible, alleys should be created to serve rear access garages and parking areas (p.100)."

In addition, the City Design chapter states that alleys are one of the attributes of downtown neighborhoods, and that relocation of utilities to alleys should be examined in the future.

While the petitioner's request does not adhere to the design principles regarding alleys stated in Vision 2001-2020, the petitioner's rezoning request and proposed use of the subject alley are consistent with several policies and actions stated in the plan,

namely NH P5, NH P6, NH P7, and NH A27, as outlined in the concurrent rezoning request. Approval of the petitioner's request will allow the development of underutilized land in one of the City's Rehabilitation Districts.

During the Planning Commission public hearing, Mr. James Lesniak, Executive Director of NNEO, and Don Harwood, project architect, presented the request on behalf of NNEO. Frederick Gusler gave the staff report.

Recommendation:

The Planning Commission recommended approval of the petitioner's request to vacate, discontinue and close the subject alley, subject to the conditions listed below and does not recommend that the petitioner be charged for this piece of property. No public inconvenience would result by the vacation of the right-of-way. The petitioner is a non-profit organization and their use of the property will assist them in obtaining federal tax credits.

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,

Robert B. Manetta

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:	)	
	)	APPLICATION FOR VACATING,
Application of Northwest Neighborhood	)	DISCONTINUING AND
Environmental Organization (NNEO)	)	CLOSING OF ALLEY
for vacation alley	)	

MEMBERS OF COUNCIL:

✓ Organization (CRC)

Northwest Neighborhood Environmental (NNEO), petitioner, applies to have all of the alley from 6th Street, NW to 5th Street, NW in the block lying between Loudon Avenue, NW and Centre Avenue, NW, 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. This alley is more particularly described on the map attached and as follows:

Beginning at the east side of 6th Street, NW between lots bearing Official Tax Map Numbers 2013101 and 2013115 and extending east to its intersection with 5th Street, NW between lots bearing Official Tax Map Numbers 2013114 and 2013123.

Extending North from the alley described in the preceding paragraph, on the West extending along the east border of lot bearing Official Tax Map Number 2013109 and on the East extending along the West border of lots bearing Official Tax Map Numbers 2013114 through 2013110. extending north to its intersection with Loudon Avenue.

NNEO states that the grounds for this application are as follows:

(1) The applicant desires to use the property to be vacated for development of a low-to-middle income housing development.
(2) The applicant's development will take away the functions of the alley, using the vacated area for green space and pedestrian walkways.
(3) The alley's functions (water, sanitary sewer, and trash pickup) will be relocated and served within the applicant's development.
(4) The applicant's development cannot function as designed with the alley in service.

WHEREFORE, NNEO respectfully requests that above-described alley be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully Submitted

Hill Studio, P.C.
Agent for NNEO

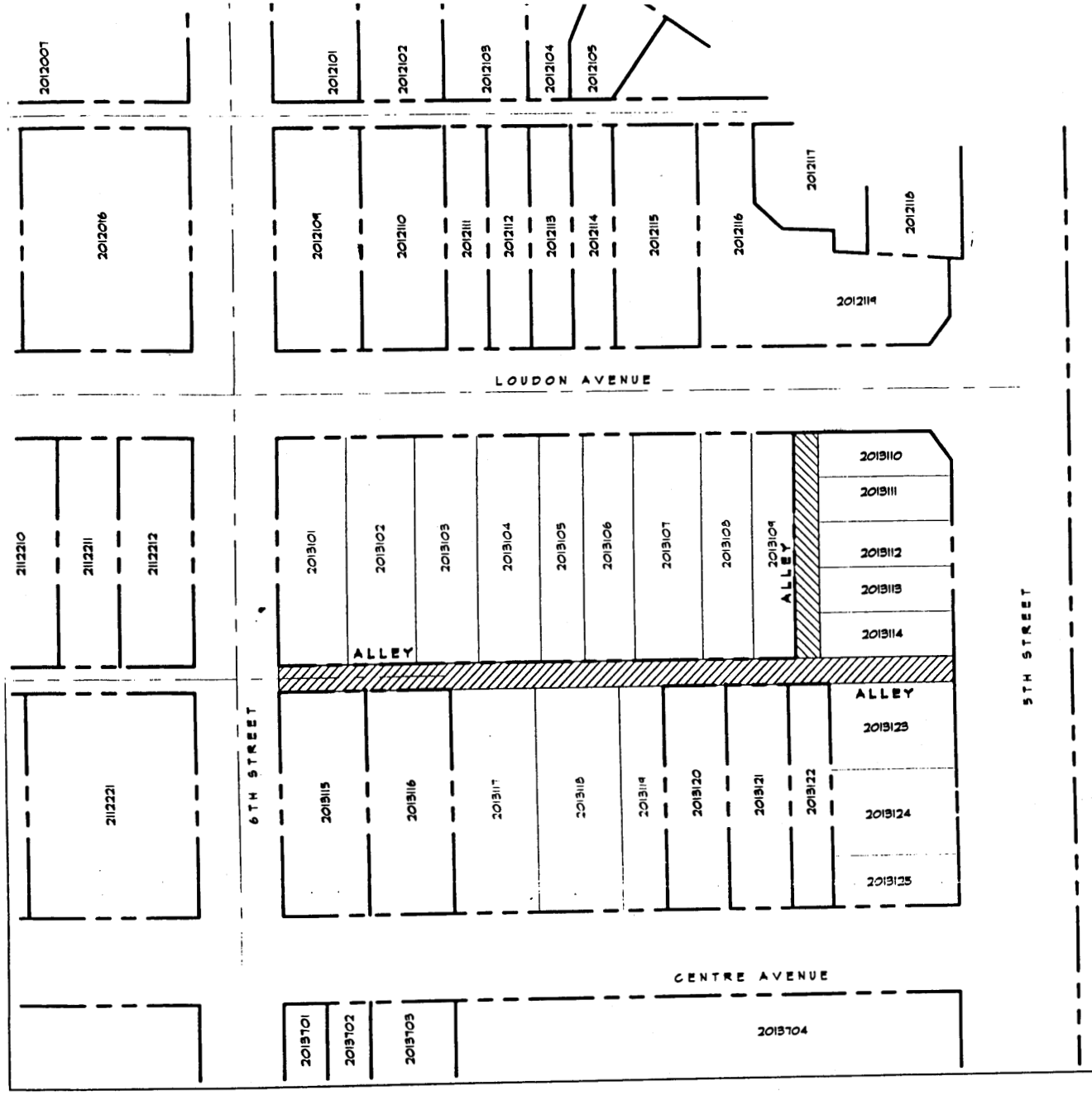
11/7/02
Date

NNEO
802 Loudon Avenue, NW
Roanoke, VA 24016
Phone Number: 540-343-5674

Property Owners Adjacent to Alleys

Tax Map ID	Address/Location	Property Type	Owner	Owner Address
2013101	532 Loudon Ave. NW	Vacant Commercial	NNEO	802 Loudon Ave. NW 24016
2013102	528 Loudon Ave. NW	Vacant Multi-family	NNEO	802 Loudon Ave. NW 24016
2013103	526 Loudon Ave. NW	Vacant Multi-family	NNEO	802 Loudon Ave. NW 24016
2013104	522 Loudon Ave. NW	Occup. Single family	Robert & Joy Crowder	522 Loudon Ave. NW 24016
2013105	500 Loudon Ave. NW	Vacant Lot	NNEO	802 Loudon Ave. NW 24016
2013106	516 Loudon Ave. NW	Vacant Single-family	NNEO	802 Loudon Ave. NW 24016
2013107	514 Loudon Ave. NW	Vacant Single-family	NNEO	802 Loudon Ave. NW 24016
2013108	500 Block Loudon Ave.	Vacant Single-family	NNEO	802 Loudon Ave. NW 24016
2013109	500 Block Loudon Ave.	Vacant Lot	NNEO	802 Loudon Ave. NW 24016
2013114	212 Fifth St.	Vacant Single-family	Ronald Buckner	PO Box 6597 Rke. VA 24017
2013115	531 Centre Ave.	Lodge Hall	St. John's Grand Lodge	531 Centre Ave. NW 24016
2013116	500 Block Centre Ave.	Vacant Lot	St. John's Grand Lodge	531 Centre Ave. NW 24016
2013117	519 Centre Ave.	Vacant Lot	NNEO	802 Loudon Ave. NW 24016
2013118	515 Centre Ave.	Vacant Lot	NNEO	802 Loudon Ave. NW 24016
2013119	500 Block Centre Ave.	Vacant Lot	NNEO	802 Loudon Ave. NW 24016
2013120	500 Block Centre Ave.	Vacant Lot	C'wealth of VA & Ed Keeling	7092 Starlight Ln. Rke 24018
2013121	500 Block Centre Ave.	Vacant Lot	Edward Keeling	7092 Starlight Ln. Rke 24018
2013122	500 Block Centre Ave.	Vacant lot	NNEO	802 Loudon Ave. NW 24016
2013123	Fifth St. NW	Vacant lot	Clarence Wallace	1602 Gilmer Ave. Rke 24017

2013109	500 Block Loudon Ave.	Vacant Lot	NNEO	802 Loudon Ave. NW 24016
2013110	500 Block Loudon Ave.	Vacant Lot	NNEO	802 Loudon Ave. NW 24016
2013111	500 Block Loudon Ave.	Vacant Lot	NNEO	802 Loudon Ave. NW 24016
2013112	500 Block Loudon Ave.	Vacant Lot	NNEO	802 Loudon Ave. NW 24016
2013113	Fifth Street NW	Vacant Lot	Eric Evans & C. Powell	3913 Plantation Rd. Rke 24012
2013114	212 Fifth St.	Vacant Single-family	Ronald Buckner	PO Box 6597 Rke. VA 24017



NORTHWEST NEIGHBORHOOD
ENVIRONMENTAL
ORGANIZATION (NNEO)

5th STREET GATEWAY

PROPOSED ALLEY CLOSURE EXHIBIT

1" = 60'

NOVEMBER 7, 2002

Alley Closure, 5th & 6th St, NW

WMP

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing 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 by title.

WHEREAS, Northwest Neighborhood Environmental Organization (NNEO) filed an application dated November 7, 2002, 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; and

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; and

WHEREAS, a public hearing was held on said application by the City Council on January 21, 2003, 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 said application; and

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 said 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:

> All of the alley from 6th Street, N.W. to 5th Street, N.W., in the block lying between Loudon Avenue, N.W., and Centre Avenue, N.W., beginning at the east side of 6th Street, N.W., between lots bearing Official Tax Nos. 2013101 and 2013115, and extending east to its intersection with 5th Street, N.W., between lots bearing Official Tax Map Numbers 2013114 and 2013123, extending north, and on the west extending along the east border of lot bearing Official Tax Map Number 2013109 and on the east extending along the west border of lots bearing Official Tax Map Numbers 2013114 through 2013110, extending north to its intersection with Loudon Avenue

be, and are 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 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 said 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

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, 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 said 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 said 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 one (1) year from the date of the adoption of this ordinance, then said ordinance be null and void with no further action by City Council being necessary.

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
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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from David John Ostrom, Jr., to rezone one tract of land located at 1033 Pocahontas Avenue, N.E., known as Lot 27, Section 1, Fairmont Corporation, Tax Map Number 3042118 from RM-1, Residential Multifamily, Low Density District, to LM, Light Manufacturing District.

Planning Commission:

Public hearing was held on Thursday, December 19, 2002, and by a vote of 6-0 (Mr. Williams absent), the Planning Commission recommended approval of the request.

Background:

The subject parcel is approximately 6,800 square feet and is situated on the corner of Pocahontas Avenue and 11th Street N.E A 900 square foot, one-story masonry structure is situated on the southern portion of the property and fronts on 11th Street. The parcel has been previously used commercially and has no history of being utilized for any residential purpose.

Considerations:

The surrounding properties are zoned RM-1, Residential Multifamily, Low Density District, and LM, Light Manufacturing District. The RM-1 property that abuts the lot to the west is vacant, and it is unlikely that it could be developed for a residential use given its steep topography. The property to the north directly

across Pocahontas Avenue is zoned RM-1 as well. There is currently a single-family house on the lot. The abutting property to the south and the property directly across 11th Street to the east are zoned LM. The property to the south is currently a restaurant use and the adjacent property to the east of the subject property is a trucking facility.

LM, Light Manufacturing District, uses on the subject property would be consistent with the surrounding land use pattern found along 11th Street and the Orange Avenue corridor. The existing adjacent residential district along Pocahontas Avenue is small in scale and low in density. LM uses on the subject site would have minimal impact on the surrounding area.

The petitioner plans to use the property for the storage of inventory for the petitioner's electrical contracting business. Employees of the petitioner's business will meet at the property, pick up inventory, and go to the job site. There will be no office at the property.

Although outdoor storage is permitted in the LM, Light Manufacturing District, the zoning ordinance does not permit outdoor storage to be located closer to a public street than the main building on the lot (Sec. 36.1-257.) The building on the subject lot is located very close to the southern boundary of the parcel, and no outdoor storage would be permitted from the northernmost edge of the building to the Pocahontas Avenue property line.

The main vehicular access to the lot is located on Pocahontas Avenue, in close proximity to the 11th Street intersection. Staff examined other options for creating an entrance to the lot on 11th Street further away from the residentially-zoned district. After a site visit, staff concluded that the existing entrance is acceptable and the most feasible option, given the steep embankment along 11th Street and the overall lack of usable space due to the topography of the lot.

Vision 2001-2020, the City's Comprehensive Plan, includes the following recommendation for land use and development:

> Commercial Development: Identify underutilized commercial sites and promote revitalization (p. 62, ED A26.)

Because the subject property has supported commercial uses in the past, the proposed change in zoning is a reasonable development strategy that is consistent with the Comprehensive Plan.

During the Planning Commission public hearing, Mr. Al McLean, attorney for the petitioner, presented the request to the Planning Commission. The staff report was given by Nancy Snodgrass. There was no one present who spoke in opposition to or in favor of the requested rezoning.

Recommendation:

Planning Commission recommended approval of the request. Given the surrounding land use pattern, the permitted uses of the LM, Light Manufacturing District, are appropriate uses for the subject property.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
George A. McLean, Jr., Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of a tract of land located at
1033 Pocahontas Ave, NE,
known as Lot 27, Section 1, Fairmont Corporation,
Tax Map No. 3042118
from Residential Multifamily Low Density
District (RM1) to Light Manufacturing District (LM).

FIRST AMENDED
PETITION TO REZONE

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, David John Ostrom, Jr., filed on November 7, 2002, a petition to rezone that property located at 1033 Pocahontas Avenue, NE, known as known as Lot 27, Section 1, Fairmont Corporation. In said petition, the tax map no. was incorrectly listed as Tax Map No. 3042116, when it should have been Tax Map No. 3042118. Your petitioner now requests that his petition to rezone be amended to provide that the tax map no. of the property being rezoned be changed to Tax Map No. 3042118.

DAVID JOHN OSTROM, JR.

By: _____
George A. McLean, Jr., his attorney and agent

George A. McLean, Jr.
VSB #14018
P. O. Box 1264
Roanoke, Virginia 24006
(540) 982-8430
Counsel for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of a tract of land located at
1033 Pocahontas Ave, NE,
known as Lot 27, Section 1, Fairmont Corporation,
Tax Map No. ~~3042116~~ 3042118
from Residential Multifamily Low Density
District (RM1) to Light Manufacturing District (LM).

PETITION TO REZONE

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioner, David John Ostrom, Jr., is purchasing the subject property by contract dated October 21, 2002, in the City of Roanoke containing 6,800 square feet, more or less, located at 1033 Pocahontas Ave, NE, known as Lot 27, Section 1, Fairmont Corporation, Tax Map No. ~~3042116~~ 3042118. Said tract is currently zoned RM1.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property be rezoned from RM1 to Light Manufacturing District (LM) for the purpose of storage of inventory for Petitioner's electrical contracting business. Employees will meet at property, pick up inventory, and go to job site. There will be no office at the property.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan, in that it will the highest and best use for a property which is located in a commercial area and has been previously used for commercial purposes.

Attached as Exhibit A 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 property to be rezoned. Attached as Exhibit B is a location survey and attached as Exhibit C is a concept plan showing the location of the existing building.

WHEREFORE, the Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 7 day of Nov, 2002.

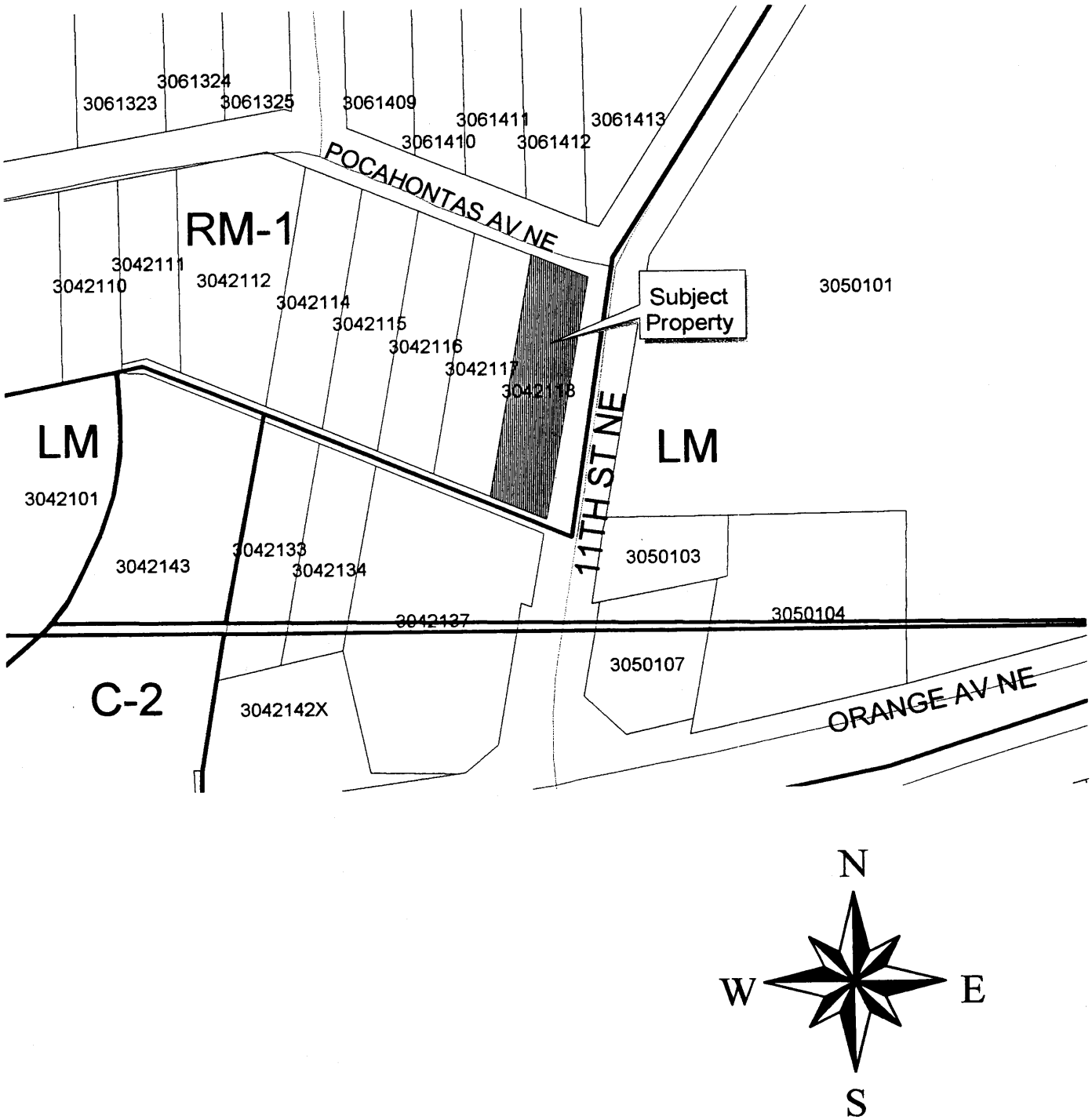
Respectfully submitted,

By: _____
Petitioner

David John Ostrom, Jr.
67 Drake Trail
Cloverdale, VA 24077
Phone No.: 540-992-4217

George A. McLean, Jr.
VSB #14018
P. O. Box 1264
Roanoke, Virginia 24006
(540) 982-8430
Counsel for David John Ostrom, Jr.

1033 Pocahontas Ave, NE



WMK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 304, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance by title.

WHEREAS, David John Ostrom, Jr. has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-1, Residential Multi-Family, Low Density District, to LM, Light Manufacturing District; and

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 January 21, 2003, 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 rezoning; 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 hereinafter described property should be rezoned as herein provided.

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

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 304 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

A portion of the property at 1033 Pocahontas Avenue, N.E., known as Lot 27, Section 1, Fairmont Corporation, and identified as Official Tax No. 3042118, and designated on Sheet No. 304 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby rezoned from RM-1, Residential Multi-Family District, Low Density District, to LM, Light Manufacturing District, in accordance with the First Amended Petition filed in the Office of the City Clerk on November 7, 2002, and that Sheet No. 304 of the Zone Map be changed in this respect.

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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Robert and Sandy P. Monsour, represented by Maryellen F. Goodlatte, attorney, that property located at the intersection of Plantation and Liberty Roads, N.E., designated as Official Tax No. 3130805, be rezoned from RM-1, Residential Multifamily, Low Density District, to CN, Neighborhood Commercial District, such rezoning to be subject to certain conditions proffered by the petitioner.

Planning Commission Action:

Public hearing was held on Thursday, December 19, 2002, and by a vote of 5-1 (Messrs. Butler, Campbell, Chrisman, Hill and Manetta voting in favor, Mr. Rife voting against, and Mr. Williams absent), the Planning Commission recommended approval of the request.

Background:

A Petition to Rezone the subject property was filed on June 26, 2002. The petitioner submitted a request for a continuance on July 29, 2002. The petitioner submitted a second request for a continuance on August 26, 2002, requesting that the Planning Commission hear the matter in December 2002. An Amended Petition was filed on December 10, 2002, a Seconded Amended petition was filed on December 13, 2002, and a Third Amended Petition was filed on December 20, 2002, with the following proffered conditions:

1. The property shall be developed in substantial conformity with the site plan made by L. A. Gates Company, dated May, 2002, attached hereto as Exhibit B, subject to such changes as may be required by the City during the comprehensive site plan review process.

2. The following uses shall not be permitted on the subject property:

    a. financial institution;
    b. neighborhood convenience store;
    c. restaurant.

3. At least twenty percent (20%) of the façade of the building along the Plantation Road frontage shall consist of plate glass.

4. At least one point of access to the building shall be on Plantation Road or at the corner of Liberty and Plantation Road.

The 0.36-acre tract to be rezoned is vacant.

Considerations:

The subject property, located at the intersection of Plantation Road and Liberty Road N.E., is zoned RM-1, Residential Multifamily, Low Density. Surrounding tracts on the west side of Plantation Road (north, south, and west of the subject property) are zoned RM-1, Residential Multifamily, Low Density. Tracts on the east side of Plantation Road are zoned LM, Light Manufacturing.

Surrounding land uses include a single-family residence and a vacant lot across Liberty Road from the subject property. The northeast corner property at the Plantation and Liberty Road intersection is the location of Rainbo Bakery, while a convenience store is located on the property directly across Plantation Road at the southeast corner of the intersection. The abutting properties along Liberty Road and on Plantation Road are single-family residential.

The petitioner proposes to construct a 3,720 square foot building on the property as proffered by a site plan. A user for the building has not been identified.

The petitioner's proffered site plan includes two points of access. Access on Plantation Road will be to the side of the building, while the access on Liberty Road will be to the rear of the building. Each point of access is situated at the greatest distance possible from the intersection. In its evaluation of the petition and proffered site plan, the City's Transportation Division delineated the following two traffic concerns, both related to access to the subject property:

- The proximity of the proposed Liberty Road driveway to the signal at the intersection of Liberty and Plantation Roads may create operational issues for a left turn into the Liberty Road driveway that may be blocked because of traffic stacked at the signal.

- Sight distance is limited at the point of access on Plantation Road. This is an issue for vehicles turning left off of Plantation Road into the site and vehicles turning left out of the site.

In order to limit traffic impact, the petitioner has proffered that certain high intensity uses will be prohibited on the subject property. The prohibition of financial institutions, neighborhood convenience stores, and restaurants, uses that are otherwise permitted in a CN, Neighborhood Commercial District, should limit traffic volume utilizing the two proposed driveways for the site.

Although not specifically identified in **Vision 2001-2020** as a village center, the location of the subject property is consistent with the concept of a neighborhood village center. In accordance with **Vision 2001-2020**, village centers vary in size based on the scale of buildings and the customer base served. With its location at a key intersection and proximity to residential neighborhoods, the subject property is in an ideal location for a small neighborhood village center. A convenience store is established on Plantation Road directly opposite the subject property on the southeast corner of the Plantation/Liberty Road intersection.

The subject property would provide definition to the intersection and a small village center.

- It is located at a key intersection of two arterial streets that carry local and commuter traffic.

- With the identity of this area as a potential village center, the rezoning of this subject property to CN, Neighborhood Commercial, would define the focus of the intersection for village center development in accordance with **Vision 2001-2020**.

Development of the site as proposed is consistent with the following policies of **Vision 2001-2020**:

1. A "Small Village/Neighborhood Center " is located on a major thoroughfare. The center may contain neighborhood-serving commercial and office spaces such as a gas station/convenience store, small shops, and offices." (p. 97, Small Village/Neighborhood Center: Function)

2. "Village Centers: Village centers will be pursued as an economic development strategy to strengthen neighborhoods and the City's economy." (p. 59, ED P8)

3. "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." (p. 59, ED P6)

4. "Neighborhood-oriented commercial activity will be encouraged in well-defined village centers." (p. 40, NH P2)

5. "Identify and map existing and potential village center locations." (p. 41, NH A2)

Given the uses prohibited by proffer in this petition and the subject property's location at an arterial street intersection, the application of the CN, Neighborhood Commercial District, to the subject property is appropriate and is not inconsistent with the "Small Village/Neighborhood Center" concept discussed in **Vision 2001-2020**. The proposed development on the subject property could help to solidify the definition of this village center. Potential residential development of the subject property has been compromised by the existence of incompatible uses such as the bakery as well as by the volume of traffic through the Plantation Road/Liberty Road intersection.

The subject site is consistent with "neighborhood commercial" and the "Small Village/Neighborhood Center" concept. The proffered site plan is consistent with the following **Vision 2001-2020** principles for a "Small Village/ Neighborhood Center":

1. "Off-street parking is added to the rear of buildings." (p. 97, Small Village/Neighborhood Center: Parking)

2. "New buildings in the village center are not set back..." (p. 97, Small Village/Neighborhood Center: Buildings)

Because the details of a village center are yet to be codified in the form of regulations with the zoning ordinance update, the application of **Vision 2001-2020** village center concepts is currently dependent on proffered conditions.

- The proffered site plan places the building close to the street (Plantation Road), consistent with the principles of **Vision 2001-2020** to improve and better define the streetscape. Furthermore, to ensure the building's orientation to Plantation Road, proffers # 3 and 4 in the Third Amended Petition provide assurances in regard to transparent surfaces (specifically plate glass) on the façade to create visual attractiveness as well as access to the building from the Plantation Road frontage.

- The proffered site plan places on-site parking to the rear of the building, consistent with the principles of **Vision 2001-2020**. Although no off-street parking is required in the CN, Neighborhood Commercial District, the provision of some off-street parking in this location is reasonable given that there is no available on-street parking. The petitioner's proffered site plan restricts off-street parking to ten (10) spaces.

During the Planning Commission public hearing, Maryellen Goodlatte, attorney, presented the request on behalf of the petitioner. The staff report was given by Nancy Snodgrass.

Joyce Oliver, 521 Liberty Road, N.E., spoke in opposition to the request and presented a letter of opposition from Helen Daugherty (522 Courtney Avenue, N.E.). Ms. Oliver stated that she only supported residential use of the subject property and that no commercial use should be permitted. She expressed concerns about the volume of current traffic in the area particularly at rush hour in the morning and afternoons, the on-site parking's location on the side of the subject site next to her property, and commercial encroachment into a residential neighborhood.

Mr. Steve Talevi, Assistant City Attorney, asked that the petitioner clarify the language included in proffer #3 of the Second Amended Petition. Mrs. Goodlatte agreed to file a Third Amended Petition in which the phrase "shall be transparent" in proffer #3 is revised to read "shall consist of plate glass."

Recommendation:

The Planning Commission recommended approval of the requested rezoning, as amended by revised proffer, given the proffered site plan's consistency with **Vision 2001-2020** in the placement of the building close to the street and the location of off-street parking to the rear of the building, the consistency of the location with the village center concept, and the higher intensity uses in terms of traffic volume that have been excluded by proffer.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

attachments
cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Maryellen F. Goodlatte, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning approximately 0.36 acres consisting of one (1) tract of land lying and being in the City of Roanoke, Virginia, at the intersection of Plantation Road and Liberty Road:

Tax Map No. 3130805

from RM-1 (Residential Multifamily District, Low Density District) to CN (Neighborhood Commercial District).

THIRD AMENDED PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

The Petitioners, Robert Monsour and Sandy P. Monsour, own the following property in the City of Roanoke, Virginia: Tax Map No. 3130805.

Said tract is currently zoned RM-1 (Residential Multifamily District, Low Density District). A map of the property to be rezoned is attached as Exhibit A.

Petitioner proposes to construct a 3,720 square foot building as shown on the concept plan made by L. A. Gates Company, dated May, 2002, attached hereto as Exhibit B. A user for the building has not been identified at this point.

Vision 2001-2020 has recognized the intersection of Liberty Road and Plantation Road as a "village center." The requested CN (Neighborhood Commercial District) zoning and the small-scale commercial use proposed for the site is appropriate for a village center.

Petitioners agree that the rezoning of the property shall be subject to the following proffered conditions:

1. The property shall be developed in substantial conformity with the site plan made by L. A. Gates Company dated May, 2002, attached hereto as Exhibit B, subject to such changes as may be required by the City during the comprehensive site plan review process.

2. The following uses shall not be permitted on the subject property:

   a. financial institution;

   b. neighborhood convenience store;

   c. restaurant.

3. At least twenty percent (20%) of the façade of the building along the Plantation Road frontage shall consist of plate glass.

4. At least one point of access to the building shall be on Plantation Road or at the corner of Liberty and Plantation Road.

Attached as Exhibit C are the names, addresses and tax numbers of the owners of all lots or properties immediately adjacent to, immediately across a street or road from the property to be rezoned.

WHEREFORE, Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 19th day of December, 2002.

Respectfully submitted,

Robert Monsour
Sandy P. Monsour

By: Maryellen F. Goodlatte
of Counsel

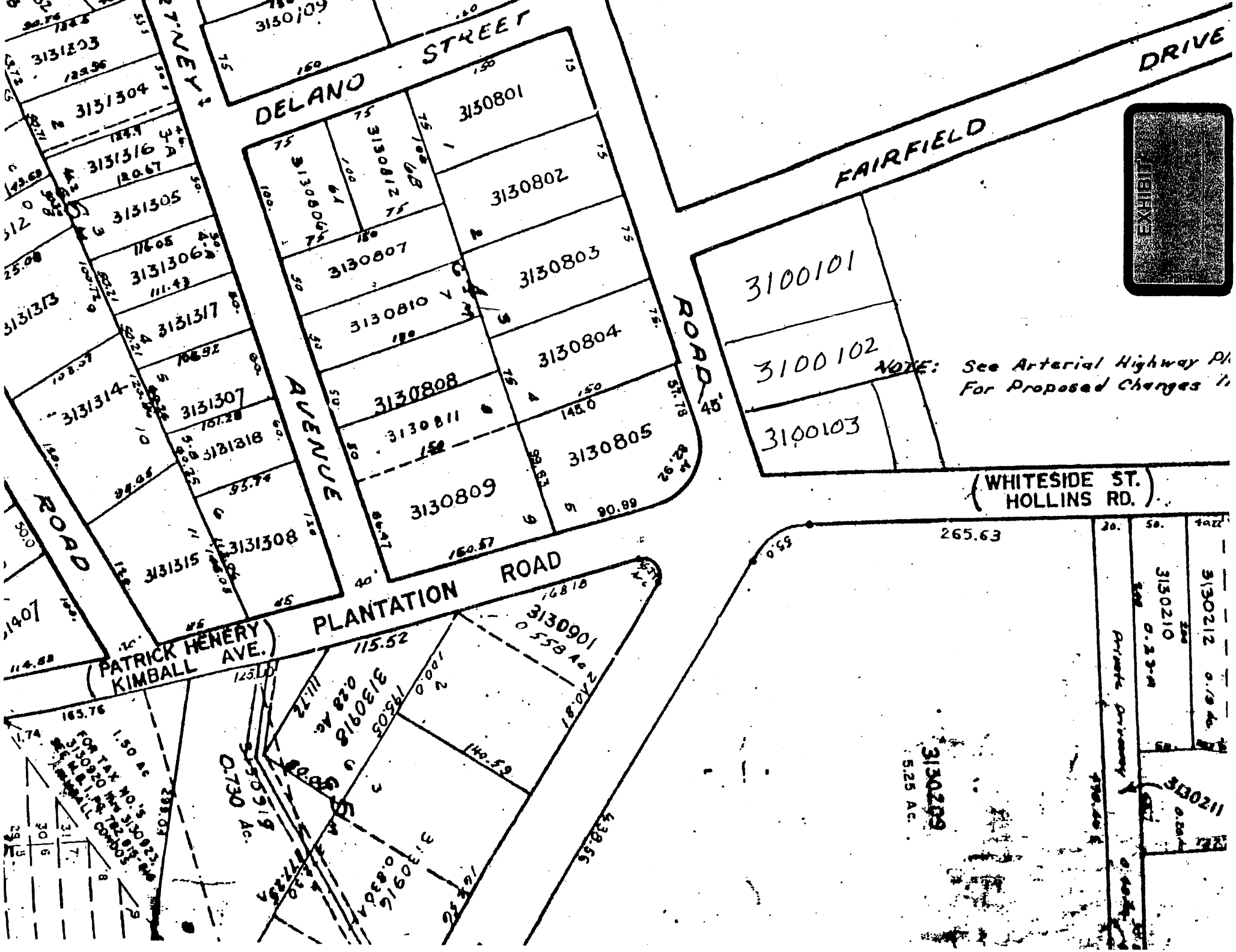
Maryellen F. Goodlatte, Esq.
Glenn, Feldmann, Darby & Goodlatte
P. O. Box 2887
Roanoke, Virginia 24001-2887

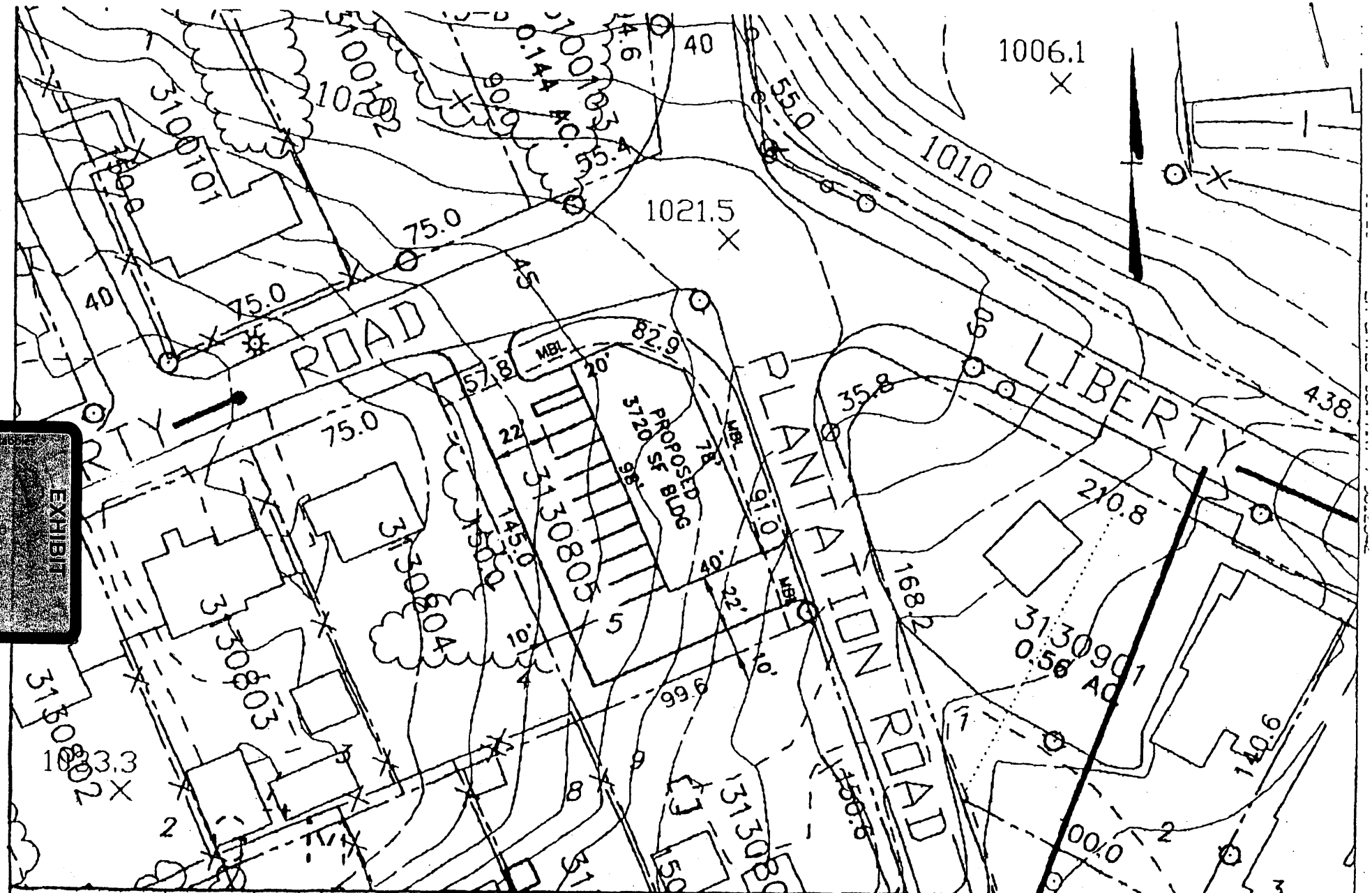
(540) 224-8018 - Telephone
(540) 224-8050 – Facsimile

Robert Monsour and Sandy P. Monsour, owners of the property subject to this third amended petition, hereby consent to this rezoning petition and agree to be bound by the conditions that are proffered in this third amended petition..

Robert Monsour

Sandy P. Monsour


DELANO STREET
FAIRFIELD DRIVE
AVENUE
ROAD
PLANTATION ROAD
(PATRICK HENERY KIMBALL AVE.)
(WHITESIDE ST. HOLLINS RD.)
3131303
3131304
3131316
3131305
3131306
3131317
3131313
3131314
3131307
3131318
3131308
3131315
3130109
3130801
3130812
3130806
3130802
3130807
3130803
3130810
3130804
3130808
3130811
3130805
3130809
3100101
3100102
3100103
3130901
3130918
3130919
3130916
3130210
3130212
3130211
3130209
Private Driveway
265.63
115.52
0.730 Ac.
5.25 Ac.
NOTE: See Arterial Highway Pl
For Proposed Changes
EXHIBIT



EXHIBIT

L. A. GATES COMPANY
ENGINEERS AND CONSULTANTS
306 MARKET STREET, SE
ROANOKE, VIRGINIA 24011
(540)342-8423 – FAX (540)342-8425
BECKLEY, WV CHARLESTON, WV ROANOKE, VA

CENTRAL RAZOR, LLC
1539 LYNN BRAE DRIVE
ROANOKE, VIRGINIA 24012
(540)981-2340
MR. ROBERT MONSOUR

CENTRAL RAZOR, LLC
PROPOSED SITE LAYOUT FOR 3720 SF BUILDING
CITY OF ROANOKE, VIRGINIA

DRAWN	CHECKED	DESIGNED	DATE	PROJECT ID NO		SHEET
			May, 2002		SCALE: 1"=50'	2

NU. 455
D02

ADJOINING PROPERTY OWNERS
OF
ROBERT MONSOUR AND SANDY P. MONSOUR
TAX PARCEL 3130805
0 LIBERTY ROAD, N.E.
ROANOKE, VA 24012
Zoned RM1

TAX MAP NUMBER	OWNER(S)/ADDRESSES
3100103	Danny Craig McGuire Meta C. McGuire 520 Liberty Road, N.E. Roanoke, Virginia 24012
3100102	H. A. Moses c/o Joseph H. Moses 217 Richard Burbydge Williamsburg, Virginia 23185
3100101	James F. Patten 504 Liberty Road, N.E. Roanoke, Virginia 24012
3130804	Joyce A. Rhodes c/o Joyce R. Oliver 521 Liberty Road, N.E. Roanoke, Virginia 24012
3130811	Henry T. Daugherty 522 Courtney Avenue, N.W. Roanoke, Virginia 24012

EXHIBIT
C

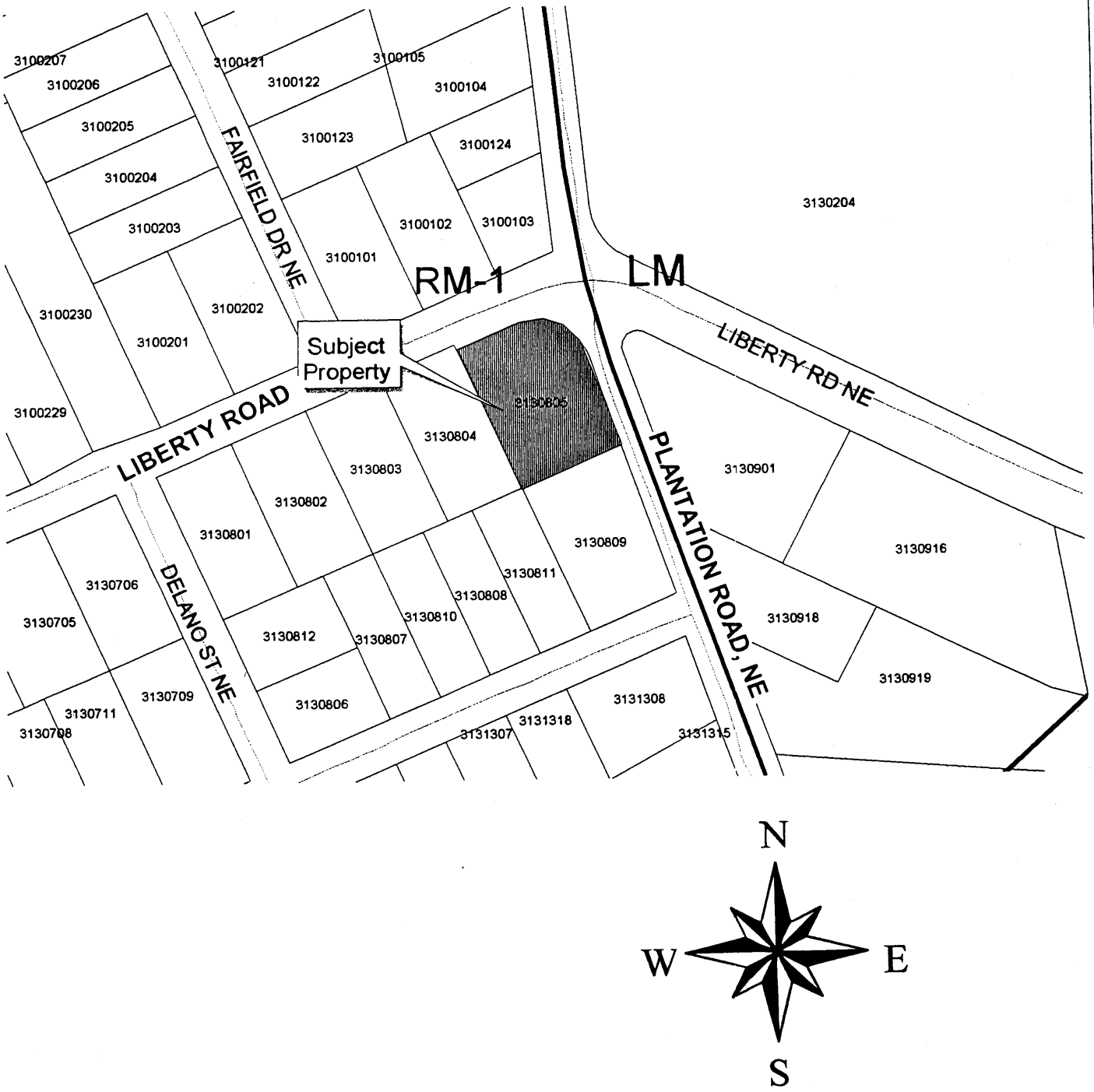
3130809	Lorri A. Erdmann c/o Floyd G. Erdmann 1309 Jumping Run Drive Goodview, Virginia 24095
3130901	John A. Fuller Carol M. Fuller 655 Water Oak Road Roanoke, Virginia 24019
3130209	Interstate Brands Corporation P. O. Box 419627 Kansas City, Missouri 64141

Received 1-11-02
RBT

I Harriet Daugherty am opposed to rezoneing of lot at Corner of Liberty Plantation Rd. My understanding is This is to be a paint Bldng. Fire danger & more Cars!

Harriet Daugherty
522 Courtney Ave N.E.
Roanoke, Va. 24012

Liberty Rd, NE



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 313, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicants; and dispensing with the second reading of this ordinance by title.

WHEREAS, Robert Monsour and Sandy P. Monsour, have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-1, Residential Multifamily District, Low Density District, to CN, Neighborhood Commercial District, subject to certain conditions proffered by the applicants; and

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 January 21, 2003, 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 rezoning; 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 hereinafter described property should be rezoned as herein provided.

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

1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 313 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That tract of land consisting of 0.36 acres located at the intersection of Plantation and Liberty Roads, N.E., designated as Official Tax Map Number 3130805, be, and is hereby rezoned from RM-1, Residential Multifamily District, Medium Density District, to CN, Neighborhood Commercial District, subject to the proffers contained in the Third Amended Petition filed in the Office of the City Clerk on December 20, 2002, and that Sheet No. 313 of the Zone Map be changed in this respect.

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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Kristi Parr that an alley intersecting with Mississippi Avenue, N.E., lying between parcels bearing Official Tax Nos. 3130428 and 3130429 be permanently vacated, discontinued and closed.

Planning Commission Action:

Public hearing was held on Thursday, December 19, 2002, and by a vote of 6-0 (Mr. Williams absent), the Planning Commission recommended approval of the request.

Background:

The petitioner's property has a 10-foot wide paper alley on its western side, for which it has filed this petition for vacation. The paper alley has never been improved.

Considerations:

The petitioner's property, Official Tax Map Number 3130429, is zoned RM-1, Residential Multi-family Low Density District, as are all of the surrounding properties. The surrounding properties are all of a single-family residential use.

The area is served by public utilities. Staff received comments from American

Electric Power (AEP), Verizon and Roanoke Gas, all of whom stated no objection to the request. AEP stated that it has facilities in the alley and would need to maintain a public utility easement.

The requested closure will have no impact on traffic and the additional land will not enable the petitioner to further develop their property.

Staff received no comments in opposition to this request.

During the Planning Commission hearing, Ms. Loretta Parr appeared before the Commission on behalf of Kristi Parr. Frederick Gusler gave the staff report. There was no one present in opposition to or in favor of the requested closure.

Recommendation:

Planning Commission recommends approval of the petitioner's request to vacate, discontinue and close the subject alley, subject to the conditions listed below and does not recommend that the petitioner be charged for this piece of property.

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,

Robert B. Manetta

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:	)	AMENDED APPLICATION FOR
	)	VACATING, DISCONTINUING
Application of Kristi Parr	)	AND CLOSING OF ALLEY
For vacation of Alley	)	

MEMBERS OF COUNCIL:

Kristi Parr, Petitioner, applies to have a 10 foot alley, 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. This alley is more particularly described on the plat attached and as follows:

> That certain 10 foot wide alley lying and being on the west lot line of Part of Lot 5, containing 0.04 of an acre, more or less, Queenburg Heights, Roanoke City, Virginia, as shown on plat of survey prepared by John E. Ramsey, LS, dated August 22, 2002, a copy of which is attached hereto, as it intersects with Mississippi Avenue. Said alley is located between Official Tax Map Numbers 3130429 and 3130428.

Kristi Parr states that the grounds for this application are as follows:

1. All landowners whose property adjoins the property to be vacated have been notified and are in agreement with this application.
2. That a fence owned by Ms. Parr is currently located on said alley and the transfer would solve the problem of having the fence on public property.
3. Ms. Parr also has been advised by the City staff that a recommendation has been made not to charge the Petitioner for the alley.

WHEREFORE, Kristi Parr respectfully requests that above-described alley be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted

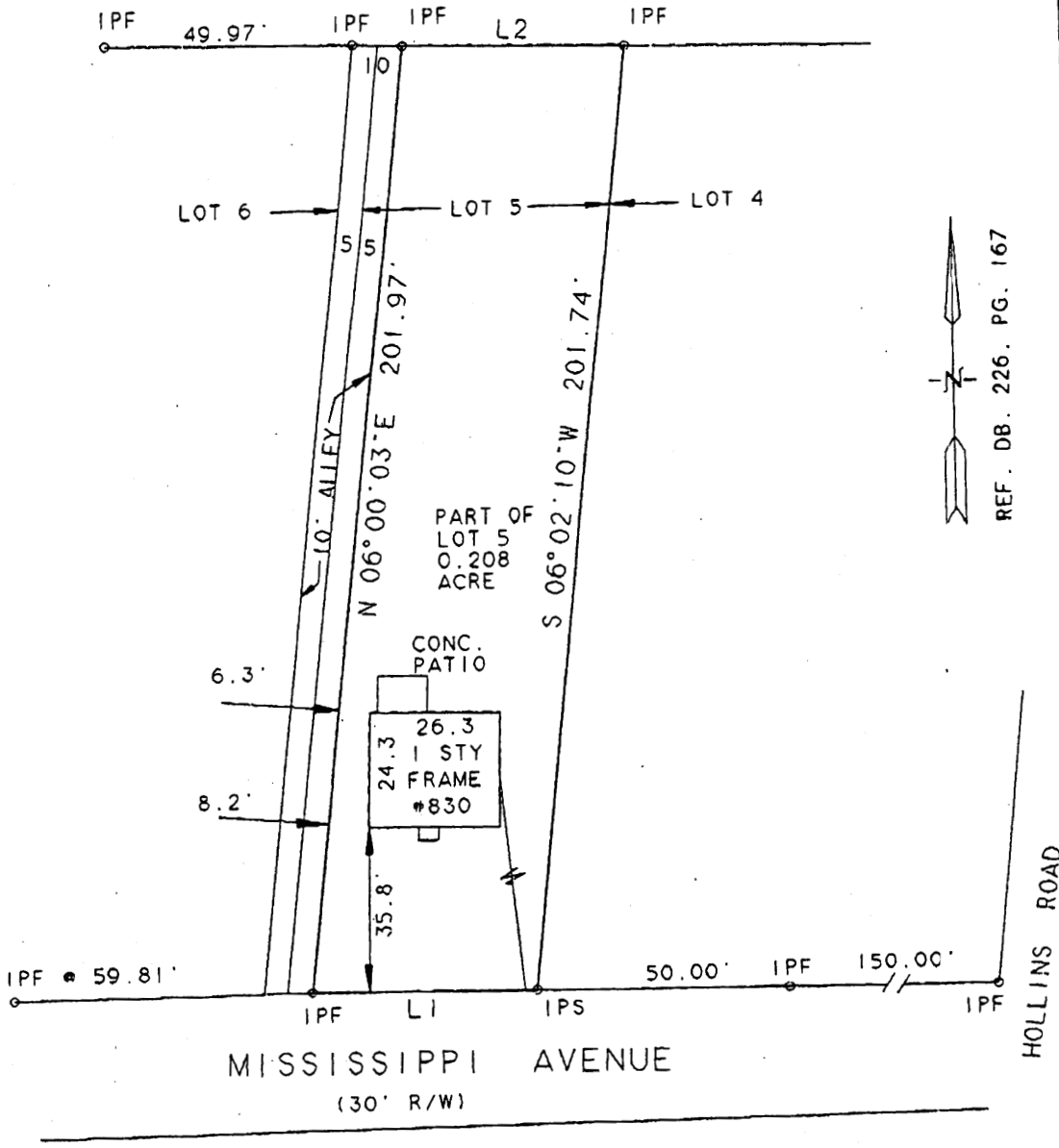
Kristi Parr

Kristi Parr

Kristi Parr
830 Mississippi Avenue, NE
Roanoke, VA 24019
(540) 366-9797

Adjoining Property Owners

Official Tax Map Number	Owner	Mailing Address
3130428	Ashby A. & Winnie G. Huffman	826 Mississippi Ave, NE
3130424	Barbara P. Clark	2804 Hollins Road, NE
3130616	Lorie J. Wilkins	827 Mississippi Ave, NE



LINE	BEARING	DISTANCE
L 1	N 89°11'00"W	45.00'
L 2	S 88°52'45"E	45.10'

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT. THEREFORE. NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

2. THE SUBJECT PROPERTY IS WITHIN THE LIMITS OF ZONE C AS SHOWN ON THE FEMA FLOOD RATE MAP. THIS DETERMINATION IS BASED ON SCALED INFORMATION NOT VERIFIED BY FEILD ELEVATIONS

I HEREBY CERTIFY THAT THIS SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE V.S.B. OF APELSCLA AND THERE ARE NO VISIBLE ENCROACHMENTS OR PROTRUSIONS EXCEPT AS SHOWN.

COMMONWEALTH OF VIRGINIA
JOHN E. RAMSEY
NO. 1809
8-23-02
LAND SURVEYOR

CENTRAL SURVEYING
LAND SURVEYING • PLANNING
JOHN E. RAMSEY, CLS (540)977-0053
199 FOXCROFT DR.
BLUE RIDGE, VA. 24064

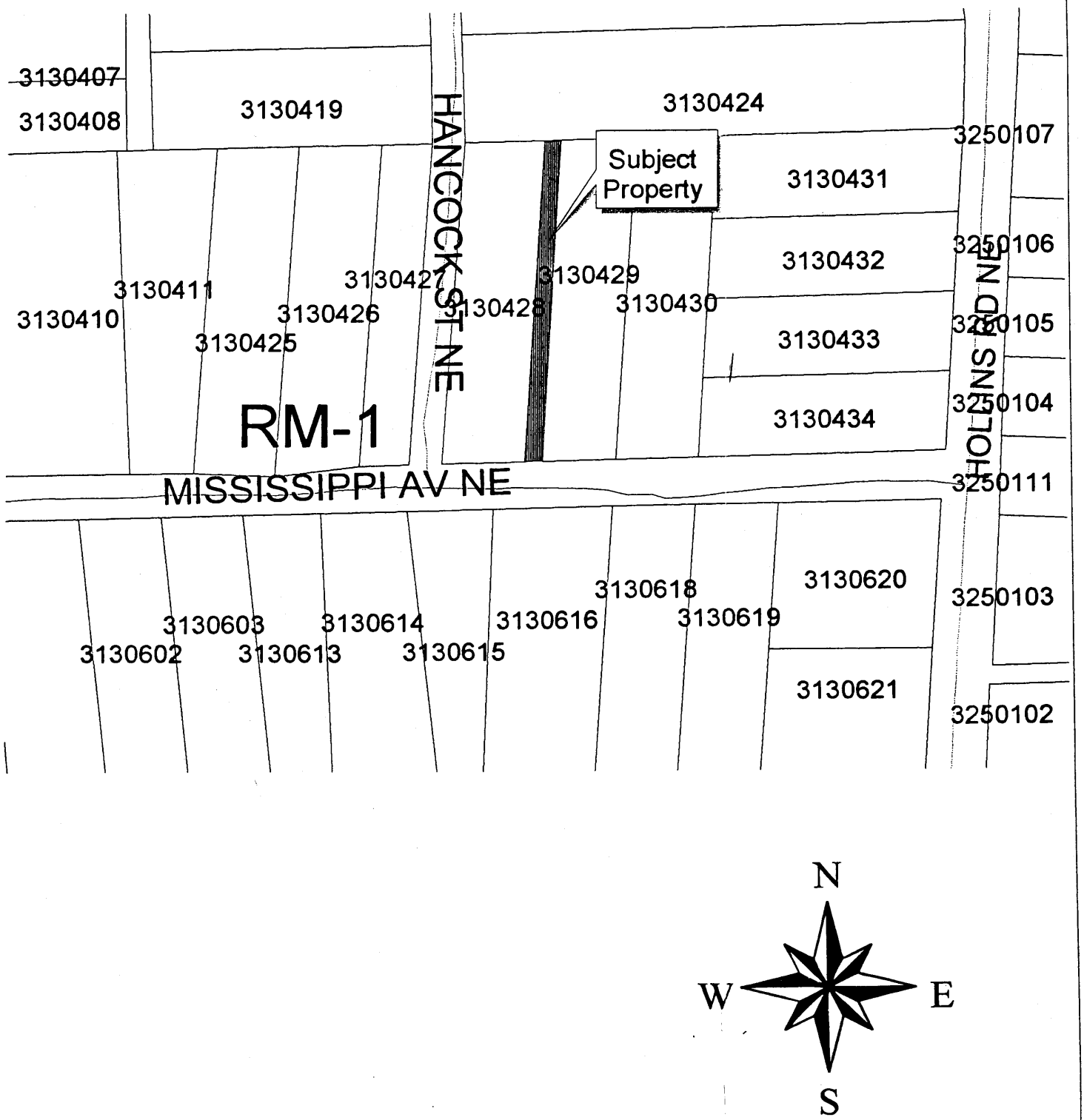
RESURVEY OF
PART OF LOT 5.
QUEENBURG HEIGHTS
CITY OF ROANOKE, VIRGINIA

SOURCE: TURN KEY BUILDERS, INC. (DOC#010004612)

SCALE: 1" = 30' | DATE: 08/22/02 | TAX #3130429

FOR: KRISTI L PARR | JOB NO.: 02132

830 Mississippi Ave, NE



WMX

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing 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 by title.

WHEREAS, Kristi Parr, filed an amended application dated December 3, 2002, 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; and

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; and

WHEREAS, a public hearing was held on said amended application by the City Council on January 21, 2003, 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 said amended application; and

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 said 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 alley intersecting with Mississippi Avenue, N.E., lying between parcels bearing Official Tax Nos. 3130429 and 3130428

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 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 said 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, upon meeting all other conditions to the granting of the amended 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 said 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 said 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 one (1) year from the date of the adoption of this ordinance, then said ordinance be null and void with no further action by City Council being necessary.

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
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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Trustees of St. Paul United Methodist Church that a portion of Moorman Road, N.W, be barricaded at its intersection with 5th Street, N.W.

Planning Commission Action:

Public hearing was held on Thursday, December 19, 2002, and by a vote of 6-0 (Mr. Williams absent), the Planning Commission recommended approval of the request.

Background:

The petitioner requests that Moorman Road, N.W. be closed by barricade where it intersects with 5th Street, N.W. The petitioner initially met with staff to discuss the process for and feasibility of vacating the portion of Moorman Road between Gilmer Avenue and 5th Street, N.W. The petitioner has long-term plans to develop a community center and amphitheater on the western side of its property on Moorman Road. At present, the petitioner is building additions to the St. Paul United Methodist Church on its southern and western sides. The petitioner contends that the proposed request will increase pedestrian safety and protect their building from vehicular damage.

Staff advised the petitioner that in order to vacate the right-of-way, several parcels adjoining it would need to be acquired. At present, vacation of this portion of Moorman Road would land lock four parcels, and is thus not feasible. The petitioner chose to petition to barricade this section of Moorman Road after staff advised the petitioner of all potential options.

Considerations:

This section of Moorman Road is adjoined by parcels zoned RM-2, Residential Multi-family Medium Density District, to the north, east and west. Adjoining it on its southern side are parcels zoned C-2, General Commercial District. Across 5th Street and to the south of Moorman Road is zoned LM, Light Manufacturing.

With one exception, all of the parcels on the southern side of the subject portion of Moorman Road are vacant. A single-family residence is the only property requiring access from Moorman Road. The petitioner's property, St. Paul United Methodist Church lies on the northern side of the subject portion of Moorman Road. South of the subject portion of Moorman Road on 5th Street is a block of vacant commercially zoned property.

The area is served by public utilities. Staff received comments from American Electric Power (AEP), Verizon and Roanoke Gas. The latter two stated they have no facilities in the right-of-way. AEP stated that it does and would need to maintain an easement. However, the proposed barricade will not affect access to utilities, and since no right-of-way is being vacated, public utility easements are not necessary for this petition.

The Manager of Streets and Traffic advised that closing Moorman at 5th Street will increase the volume of traffic on Gilmer Avenue as it approaches 5th Street. Gilmer is only 28 feet wide in this area with parking allowed on both sides of the street. The narrowness of Gilmer combined with the barricading of Moorman may create problems that would warrant restriction of parking at certain times on Gilmer, e.g. during Church service hours.

The Manager of Streets and Traffic also advised that the barricade would require appropriate signage at Gilmer/Moorman and 5th Street. The barricade would consist of a section of guardrail with a 'road closed' sign facing 5th Street and a 'dead end' sign where Gilmer Avenue meets eastbound Moorman Road, and would be installed by City workforce.

Guardrail has been proposed because it can be easily removed and reused elsewhere in the City, and is inexpensive for a temporary installation.

During the Planning Commission public hearing, Lillie Patterson presented the request on behalf of the church. Frederick Gusler presented the staff report. Commission discussion centered on the purpose of the proposed barricade. Mr. Manetta asked how much of a safety issue existed at the site. Staff replied that it did not know if the subject area was unsafe, but that the Petitioner currently is having work done on their building close to the Moorman Road. Mr. Manetta stated that it may be possible to get a permit to close the street while construction work is underway. Staff replied that it was the Petitioner's intent to eventually vacate the subject portion of Moorman Road and it wished to petition to close the street by barricade in the

meantime.

Mr. Rife said that the staff recommendation to close the street by barricade for a one-year period would allow staff and the Planning Commission to gauge the impact of closing the subject portion of Moorman Road before a petition to vacate would be filed.

Mr. Manetta said that staff should look at some traffic calming measures for the site in the future instead of a barricade. Staff replied that it didn't see any traffic calming measures that would alter the traffic pattern of the street, and that the one-year period would serve as a trial basis in the event that a petition to vacate the subject portion of Moorman Road is filed. Staff also advised that the guardrail barricade is not intended to be on the street long-term, and that the Petitioner will be financially responsible for any form of permanent closure if after the one-year period that Council should decide the street should be permanently closed (in lieu of a petition to vacate).

There were no additional persons present who spoke in opposition to or in favor of the request.

Recommendation:

The Planning Commission recommends approval of the request to barricade Moorman Road at its intersection with 5th Street, N.W. on a temporary basis for a specified time period of one year from the date of adoption of the ordinance. The one-year period will allow staff to evaluate the impact of the barricade before considering a permanent closure or vacation of the right-of-way. This time period should also be sufficient for the petitioner to complete the construction work underway (with the benefit of less traffic), and take steps to acquire the properties needed to file a petition to vacate this section of Moorman Road.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Petition of Board of Trustees of St. Paul United Methodist Church, 502 Gilmer Avenue, N.W., for barricading the 500 block of Moorman Road, N.W., Roanoke, Virginia	)	PETITION TO CLOSE BY BARRICADE THE 500 BLOCK OF MOORMAN ROAD, N.W.

MEMBERS OF COUNCIL:

The Trustees of St. Paul United Methodist Church apply to have Moorman Road, N.W. barricaded at its intersection with 5th Street, N.W., pursuant to Virginia Code Section 15.2 – 2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. The ingress/egress of Moorman Road, N.W., at its intersection with 5th Street, N.W., to be barricaded is more particularly described on the attached map.

The Trustees of St. Paul United Methodist Church state that the grounds for this petition are as follows:

(1) Safety against injury to pedestrians, especially to children, the elderly and motorists attempting to proceed along said area.

(2) Protection against property damage to the church that sits within feet where vehicle traffic enters Moorman Road from 5th Street.

(3) Safety for persons who must cross Moorman Road from parking lot to access church building.

(4) Property to be barricaded is presently being used as a through way of approximately 300 ft. by 28 ft. at Moorman Road west of 5th Street and south of the 500 block of Gilmer Avenue, N.W.

(5) St. Paul United Methodist Church has future plans to expand across Moorman Road to build an education and recreation center designed to benefit neighborhood families.

WHEREFORE, the Trustees of St. Paul United Methodist Church respectfully request that the above described street be barricaded by the Council of the City of Roanoke, Virginia in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted,
Lillie T. Patterson for the Trustees of
St. Paul United Methodist Church

Lillie T. Patterson

Lillie T. Patterson

November 7, 2002
Date

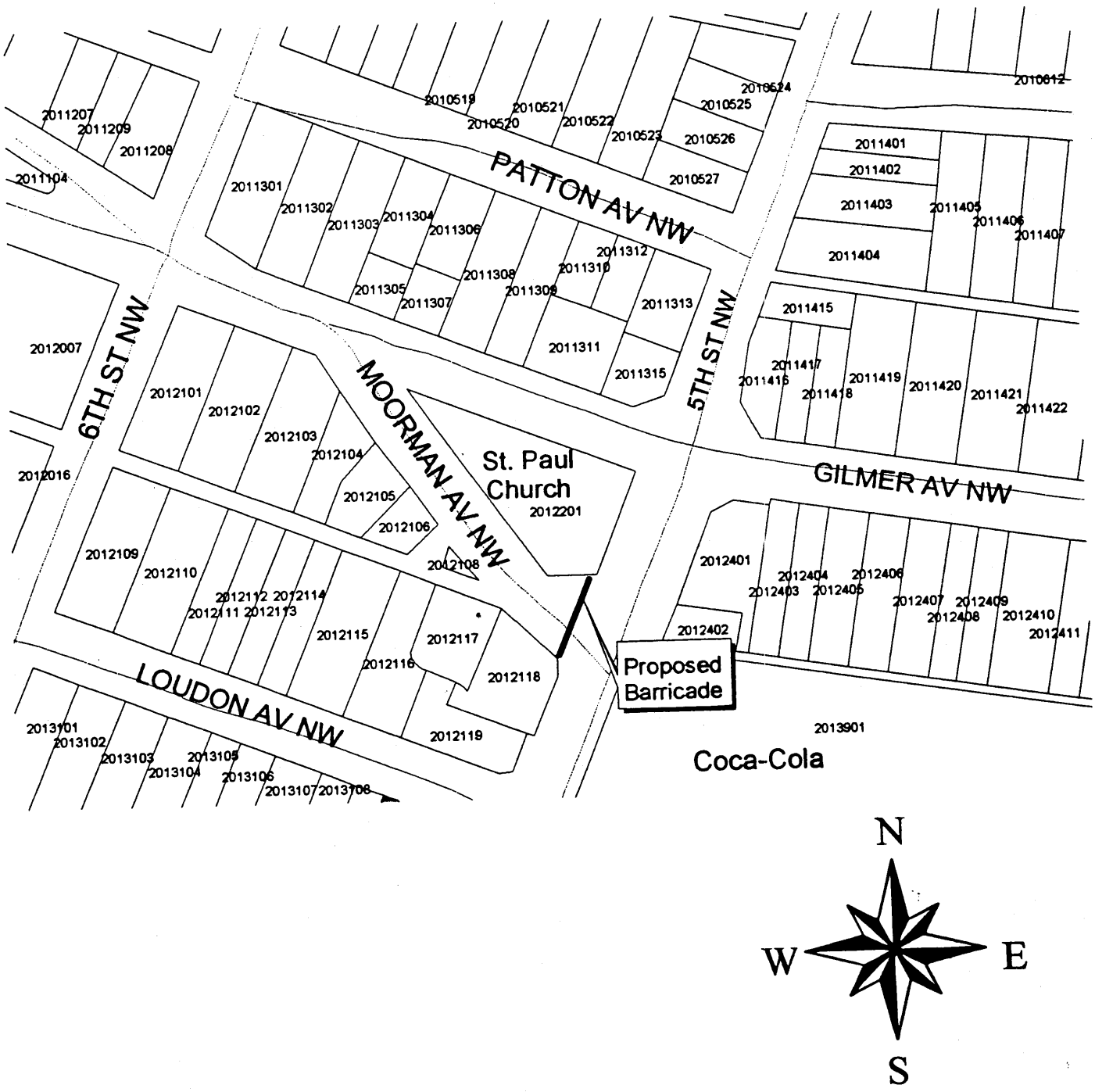
Church Telephone No.: (540) 343-7777

L. T. Patterson Telephone No.: (540) 5622551

ADJOINING PROPERTY OWNERS

Tax Map No.	Name of Owner	Mailing Address
2012104	William L. Allen	2406 Hanover Ave., NW Roanoke, VA 24017
2012105	Audrey Wheaton	1324 – D Essex Ave., NW Roanoke, VA 24017
2012106	Trustees of St. Paul United Methodist Church	502 Gilmer Ave., NW Roanoke, VA 24016
2012107	L. P. Moore	506 Moorman Road, NW Roanoke, VA 24016
2012108	L. P. Moore	506 Moorman Road, NW Roanoke, VA 24016
2012117	Ludie P. Moore	506 Moorman Road, NW Roanoke, VA 24016
2012118 & 2012201	Trustees of St. Paul United Methodist Church	502 Gilmer Avenue, NW Roanoke, VA 24016

Proposed Barricade:
Moorman Ave, NW at 5th St, NW



35T
1/15/03

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the alteration and closing by barricade of certain public right-of-way in the City of Roanoke, Virginia, as are more particularly described hereinafter, and dispensing with the second reading by title of this ordinance.

WHEREAS, the Trustees of St. Paul United Methodist Church filed an Application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to alter and close by barricade the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, which 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; and

WHEREAS, public hearing was held on said application by the City Council on January 21, 2003, 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 said Application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closure by barricade of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no substantial inconvenience will result to any individual or to the public from altering and closing by barricade said public right-of-way, and that such alteration will promote the safety and welfare of those using the subject public right-of-way and the right-of-way in the vicinity of the right-of-way to be closed.

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 Moorman Road, N.W., at its intersection with 5th Street, N.W.

be, and hereby is, altered and closed by way of a barricade, as described in said Application.

BE IT FURTHER ORDAINED that the City Engineer be, and he is, directed to mark "Altered and Closed by Barricade" on said right-of-way on all maps and plats on file in his office on which said rights-of-way are shown, referring to the book and page of ordinances and resolutions of the Council of the City of Roanoke, Virginia, wherein this Ordinance shall be spread.

BE IT FURTHER ORDAINED that the Trustees of St. Paul United Methodist Church deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, an attested copy of this ordinance in order that said Clerk may make proper notations, if any, of the alteration and closing by barricade as described above on all maps and plats recorded in that office on which Moorman Road, N.W. at its intersection with 5th Street, N.W., appear.

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
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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment to Vision 2001-2002, the City's comprehensive plan, to include the Old Southwest neighborhood plan.

Planning Commission Action:

Public hearing was held on Thursday, December 19, 2002, and by a vote of 4-0 (Messrs. Williams, Hill and Campbell absent), the Planning Commission recommended adoption of the neighborhood plan.

Background:

The Old Southwest neighborhood is bounded by Marshall Avenue to the north, the Roanoke River and the railroad tracks to the south and west, and Jefferson Street to the east. Much of the neighborhood is in the Highland Park conservation district, and the H-2, Historic District. Since Council adopted the H-2 district in 1987, the neighborhood has experienced considerable revitalization. However, problem areas remain and revitalization efforts need to be continued.

Three public workshops were held with the neighborhood in the fall of 2000, and follow-up meetings were also held in the spring and fall of 2002. Various City staff attended these meetings and staff worked closely with Old Southwest, Inc., throughout the process.

Bruce Muncy, President of Old Southwest Inc., and Joel Richert of 415 Allison Avenue, S.W., addressed the Commission and requested that the plan be continued for another month so that certain changes could be made. Discussion then followed between them and the Commission regarding the nature of the corrections. Mr. Manetta asked Mr. Talevi how much could be changed in the plan before it is forwarded to City Council. Mr. Talevi advised that if the changes were of a grammatical nature, the Commission could vote on the plan and staff could still make the necessary changes before the Council public hearing.

Mrs. Richert then read through a list of suggested changes to which Mr. Talevi advised were not of a substantive enough nature to warrant continuing the matter.

Among the changes suggested by Old Southwest Inc. were:

- Changing "village centers" to "village center."
- Updating the current land-use map.
- On the future land-use map: refer to the village center of 5th Street and Elm Avenue with a symbol, such as a dot, rather than demarcating parcels. Insert language on the map to state that it is a guide.

Considerations:

In the planning process, residents and staff identified the following major issues facing the neighborhood:

- Conversion of single-family homes to multi-family units.
- Preservation of the residential character of the neighborhood.
- Recurring property maintenance code violations.
- Crime.

To address these issues, the plan features four priority recommendations:

1) Zoning: Initiate zoning changes to encourage village center development and to achieve a greater balance between the proportion of single-family and multi-family units.

2) Code Compliance: Continue constant enforcement of the Rental Inspection Program and all City codes to reduce recurring property maintenance violations, including processing the cases of habitual offenders in General District Court. Code compliance needs to be stressed in all areas of the neighborhood, but special attention needs to be focused in the area of Elm, Day and Marshall Avenues.

3) Infill Development: Increase opportunities for new construction on vacant lots.

4) Public Safety: make a documented improvement in the Old Southwest

neighborhood both in perception and in fact. Encourage coordinated crime watches throughout the neighborhood in problem areas.

The four priority recommendations address the most prominent issues in the neighborhood, but are not comprehensive. The plan contains a number of other action items. Vision 2001-2020, the City's Comprehensive Plan, provided the framework for the plan. The policies and actions of the plan are consistent with those in Vision 2001-2020.

Recommendation:

Planning Commission recommended the Old Southwest Neighborhood Plan, with minor and grammatical changes as noted at the public hearing, for adoption as an element of **Vision 2001-2020**, the City's comprehensive plan.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

This 19th day of December, 2002

A RESOLUTION recommending the adoption of the Old Southwest Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Old Southwest neighborhood to gain input into the plan;

WHEREAS, the draft plan has been reviewed by the neighborhood, city staff, and the Long Range Planning Committee of the City of Roanoke Planning Commission; and

WHEREAS, the Old Southwest Neighborhood Plan has been advertised in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended, and pursuant to that notice, a public hearing was held on December 19, 2002, at which all persons having an interest in the matter were given a chance to be heard.

BE IT RESOLVED by the Planning Commission of the City of Roanoke that it recommends to City Council that the Old Southwest Neighborhood Plan, dated December 19, 2002, be adopted as an element of the City's Comprehensive Plan, and that by signature of its Chairman below, the Planning Commission hereby certifies the attached copy of the neighborhood plan to City Council.

ATTEST:

Chairman

Old Southwest

Neighborhood Plan
City of Roanoke Department of Planning Building and Development

vision 2001/2020

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Residential Development	10
Economic Development	14
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Public Services	17
Infrastructure	18

December 19, 2002

Introduction

Old Southwest is an historic neighborhood listed on the Virginia Landmarks Register and the National Register of Historic Places. Old Southwest has a wealth of architectural styles ranging from Vernacular and Neoclassical to Tudor Revival. The development of Old Southwest dates to the late 19th Century when the land was annexed by the City from Roanoke County in 1890. A great number of homes were built thereafter around the turn of the century. Most of the structures in the neighborhood today were built by the end of the 1920s.

Old Southwest is an attractive community that presents opportunities to live and work in the same neighborhood. The neighborhood's proximity to downtown provides Old Southwest residents with convenience to public services, commercial establishments, and the region's premiere cultural amenities. It also has the City's oldest park and a nationally recognized elementary school. The neighborhood is bound on the north by Marshall and Day Avenues, by the Roanoke River to the south and west, and Jefferson Street to the east.

The purpose of this neighborhood plan is to build upon Old Southwest's character and resources through the priority recommendations established by residents and City staff. Residents of the neighborhood and the City will use it to guide actions for neighborhood improvement. The plan is a component of *Vision 2001-2020*, the City's comprehensive plan.

Executive Summary

Population

In 1990, the total population of Old Southwest was 3,771 (Of Census Tract 12, which covers an area approximate, but not precisely, to the boundaries of Old Southwest). The population decreased by four percent (3,628) between 1990 and 2000, resembling the City's gradual decline over the same period. An additional factor in the reduced population of Old Southwest has been the re-conversion of homes from multi-family structures back to their original single-family use. Nationwide, the 2000 Census also reports a decrease in household size. These factors - more single-family units and households with fewer residents - have contributed to a slight population decline in Old Southwest, yet during the last decade the neighborhood has attracted a more stable population base.

As shown in Table 1 below, racial diversity in the neighborhood has increased over the last decade, with a six percent increase in the number of African Americans and a five percent increase in the population of other non-white ethnic and racial groups.

Age

The neighborhood has experienced a decline in all age groups since 1990 with the exception of people aged 35-64, which increased by eight percent. Despite decreases in

all the other age groups, the percentage of young adults (20-34 years old) living in Old Southwest (33%) is significantly higher than that for the City as a whole (21.3%). This suggests that Old Southwest has become an attractive place for young adults.

Old Southwest may continue to experience an increase in young adults due to its proximity to the Riverside Centre of Research and Technology (RCRT), located immediately south of the neighborhood in the South Jefferson Redevelopment Area. It is estimated that the RCRT will create positions for over 2,000 prospective employees.

Table 1: Old Southwest Population Trends, 1990-2000

	1990	2000	Difference
Population	3,771	3,628	- 4%
Households	2,061	1,918	- 7%
White	90%	79%	- 11%
African Americans	9%	15%	+ 6%
Other races	1%	6%	+ 5%
0 – 17 years old	19%	17%*	- 2%
18 – 34 years old	35%	33%**	- 2%
35 – 64 years old	31%	39%	+ 8%
65 years and over	15%	11%	- 4%

Source: U.S. Census Bureau (Tract 12)
* Refers to ages 0-19
** Refers to the 20-34 age group.

Table 2: Education for Population 25 Years and Over, 2000 U.S. Census Bureau.

	Percent with Less than a 9th grade education	Percent high school graduate or higher	Percent with bachelor's degree or higher
City of Roanoke	7.3	76.0	18.7
Old Southwest (Census Tract 12))	10.7	71.6	21.0

The Planning Process

The City sponsored three neighborhood workshops during the fall of 2000 to gather citizen input. Over 100 neighborhood residents attended the first workshop. The workshops examined current conditions, trends, issues and needs in the neighborhood. The second workshop focused on developing goals and action strategies, and in the third workshop priorities were determined. Follow-up meetings were also held with neighborhood leaders from Old Southwest Inc. to discuss the draft plan.

Priority Recommendations

The following priorities were identified during the planning process:

Zoning: Initiate zoning changes to encourage village center development and to achieve a greater balance between the proportion of single-family and multi-family units.

Code Compliance: Continue constant enforcement of the Rental Inspection Program and all City codes to reduce recurring property maintenance violations, including processing the cases of habitual offenders in General District Court. Code compliance needs to be stressed in all areas of the neighborhood, but special attention needs to be focused on the area of Elm, Day and Marshall Avenues.

Infill Development: Increase opportunities for new construction on vacant lots.

Public Safety: make a documented improvement in the Old Southwest neighborhood both in perception and in fact. Encourage coordinated crime watches throughout the neighborhood in problem areas.

Community Design

Land Use Patterns
Old Southwest has a mixed land use pattern consisting primarily of residential and commercial uses. The majority of the residential uses are two-family (duplex) and multi-family units, with a significantly smaller number of single-family units. Professional offices dominate the eastern side of the neighborhood, defined nominally by Franklin Road.

A potential village center in *Vision 2001-2020* is identified on Fifth Street at Elm Avenue extending south to Mountain Avenue and north to Luck Avenue as shown on the *Future Land Use* map. Village centers are centers in neighborhoods containing a mixture of higher-density residential uses and neighborhood commercial uses. They serve as the focus of neighborhood activity and vary in size and scale depending on the nature of uses and size of the surrounding area. Village Centers should be dense, compact in size, and identifiable. Centers generally have fixed limits so that commercial activity does not encroach in the surrounding residential areas. Some ideal village center commercial uses are restaurants, coffee shops, convenience stores, specialty shops and small retail establishments. To encourage a pedestrian environment and desirable streetscape, buildings in Village Centers should be placed close to the street, immediately adjacent to the sidewalk.

The Fifth Street at Elm Avenue area needs to be rezoned to encourage the continued development of existing neighborhood commercial land use. Live/work space is also an appropriate use for village centers. Live/work space is a mixed-use tactic that employs office or retail use on the bottom floor and residential use in the upper floor of a structure. In recent years the City has encouraged and seen an increase in such uses, particularly in the expansion of downtown housing options.

Pocket and *Corner* Commercial Structures
There are several 'pocket' or 'corner' commercial establishments on the western side of Old Southwest. Examples of such uses are convenience stores, a restaurant and a barbershop. Most of these establishments are surrounded by residential development and are away from any other commercial uses. Several of these former commercial structures are vacant. Neighborhood residents expressed support for the adaptive reuse of these buildings for specific neighborhood commercial uses or single or two-family homes.

Zoning
The zoning in Old Southwest allows for a variety of residential and commercial uses. The majority of the neighborhood is zoned RM-2, Residential Multi-Family, Medium Density District, or C-1, Office District, which also allows residential development. The RM-2 district allows uses ranging from single-family homes and duplexes to town homes and apartment buildings. While this zoning district provides potential developers with a variety of options for residential development, the comprehensive application of RM-2 in Old Southwest and other neighborhoods in the City has resulted in a disproportionate number of residential structures containing multiple dwelling units. For example, over 70 percent of the residential units in Old Southwest are in multi-family structures. Moreover, the RM-2 zoning has allowed the conversion of single-family homes into duplexes and multi-family structures.

Much of the eastern part of Old Southwest is zoned C-1, which permits professional offices and other related commercial uses. There are two other commercial districts, C-2, General Commercial and C-3, Central Business District. As shown on the zoning map, the C-2 district is located along Jefferson Street and allows professional office development and retail uses. The C-3 district is located along the northern side of Elm Avenue, between Franklin Road and Jefferson Street. Portions of Marshall Avenue are also zoned C-3, Central Business District.

Recently, the former Cotton Mill building on Sixth Street and Luck Avenue was rezoned from LM to C-3 for use as an art studio. This rezoning was in accord with the City's downtown plan, Outlook Roanoke Update, which recommends a westward expansion of the central business district. Such revitalization efforts and the presence of the Jefferson Center should have a positive impact on the northern section of Old Southwest, and link the neighborhood to downtown.

During the City's update of the Zoning Ordinance, all of Old Southwest's land-use and zoning will be reevaluated. In addition to proposed changes in residential density, some uses currently permitted or existing in the neighborhood will be considered for potential changes.

Future Land Use
The future land use map of the neighborhood reflects a balance between the desired development pattern that residents would like to see and the existing conditions and land use in the area. This map will be used as a *guide* for the zoning of the neighborhood whenever zoning ordinance and/or zoning map amendments are proposed.

The overall land use plan reflects the neighborhood's core residential function, its physical relationship to downtown to the north, to existing and proposed commercial / institutional uses to the east, and to natural and physical barriers to the south and west.

The core residential area, primarily located to the west of Franklin Road, is slated to remain residential with housing density lowered in some portions. Large public open spaces should be retained and enhanced, and appropriate natural buffers to the Roanoke River should be established and maintained. The land use plan also recognizes a small existing node at the intersection of Elm Avenue and Ferdinand Avenue for small scale low intensity commercial activity.

To the east, including the Franklin Road corridor, is an area proposed to remain a combination of residential and office uses, primarily reflecting the existing land use pattern. This district extends east from the village center on 5th Street at Elm Avenue to the southernmost sections of the neighborhood between Franklin Road and 1st Street. The area along the Jefferson Street corridor, south of Mountain will remain a commercial corridor, though the range of future commercial uses should be focused on those complimentary to the neighborhood and to redevelopment efforts further south along Jefferson Street. Jefferson Street functions as Roanoke's main street and it should extend the development pattern of downtown while at the same time providing a transition to outlying neighborhoods. Therefore, some uses currently allowed under C-2 zoning, should be excluded in future zoning of this corridor. Overall, automobile related uses (gas stations, car wash, repair, parts and accessory, for example) should not be allowed in commercial developments in the neighborhood. In addition, commercial uses allowed should limit impacts on adjacent residential uses as it pertains to their parking and traffic generation intensity, hours of operation, and related operational conditions.

The northeastern portion of the neighborhood should provide a transition between the neighborhood and the commercial uses to the north in the core of downtown. This area should have a mix of downtown housing and commercial uses at densities higher than in the core of the neighborhood. These types of uses include a mix of residential structures, with those south of Elm Avenue not exceeding three stories, restaurants, offices, convenience/specialty retail establishments, and financial institutions, oriented to the street with appropriate site/landscaping improvements with off-street parking to the rear or in an enclosed structure.

Zoning in Old Southwest

Old Southwest Zoning

- C1
- C2
- C3
- RM1
- RM2
- RS2
- n/a

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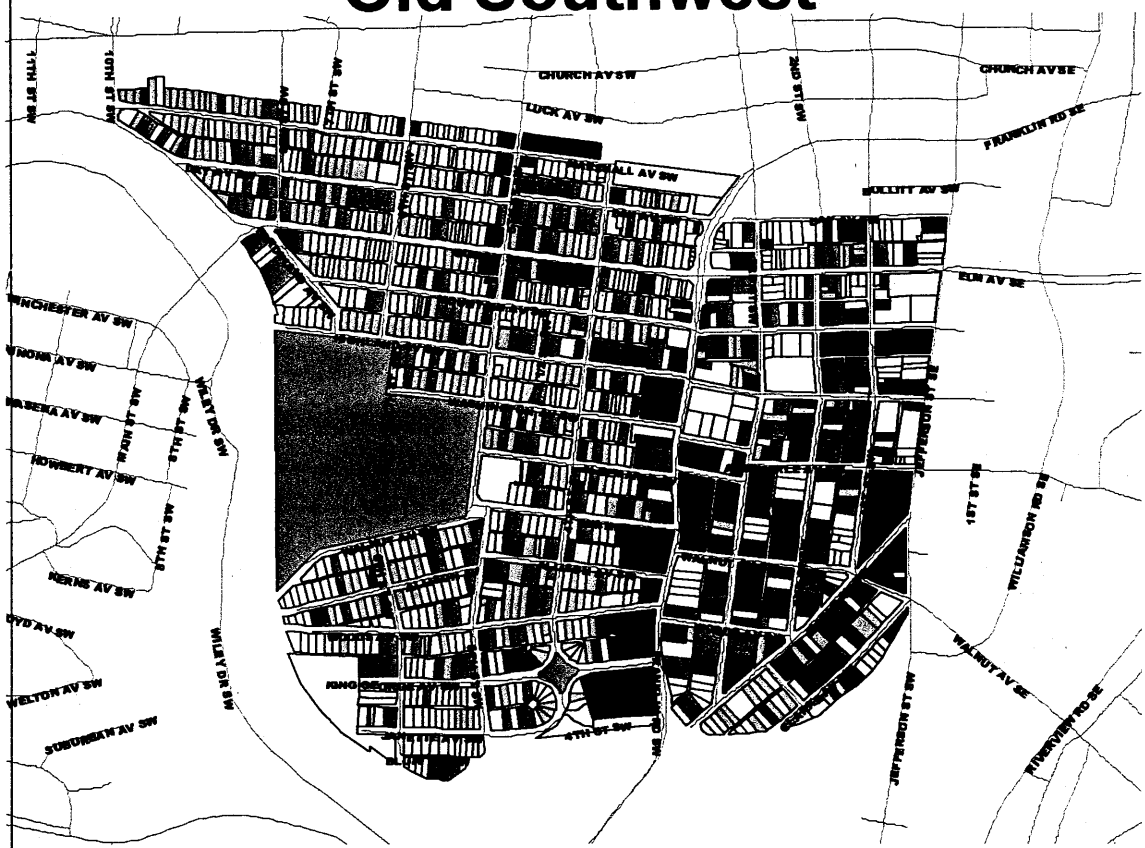
Land Use in Old Southwest



Land Use by Tax Code:

- Single Family
- Duplex
- Multi-family
- Group Facility
- Commercial
- Religious/Educational/Non-profit
- Parks
- Vacant Land

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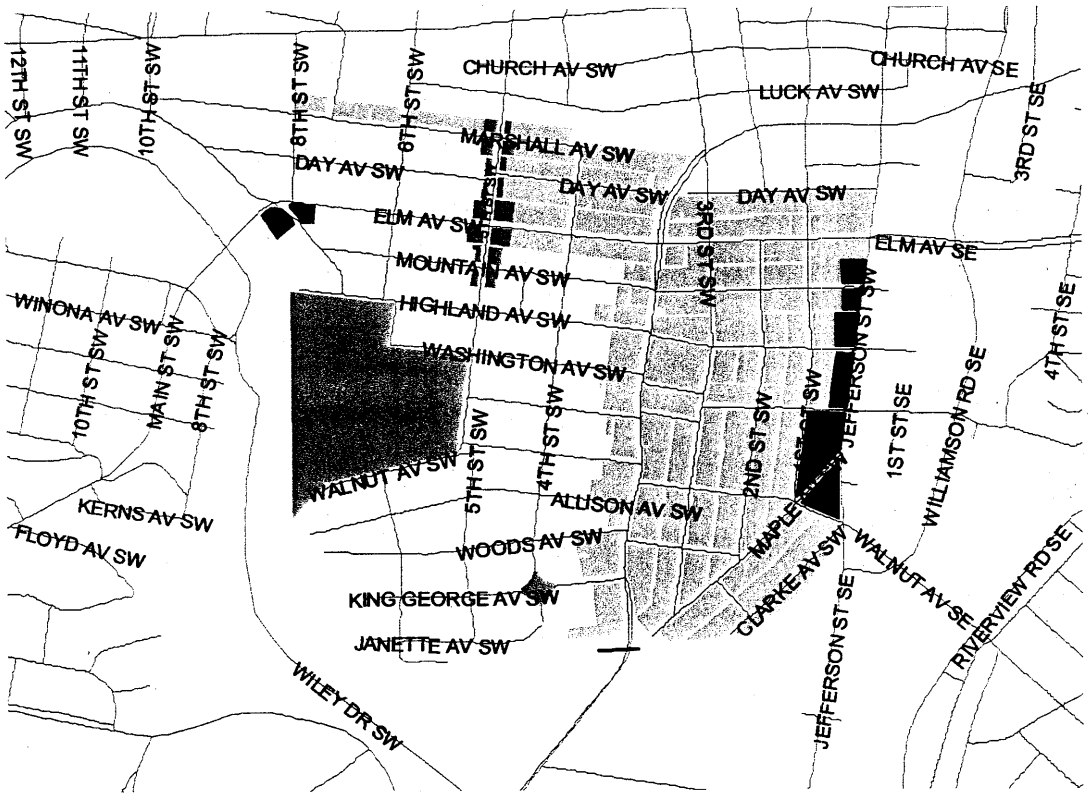
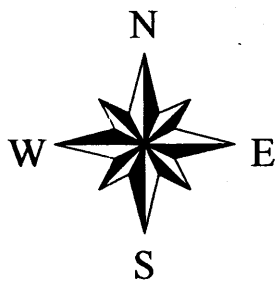
All land use classifications are grouped based on Department of Real Estate Valuation tax codes and may not specifically denote the use of some properties.

Future Land Use



Residential
Village Center
Commercial
Downtown Housing/Commercial
Office/Residential
Park/Green Space
Greenway Buffer

This map will be used as a guide for future zoning decisions in the neighborhood



Policies

- Land Use Mix: Old Southwest is and shall continue to be an urban neighborhood with a mix of residential and commercial uses within a specific pattern.

- Village Center: Zoning patterns will encourage village center development in the existing neighborhood commercial center on Fifth Street at Elm Avenue as noted on the *Future Land Use* map. Mixed use development characterized by retail space in the bottom floor and residential space on the upper floors of structures, would be allowed in village centers.

Actions

- Rezone Old Southwest in accordance with the proposed future land use map.

- Amend the zoning ordinance to strengthen development standards regarding open space and tree canopy.

- Facilitate urban design standards through the zoning ordinance and the H-2 Overlay Historic District.

- Reevaluate all of the current land-uses and zoning districts in the neighborhood as part of the City's zoning ordinance update.

Residential Development

Housing Supply
According to the 2000 Census, Roanoke has 45,257 housing units, 64.7% of which are single-family. The City's homeownership rate is 56.3%. In contrast, Old Southwest has 2,177 housing units, 1,918 of which are occupied. Only 22% of the occupied units are owner-occupied, with multi-family units making up over 84% of the total.

The need for a more appropriate balance between single-family and multi-family units was a recurring theme expressed by Old Southwest residents during the planning process. City residents also raised this sentiment during the development of *Vision 2001-2020*. As a result, a housing policy in *Vision 2001-2020* states, "The City will have a balanced, sustainable range of housing choices in all price ranges and design options that encourage social and economic diversity throughout the City."

Zoning
Zoning regulates land use and therefore has a significant impact on the spatial distribution and proportion of land uses within neighborhoods. The existing residential zoning in Old Southwest has fostered an increased amount of multi-family conversions. As shown on the Zoning Map, a significant portion of the neighborhood is zoned RM-2. This zoning district allows for a variety of residential uses, ranging from single-family homes and duplexes to town homes and apartment units. The areas in the neighborhood that have a large number of multi-family units have contributed to a shortage of parking spaces.

Residents also voiced concerns that the historic character of the neighborhood has been affected by the significant amount of multi-family conversions.

Housing Maintenance and Preservation

The housing programs developed for Old Southwest have contributed significantly to an increased sense of pride among property owners in maintaining their historic homes. In 1980, for instance, the *Annual Parlor Tour* was created to showcase the historic homes in Old Southwest. Old Southwest Inc. oversees the tour and uses the proceeds to help finance its various neighborhood improvement efforts. The tour laid the foundation for the establishment of the Southwest Historic District. The tour has become increasingly popular, attracting visitors from not only other neighborhoods and the region, but also from neighboring states!

Southwest Historic District

In 1987, the Southwest Historic District was adopted by City Council. The boundaries for the district include most of Old Southwest and parts of the Mountain View and Hurt Park neighborhoods. The homes in the Southwest Historic District (local designation: H-2, Historic District) contain a variety of architectural styles. Some of the styles include Queen Anne, Colonial Revival, Neoclassical, Bungalow, American Foursquare, Arts and Crafts and Shingle.

Architectural design guidelines endorsed by City Council and adopted by Architectural Review Board were established for the H-2 District to assist property owners in maintaining the historic character of their homes. Expansion of the H-2 District should be considered to the east and north of the current line to 5th Street (see the map on page 10) to include the blocks around the Jefferson Center and former Cotton Mill.

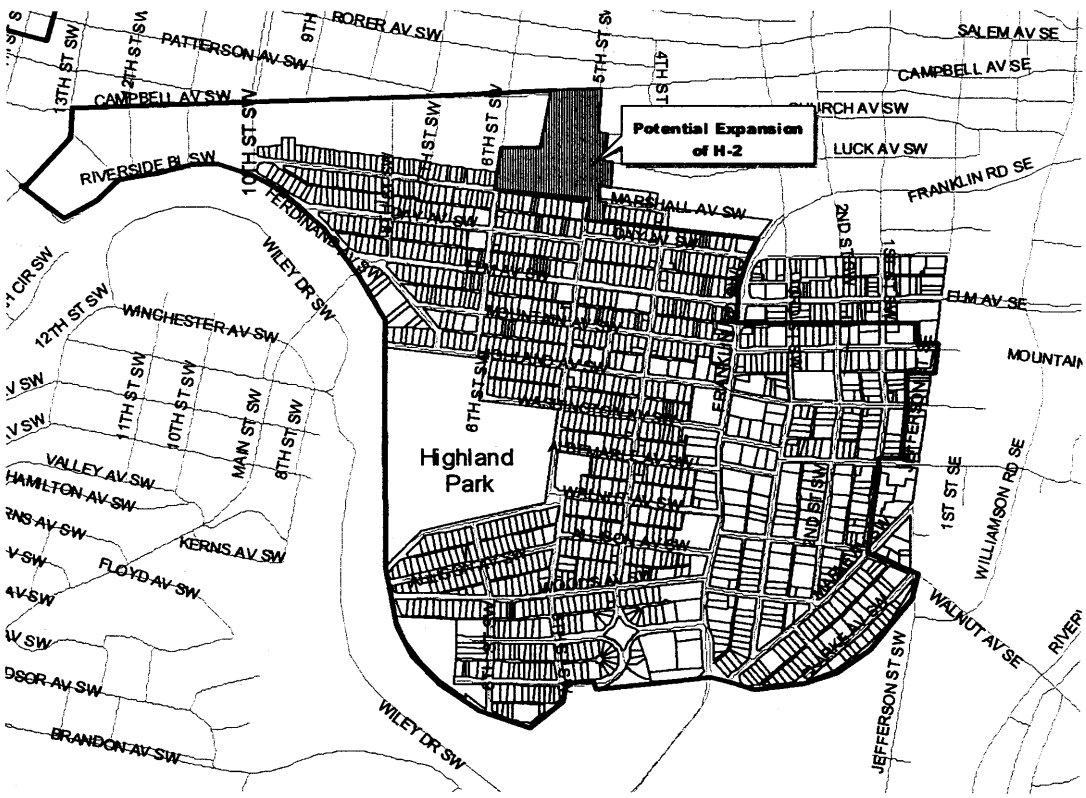
Housing Conditions

While the *Annual Parlor Tour* and the Historic District have contributed to the improvement of housing conditions in the neighborhood as a whole, areas remain that exhibit a significant amount of blight and deferred maintenance. A study[1] sponsored by the Roanoke Regional Housing Network surveyed the exterior conditions of housing units in inner City neighborhoods, including Old Southwest. The survey confirmed anecdotal evidence that there is a concentration of fair to poor housing conditions in the northern section of Old Southwest.

In addition, City records show a concentration of property maintenance violations in the same area. Residents and the City have identified the recurrence of nuisance violations such as outdoor storage, inoperative and abandoned vehicles and weeded properties, among others, to be greatest in this area of the neighborhood. While this issue is neighborhood-wide, there seems to be a concentration of these violations in blocks with several vacant lots and/or houses. The neighborhood continues to work closely with City officials to target problem areas.

[1] The 21st Century Challenge: To Eliminate Substandard Housing in Roanoke City. Roanoke Regional Housing Network. Roanoke, Virginia. June 2001-2020.

Old Southwest & The H-2 Historic District



H-2 District Boundaries
Old Southwest

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At present, inspectors from the Department of Housing and Neighborhood Services have teamed up with Police officers from the COPE unit to combat crime and code violations in a target area from Campbell to Elm Avenue and 5th to 10th Street.

Vacant Lots/Structures
Old Southwest has some vacant parcels and buildings, with the greatest concentrations in the northern and eastern sections of the neighborhood. Redevelopment of such sites will require public and private activity. Continued policing and code enforcement should help facilitate redevelopment as the area becomes safer and more attractive to the private sector.

Policies

- Population: Old Southwest has socioeconomic and racial diversity. The neighborhood must continue to market itself as one of Roanoke's premiere urban neighborhoods. Programs that showcase the neighborhood and attract potential homebuyers to Old Southwest (e.g., Annual Parlor Tour) should be continued.

- Historic Preservation: Old Southwest's character stems from its historically significant architecture. The historic character of Old Southwest must be preserved, protected and enhanced.

- Property Code Compliance: Property owners are expected to maintain their properties and abide by all City codes.

- Vacant Lots: Parcels that are now vacant can enhance the neighborhood through single-family or commercial infill development. where appropriate.

- Vacant Structures: Vacant structures should be preserved and rehabilitated.

Actions

- Use the future land use map to *guide* zoning decisions.

- In the update of the zoning ordinance: reduce residential densities where appropriate and consider appropriate regulation of the conversion of single-family to multi-family structures.

- As a supplement to the pattern of successful private renovation, consider establishing a development organization or creating a partnership with a reputable nonprofit or private sector development company to develop an infill strategy to reduce the amount of vacant lots and structures.

- Continue the current interdepartmental approach to property maintenance violations and crime in the target area of Elm, Day and Marshall Avenues. Refocus such efforts to other areas of the neighborhood as needed.

- Continue the Rental Inspection Program.

- Annually document conditions in the neighborhood and consider it in the selection of target areas for the City's allocation of Community Development Block Grant (CDBG) funds.

- Consider revising the Architectural Design Guidelines for the H-2 District to require higher standards for new construction.

- Consider expansion of the H-2 District in the area noted to the north of the neighborhood.

- Amend the zoning ordinance to include provisions for dedicated open space and tree canopy.

Economic Development

As previously noted, Old Southwest's commercial development consists of a concentration of office uses on and to the east of Franklin Road, and miscellaneous pocket or corner establishments in the western portion of the neighborhood. Village center development also characterizes commercial activity on the edges of the neighborhood.

Jefferson Street is a commercial corridor that extends into downtown. The Jefferson Street and Walnut Avenue area has several commercial amenities. Elm and Ferdinand Avenue intersect at a busy thoroughfare by the Wasena Bridge. Currently, there are two commercial establishments at this intersection. The expansion of the central business district around the Jefferson Center will promote revitalization at the northern edge of the neighborhood around Sixth Street and Marshall Avenue.

Residents expressed concerns about the C-1, Office District area encroaching into the predominantly residential section of the neighborhood. However, the C-1 zoning district allows office uses, but also permits single and two-family dwellings. The composition and extent of the C-1 zoning district will be re-examined during the zoning ordinance update.

Policies

- Promote village center development in the area specified on the future land-use map.

- Maintain an appropriate balance between commercial and residential uses in the part of the neighborhood East of Franklin Road.

- Redevelop vacant pocket or corner commercial buildings.

Actions

- Amend the zoning ordinance to encourage village center development in the area specified on the future land-use map.

- Identify vacant commercial structures that can be rehabilitated for commercial use.

Quality of Life

Highland Park:
The Heart of Old Southwest
Highland Park was the City's first public park. Developed in 1901 on a 33-acre tract of land, it served as a center for recreational activities and festivals for the entire City, and continues to host events today. In 2001, a festival was held to celebrate the park's centennial anniversary.

The park is conveniently located across 5th Street from the Highland Park Learning Center (formerly Highland Park Elementary School). Highlights of the park identified in the City's *Parks and Recreation Master Plan* (1999) include its rolling terrain and lush vegetation, ornamental fencing, adjacent school and its location in an historic neighborhood. The park has two baseball fields, three tennis courts, a basketball court, two tot-lots, restrooms, brick paths, and scenic views.

Park Conditions
Anecdotal evidence suggests Highland Park has witnessed increased use over the past couple of years. Increased use, however, generally results in increased maintenance needs. Some of the needed improvements identified include restrooms, period lighting, updated playground equipment, picnic tables, repair and general maintenance of brick paths, and surface improvements to the street through the park. Public safety concerns have also been raised regarding the park. Expansion of neighborhood watches to include the park is currently being discussed by residents as part of a neighborhood-wide, community-policing strategy. In addition, several residents expressed the need for a dog park.

Old Southwest, Inc., has maintained a park fund that it has used in conjunction with City investment in the Park. At the time of writing plans were underway to install period lighting in the park. The park fund has also been used for various other park improvements, such as tree planting and landscaping.

Greenways
Greenways are corridors of protected open space used for recreation, conservation and transportation. Greenways link neighborhoods and connect the City to the greater region. Old Southwest residents have expressed support for greenway connections to Smith Park, Wasena Park and the Riverside Centre for Research and Technology. The development of greenways is supported in *Vision 2001-2020*.

Viewsheds & Tree Canopy
Old Southwest has excellent views of the Mill Mountain Star, downtown and surrounding neighborhoods. These views should be protected and improved. *Vision 2001-2020* states that ridgetops should be protected from development and that the City's tree canopy at the least should be maintained at its current level.

Increasing the City's tree canopy will have a beneficial impact on air quality, storm water control, noise levels, temperature and visual appearance. The tree-lined streets in Old Southwest make it a very inviting and attractive neighborhood. Strategies to maintain and expand the tree canopy in the neighborhood should be pursued. Any developments that require tree clearance should be required to plant new species in approximate locations.

Policies

- Highland Park: Highland Park is a safe and accessible park for all City residents. Maintenance of the park is vital to the overall health of the neighborhood.

- Greenways: Old Southwest shall connect to the City's greenway system.

- Tree Canopy: Large, mature trees shall be preserved. New trees shall be planted along streets lacking a mature tree canopy. A long-term approach to tree preservation and maintenance is needed.

- Viewsheds: Old Southwest enjoys clear views of Mill Mountain, Downtown and West of Roanoke. New development - both within and outside the neighborhood - must not be allowed to diminish the neighborhood's viewshed.

Actions

- Design greenway connections to Smith Park, Wasena Park and the proposed Riverside Centre for Research and Technology Park.

- Use this plan as a guide to possibly develop a Department of Parks & Recreation Master Plan for Highland Park. Consider incorporating the following into the plan:

    - Add period lighting to the entrance of Highland Park at Fifth Street and Washington Avenue. Assist the neighborhood organization(s) with funding opportunities such as mini-grants to pay for the lighting.
    - Replace or improve the existing bathroom structure to a more architecturally compatible, and functional structure.
    - Increase the number of picnic tables and upgrade the brick sidewalks and the street that goes through the park.

- Continue to fund improvements to Highland Park through joint efforts of the Department of Parks and Recreation and the Old Southwest, Inc. park fund.

- Expand the neighborhood watch organizations to improve security in the park.

- Continue planting of appropriate species of street trees. Coordinate with neighborhood organizations to sponsor tree-planting rallies and maintenance programs. Consider developing an "Adopt-a-tree program."

Public Services

Highland Park Learning Center & Magnet School
The Highland Park Learning Center and Magnet School is located adjacent to Highland Park. Highland Park Learning Center merges traditional education with technology and is nationally recognized as a "Blue Ribbon School of Excellence." The school also is applying for authorization to offer the International Baccalaureate Primary Years Programme for all students. The school's special features include an art studio, science lab; computers in every classroom and a multimedia center that houses laserdisc players, computers, CD ROMs with on-line encyclopedias, a big-screen television, interactive video and a desktop publishing center. Adult education programs are also provided at the learning center.

Fire Stations
Fire Stations One and Three are the primary fire stations serving Old Southwest. Fire Station One is downtown in the market area on Church Avenue. Fire Station Three is on 6th Street and Rorer Avenue, Southwest. The Fire/EMS Department's long-range plan recommends consolidation of these two stations into one larger station. Potential locations for the new station are currently being evaluated.

Community Policing
The *Vision 2001-2020* Comprehensive Plan recognizes the importance of involving the community to solve public safety issues. The City's Police Department has adopted a community policing approach. The intention of the community policing approach is to strengthen close interaction and mutual cooperation between police, residents, businesses and community groups.

Calls for Service
In the most recent years, 2000 and 2001, the majority of the calls for service in Old Southwest were for domestic disorders, security alarms, alcohol and drug violations, noise violations, and larceny/robbery. The number of calls and the type of offenses reported indicate that while overall Old Southwest may not rank among the City's most dangerous areas, there are occurrences of violent crime and general public safety is a concern in the neighborhood. The Marshall and Day Avenue area is the most problematic. Neighborhood residents are working closely with police officers to concentrate on addressing these issues.

Neighborhood Crime Watch
There have been several crime watch groups formed over the years in Old Southwest, though at present only one is still functioning. The residents of Old Southwest are currently discussing the creation of a new, and expansion of the existing, Neighborhood Crime Watch, to enhance communication with the Police Department and develop solutions to public safety issues in the neighborhood. In May 2000, neighborhood residents formed Gateway Guardians, a Neighborhood Crime Watch focusing their efforts on the northern area of Old Southwest (generally between Mountain to Marshall from 4th to 10th). In January 2002, a neighborhood meeting was held to discuss expanding the coverage of Neighborhood Watches to the entire neighborhood. Additional meetings and coordination will be needed to increase the participation of neighborhood residents in these neighborhood watch groups.

Policies

- Public Safety: Potential homebuyers should be confident that Old Southwest is a safe place to reside. Residents and non-residents alike should perceive of Old Southwest as a safe, pleasant neighborhood in which to visit, work, shop and play.

- Neighborhood Watches: Through a neighborhood watch organization, residents will continue to maintain regular communication with law enforcement officials, helping to report, deter and prosecute criminal activity.

- Highland Park: Use of the Park by residents should be increased to make it safer.

Actions

- Build on and continue current activities aimed to reduce crime in the neighborhood by involving more residents and working with police officers assigned to Old Southwest. Enhance the existing Neighborhood Watch through additional membership and expanded geographical coverage, so that it functions neighborhood-wide.

- Consider reducing or eliminating exterior public pay phones and vending machines at commercial establishments. Merchants have and should continue to provide the use of public phones for outgoing calls only.

- Explore the installation of an emergency phone in Highland Park.

Infrastructure

Neighborhood Layout
The streets of Old Southwest are laid out in a grid pattern, providing convenient access through its multiple egress and ingress routes. The streets are characterized by narrow lanes, on-street parking, and trees.

Traffic Circulation
Old Southwest has one major traffic calming device, Argonne Circle, which was originally designed as a park. Argonne Circle is located at the intersection of King George Avenue and Fourth Street. Neighborhood residents expressed the importance of maintaining this traffic calming device as green space.

Gateways & Traffic Volumes
Old Southwest has several streets acting as gateways or entrances into the neighborhood that provide access to motorists coming from and going to neighboring localities, downtown and adjoining neighborhoods. Franklin Road and Jefferson Street serve as the primary north/south corridors, and have the highest traffic volumes (see Table 5). Fifth Street acts as a secondary north/south gateway to the neighborhood.

South Jefferson Redevelopment Area
The development of the Riverside Centre for Research and Technology (RCRT) in the South Jefferson Redevelopment Area will have an impact on the volume of traffic through Old Southwest. Residents have expressed interest in a shuttle service to the downtown area. Such a service may be possible in the future that links the RCRT to downtown via Old Southwest.

The Elm Avenue interchange may be improved to provide better access to the RCRT from I-581 and mitigate the traffic impact on Old Southwest and other surrounding neighborhoods. In addition to serving as a gateway from I-581, the Elm Avenue corridor has long been a de facto dividing line between the largely revitalized southern portion of the neighborhood, and the more distressed northern area. Streetscape improvements to Elm Avenue, e.g. trees and other landscaping, and crosswalks, could serve to calm traffic and improve pedestrian access to better connect these areas.

Neighborhood residents, particularly those located closer to I-581 and U.S. 220, have expressed concerns about the noise generated by passing automobiles. Improvements such as noise barriers will not be considered by the Virginia Department of Transportation unless there are plans to widen or improve the existing roadway. Currently, there are no plans to widen this area of U.S. 220.

Alleys
Old Southwest residents feel that alleys are an important asset to the neighborhood. However, residents have also reported that some alleys in the Elm, Day, and Marshall Avenue area are littered with trash and tires. There have been clean-up programs sponsored by neighborhood residents and City staff that encourage residents to take a proactive approach to alley maintenance. In addition, residents have noted that trash disposal has improved as most people in the neighborhood use the large City supplied cans. Still, better maintenance of the alleys by residents is needed as well as more aggressive code enforcement to discourage dumping in alleys.

Parking & Lighting
The narrow streets and on street parking of Old Southwest act as a traffic-calming device in the neighborhood. However, the neighborhood's high residential density and professional offices create a relatively large demand for parking. Urban neighborhoods such as Old Southwest usually lack the area for parking that can be found in more suburban areas. Other amenities, such as proximity to downtown and the historic character of the neighborhood, compensate for this minor inconvenience.

City Council adopted a residential parking program, which allows some neighborhoods to limit parking on their streets to residents via a vehicle sticker. The neighborhood may consider implementing the program in certain portions of the neighborhood to address parking issues. Rezoning the neighborhood to decrease the density will be part of the long-term parking strategy. In addition, off-street parking requirements should be enforced.

The neighborhood has expressed concerns about inappropriate, inadequate (too dim) or absent street lighting in some areas. At the same time, residents also expressed concerns with lighting fixtures that are too tall and illuminate excessive glare. The Neighborhood

Organizations will continue to work with residents in these problem areas to complete applications for Street Light improvements.

Sidewalks

Sidewalks are a vital part of the streetscapes in Old Southwest. The sidewalks make Old Southwest a pedestrian-friendly neighborhood, with downtown, Highland Park and the Roanoke River only minutes away by foot. Several areas in Old Southwest are in need of new sidewalks (see the table below), while some existing sidewalks are in need of repair.

Sidewalk improvements are ranked by the Department of Engineering based on several criterion, including whether the given area lies within a neighborhood that has a City Council adopted neighborhood plan. Needed sidewalk improvements in Old Southwest will be submitted in the selection process upon adoption of the plan.

Table 1: Streets lacking sidewalk and/or curb.

Street	Sidewalk Location	Work Required	Cost Estimate
1st Street	800 Block Mountain to Elm	New Sidewalk and Curb Alley to Elm West Side	$6,795
		New Curb East Side	$6,340
1st Street	1100 Block	New Curb West Side	$26,220
4 ½ Street	900 Block Mountain to Highland	New Sidewalks and Curbs East and West Side	$11,960
4th Street	700 Block Day to Elm	New Curb East Side South of the Alley	$3,040
		New Curb West Side	$6,100
4th Street	1000 Block Highland to Washington	New Curbs East and West Side	$10,160
5th Street	1600 Block	New Sidewalks East and West Side	$13,850
		New Curb East Side	$5,840
6th Street	1300 Block Allison to Walnut	New Curb Alley to Allison East Side	$2,500
6th Street	1400 Block Woods to Allison	New Curbs East and West Side	$9,540
6th Street	1500 Block King George to Woods	New Sidewalk West Side from Alley to Woods	$3,400
		New Curbs East and West Side	$11,440
6th Street	1600 Block Janette to King George	New Sidewalk and Curb West Side	$12,580
		New Curb Alley to King George East Side	$2,660
Albemarle Avenue	300 Block East of Franklin	New Sidewalk North Side	$10,075
Clarke Avenue	1400 Block	New Curb West Side	$5,120
Elm Avenue	379	New Curb	$960
Highland Avenue	700 Block	New Curb South Side	$18,800
Janette Avenue	500 Block Vacant Lot West of 504	New Sidewalk and Curb South Side	$19,800
Janette Avenue	531 to 6th Street	New Curb North Side	$2,360

Street	Sidewalk Location	Work Required	Cost Estimate
Woods Avenue	100 Block from Clarke to Maple	New Curbs North and South Side	$11,760
Woods Avenue	200 Block	New Curbs West of the Alley	$6,720
Woods Avenue	300 Block East of Franklin	New Curbs North Side	$7,180
		New Curbs South Side Where Missing	$2,600
Woods Avenue	300 Block West of Franklin	New Curb South Side	$13,040

Table 2: Sidewalks needing repairs.

Street	Sidewalk Location	Work Required
3rd Street	800 Block Mountain to Elm	Repair Brick Sidewalk East Side
3rd Street	1400 Block	Repair Brick Sidewalk East Side
Allison Avenue	501	Repair Sidewalk South Side
Franklin Road	1615	Repair Brick Sidewalks
Mountain Avenue	200 Block	Repair Brick Sidewalk North Side
Woods Avenue	400 Block	Repair Brick Sidewalks North Side

Policies

- Pedestrian-oriented streets: Old Southwest will have safe, pleasant streets that emphasize pedestrian rather than automobile traffic. Through-traffic will be discouraged. Streets with high volumes of traffic, such as Elm and Jefferson Avenues, Franklin Road, and Fifth Street, should maintain a balance between vehicular traffic flow and pedestrian accommodations, and capacity enhancements will be discouraged.

- Alleys: Alleys shall be retained and maintained. Alleys shall be safe and used for parking, trash pickup and rear access.

- Streetscapes: The streetscapes of Old Southwest are important to maintaining the historic character of the neighborhood. Emphasis shall be placed on the compatible design of sidewalks, street lighting (preferably, use porch lights rather than unshielded street lights) and planting strips. Maintenance of existing streets, sidewalks, curbs and gutters shall be improved.

- Utilities: Underground utilities are preferable to above ground utilities. The considerable expenses incurred in burying utilities will require identifying alternative funding sources. Relocating some utilities to alleys should also be considered as an alternative to the present above ground placement.

- Residential Streets: Residential streets shall have mature tree canopies. Restrict surface parking lots; require shared parking for commercial uses.

- Gateways: Gateways are those key entrances to the neighborhood most frequently used by incoming and through traffic. They should convey a positive impression to visitors and through-traffic.

Actions

- Develop streetscape standards in the Zoning and Subdivision Ordinances, including design templates for sidewalks, street signs, curbs, curb cuts, street widths, travel lanes, planting strips and street lighting. Emphasize historic materials and designs.

- Identify alternative funding sources for burying aboveground utilities throughout Old Southwest.

- Consider establishing public shuttle routes linking the RCRT to downtown via Old Southwest.

- Submit sidewalk improvements with cost estimates in the Capital Improvements Program.

WHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Old Southwest Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Old Southwest Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Old Southwest Neighborhood Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on December 19, 2002, and recommended adoption of the Plan and amending Vision 2001 - 2020, the City's Comprehensive Plan (the "Comprehensive Plan"), to include such Plan; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Tuesday, January 21, 2003, on the proposed Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

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

1. That this Council hereby approves the Old Southwest Neighborhood Plan and amends Vision 2001 - 2020, the City's Comprehensive Plan, to include the Old Southwest Neighborhood Plan as an element thereof.

2. That the City Clerk is directed to forthwith transmit attested copies of this ordinance to the City Planning Commission.

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
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

January 21, 2003

Architectural Review Board
Board of Zoning Appeals
Planning Commission

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable William D. Bestpitch, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment of Vision 2001-2020, the City's comprehensive plan, to include the Belmont-Fallon Neighborhood Plan.

Planning Commission Action:

Public hearing was held on Thursday, December 19, 2002, and by a vote of 5-0 (Messrs. Hill and Williams absent), the Planning Commission recommended adoption of the neighborhood plan.

Background:

Development of the *Belmont Fallon Neighborhood Plan* began in summer 2000. Three community workshops were held to involve the stakeholders in identifying issues and possible improvement projects. Planning staff developed the plan based on the community's concerns and study of neighborhood conditions. A draft of the plan was distributed to key City staff and their comments were incorporated. A fourth workshop was held to present the draft plan to the community.

Considerations:

The plan sets out specific actions for neighborhood improvement as well as policies to guide future development. There are 35 policies and 38 actions. Of these, there are five high-priority initiatives:

- Comprehensive zoning changes
- Implementation of Neighborhood Design District

- Improvement of corridors and gateways
- Housing development and revitalization
- Encouragement of vibrant village centers

The plan includes a future land use map to guide development and zoning patterns in the neighborhood. The future land use plan reinforces traditional neighborhood patterns with a network of commercial centers. These centers are surrounded by higher density residential development, with lower residential densities throughout the rest of the neighborhood. The portion of Belmont near downtown is identified for residential-office mix to encourage revitalization.

The Bullitt-Jamison corridor was selected as the pilot area for targeting of Community Development Block Grant funds. A plan called *Southeast by Design* focuses on this area and identifies specific housing and infrastructure improvements along the corridor. Marsh-Witt Associates coordinated with planning staff on the corridor plan.

During the Planning Commission meeting, Chris Chittum presented the staff report. There was no one present who spoke in opposition to or in favor of the plan.

Recommendation:
The Planning Commission recommended that City Council adopt the Belmont-Fallon Neighborhood Plan as a component of the City's comprehensive plan.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

Attachments
cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

This 19th day of December, 2002

A RESOLUTION recommending the adoption of the Belmont-Fallon Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Belmont-Fallon neighborhood to gain input into the plan;

WHEREAS, the draft plan has been reviewed by the neighborhood, city staff, and the Long Range Planning Committee of the City of Roanoke Planning Commission; and

WHEREAS, the Belmont-Fallon Neighborhood Plan has been advertised in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended, and pursuant to that notice, a public hearing was held on December 19, 2002, at which all persons having an interest in the matter were given a chance to be heard.

BE IT RESOLVED by the Planning Commission of the City of Roanoke that it recommends to City Council that the Belmont-Fallon Neighborhood Plan, dated December 19, 2002, be adopted as an element of the City's Comprehensive Plan, and that by signature of its Chairman below, the Planning Commission hereby certifies the attached copy of the neighborhood plan to City Council.

ATTEST:

Chairman

Belmont-Fallon

NEIGHBORHOOD
PLAN

ROANOKE
VIRGINIA

vision 2001/2020

Final Draft for City Council Hearing
January 2002

Planning Building & Development

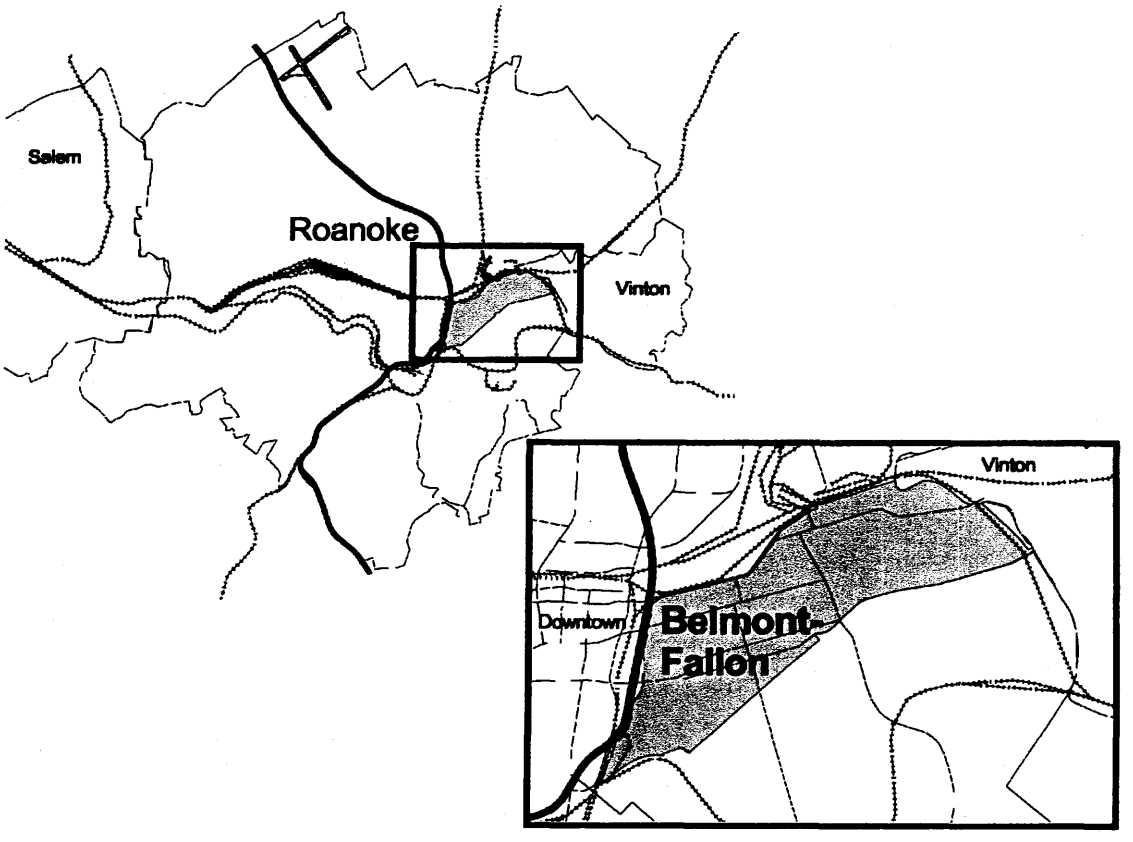
Introduction

Belmont-Fallon is one of Roanoke's oldest neighborhoods. At least three quarters of the houses were built between 1890 and 1950. The neighborhood grew around the railroad shops to provide housing for workers.

The traditional design of the neighborhood — with large parks, a mixture of businesses , closely-spaced houses, and narrow streets — encourages social interaction of neighbors and a close-knit community.

This plan covers the Belmont and Fallon neighborhoods. The area is bordered on the north by the Norfolk Southern shops, on the west by downtown, and on the east by Vinton. The southern border roughly follows Highland Avenue and Dale Avenue. The larger neighborhood known to many as "Southeast" has well-defined edges on the south and east with natural corridors along the Roanoke River and Tinker Creek. The western edge is defined by Interstate 581, which separates the neighborhood from downtown.

Like many older downtown neighborhoods, Belmont-Fallon has suffered from the flight of people to suburban areas. But the neighborhood remains viable. Concerted efforts are needed to revitalize the neighborhood. With renewed interest in traditional neighborhoods, the neighborhood is well positioned for revitalization.



High priority initiatives

This plan proposes **five priority initiatives**:

- Comprehensive zoning changes
- Implementation of the Neighborhood Design District to control design of new infill development.
- Physical improvement of corridors and gateways
- Housing development and revitalization
- Encouraging vibrant village centers

These initiatives are reflected in the policies and actions located in the **Recommendations** section.

Discussion in this plan is organized into six major **Plan Elements**:

- Community Design
- Residential Development
- Economic Development
- Infrastructure
- Public Services
- Quality of Life

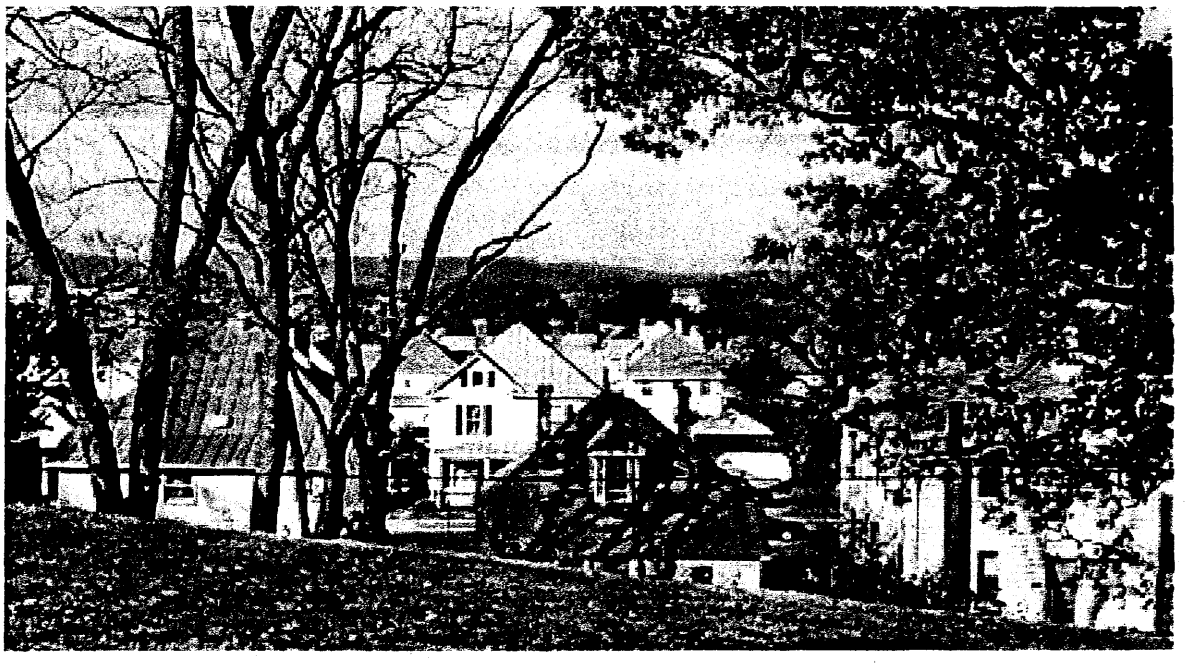
The Community Design element looks at physical design features and land use patterns. Residential Development addresses existing and new housing opportunities. Economic Development deals with commercial and industrial development in the neighborhood. The Infrastructure plan element evaluates transportation systems and utility systems such as water, sewer, and storm drainage. The Public Services element assesses Fire/EMS, police and other city services. Finally, the Quality of Life element addresses recreational opportunities, environmental issues, education, and community development. Each plan element contains information about current conditions and issues.

Community Design

Physical Layout

Belmont-Fallon is in the southeast quadrant of the city. It is the northern part of the area commonly known as "Southeast." It has a traditional neighborhood design with narrow, tree-lined streets that are arranged in a classic grid system with occasional angles, offsets, and curves. Sidewalks are usually on both sides of the street and have a grass planting strip between the sidewalk and curb. Houses are typically close to the front property line (15'-25') and are close to each other (10'-15'). Alleys provide access to parking and rear yards/garages and also provide a place for utilities and trash collection. Houses tend to be of similar scale, massing, and architecture, and most have porches. Though houses may differ slightly in materials and features, related house styles create a pleasing rhythm along streets.

The layout of the neighborhood — where residential areas, commercial areas, and parks are mixed together — makes it possible for residents to shop, work, and take advantage of recreational amenities without having to leave the neighborhood. More progressive developers throughout the nation are using this traditional design for new neighborhoods because it creates a sense of place, fosters interaction with neighbors, and is pedestrian-oriented.



Some major streets in the neighborhood such as Dale Avenue and a small portion of 9th Street near Tazewell Avenue are attractive landscaped boulevards planted with trees. Bullitt Avenue and Jamison Avenue work together as single arterial road and have no landscaping. The rolling topography of the neighborhood makes for excellent views of the downtown skyline as well as neighborhood roofscapes often featured in photos of Roanoke. The grid street system is superimposed on this rolling topography, which creates variety and results in a unique character on each street. The Mill Mountain Star is visible from most of the neighborhood.

The neighborhood has focal points and community gathering places in its schools and parks. Fallon Park and Jackson Park are picturesque with many mature trees and have a full complement of recreational facilities. Both provide large amounts of open space. The Old Fire House #7 on Jamison Avenue is another neighborhood focal point. Since its closing, community groups have used the fire house for meetings and community activities. Continuing in its role as a civic amenity, the building is now used as a satellite police station.

While people moved from traditional neighborhoods to outlying suburbs during the last half of the 20th Century, many people are now seeking out older neighborhoods for their sense of community, physical attractiveness, and convenience. As more people begin to reject long commutes, overreliance on automobiles, and the lack of community that go along with conventional suburban development, neighborhoods like Belmont-Fallon are ripe for revitalization. Respecting and promoting this design is a key to the revitalization of neighborhoods throughout Roanoke.

Land Use Patterns

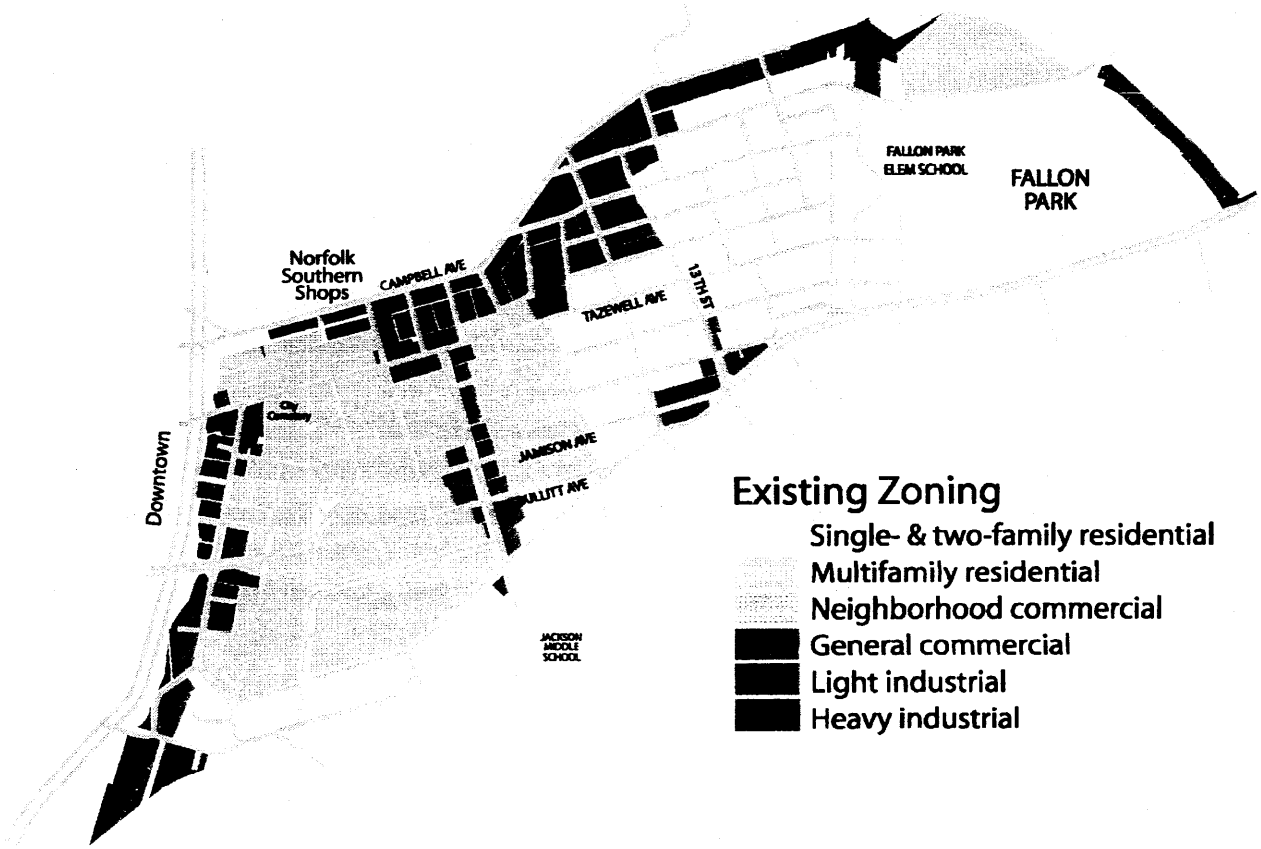
As a traditional neighborhood, Belmont-Fallon's residential, commercial, and industrial development function as a unit. The predominant land use in Belmont-Fallon is single-family residential which occupies nearly half of the properties. About 12% of properties are dedicated to duplex or multifamily uses. Multifamily housing is dispersed throughout the neighborhood and is generally contained in large foursquare structures rather than in apartment buildings. A substantial amount of land is devoted to parks.

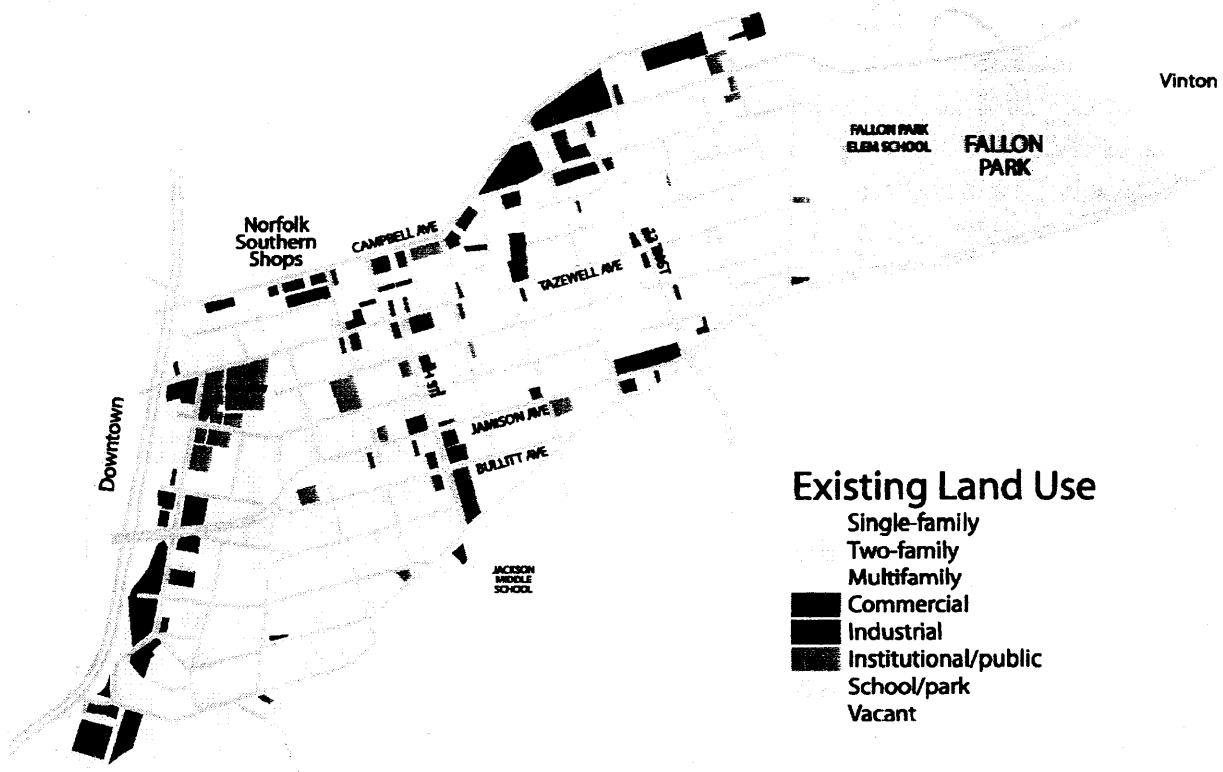
Belmont-Fallon has a 60-acre industrial district concentrated along Campbell Avenue near the Norfolk Southern shops. Only about 2% of the neighborhood's land area is dedicated to industrial uses.

Most commercial uses are concentrated in four existing centers. These centers provide basic retail and services within close walking distance of the residents. Various commercial establishments are dispersed throughout the neighborhood. Commercial uses account for about 4% of the neighborhood's properties.

Nearly 30% of the neighborhood's parcels are vacant (about 108 acres). Along with the need for improved maintenance of existing housing, future use of vacant parcels will be a key to revitalization. Vacant land is generally in small parcels scattered around the neighborhood, which limits opportunities for major redevelopment projects.

Demolition of buildings for parking lots is a serious problem in Belmont. Over three acres of the vacant land in Belmont is dedicated to periodically-used parking. In Roanoke's downtown neighborhoods, there is a trend of businesses and institutions purchasing adjacent properties and demolishing the structure to provide more convenient parking. In some areas, a cycle of purchase and demolition has continued until entire blocks have become filled with asphalt rather than buildings. Removal of buildings for parking seriously compromises the urban fabric of the neighborhood and works against revitalization efforts. At a minimum, parking lots should be screened and buffered with vegetation to reduce their impact on the neighborhood.

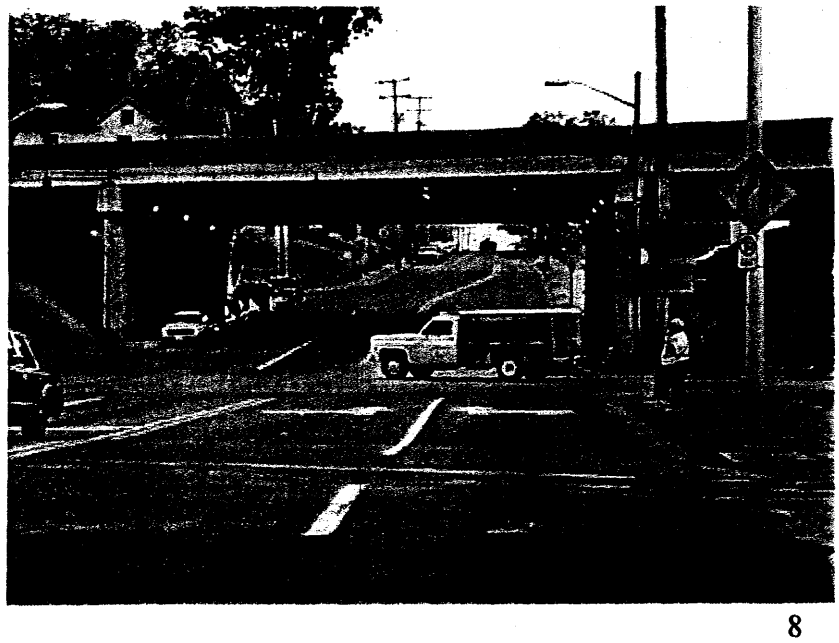

FALLON PARK ELEM SCHOOL
FALLON PARK
Norfolk Southern Shops
CAMPBELL AVE
TAZEWELL AVE
13TH ST
JAMISON AVE
BULLITT AVE
Downtown
JACKSON MIDDLE SCHOOL
Existing Zoning
Single- & two-family residential
Multifamily residential
Neighborhood commercial
General commercial
Light industrial
Heavy industrial


Vinton
FALLON PARK ELEM SCHOOL
FALLON PARK
Norfolk Southern Shops
CAMPBELL AVE
TAZEWELL AVE
13TH ST
JAMISON AVE
BULLITT AVE
Downtown
JACKSON MIDDLE SCHOOL
Existing Land Use
Single-family
Two-family
Multifamily
Commercial
Industrial
Institutional/public
School/park
Vacant

Gateways

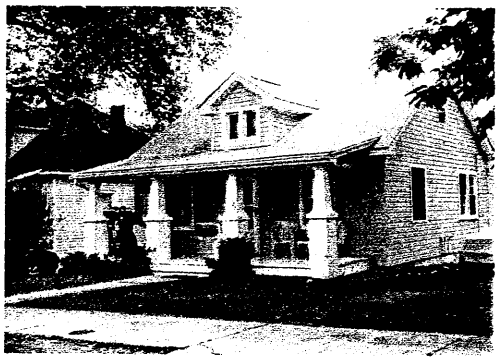
The appearance of gateways to downtown were cited as important to the image of the neighborhood. Currently, the gateways are unattractive highway overpasses that appear unsafe and uninviting. A once seamless connection between Belmont and downtown was severed by construction of Interstate 581 in the mid-1960s. Church Avenue, Dale Avenue, and Bullitt Avenue were dead-ended as part of the highway project.

There are four gateways that need improvement. *Campbell Avenue* leads to an industrial area and is a heavily used connection to Vinton. The gateway has an unkempt appearance and the areas under the bridge are covered with weeds, trash, and broken glass. The predominant land use west of the bridge is surface parking. The Norfolk Southern shops have interesting industrial structures and Lick Run parallels Campbell Avenue. *Tazewell Avenue* passes under I-581. Surface parking surrounds the area to the west of the overpass. There are signs of vagrancy underneath the bridge as well as litter and graffiti. *Elm Avenue* is a very congested gateway to downtown. The area is automobile-dominated and dangerous for pedestrians; small sidewalks have no separation from heavy traffic and it is difficult to cross the street. Vagrants congregate underneath the bridge and panhandle at the exit ramp and along Elm Avenue. Finally, *Albemarle Avenue* will be the neighborhood's connection with the Carilion Biotech Institute and also connects to Old Southwest. The gateway has a looming, elevated highway overpass and railroad tracks. There are industrial uses on both sides of the overpass. The Mill Mountain Greenway, which will run between the City Market and Mill Mountain will pass through this intersection.



Residential Development

While there are many different housing types in Belmont, the predominant style is the two-story American Foursquare. In the Fallon area, there are more single story cottage houses. As with most pre-WWII neighborhoods, the housing in Belmont-Fallon is very sturdy and well-designed. However, because of their age, the structures require maintenance. Housing maintenance is a primary concern with the neighborhood's housing. A 1997 survey determined that 60% of the houses in Belmont showed some deterioration and 18% of the houses were dilapidated. The City's Rental Inspection Program, created in 1997, establishes minimum maintenance requirements for rental properties. This program has resulted in visible improvement in many areas of Belmont.



Belmont-Fallon has a diversity of housing styles and sizes.

Belmont-Fallon has two types of residential zoning: RM-1 (residential multifamily, low density) and RM-2 (residential multifamily, medium density). RM-1 is generally a single family zone that allows scattered duplexes (by special exception), while RM-2 permits multifamily development outright. There are 1,555 residential properties; 81% are single family, 17% are duplexes, and 2% are multifamily.

Some of the large, two-story houses were originally built as over/under duplexes. Access to the upper unit was provided either through a rear staircase or simply through the main entrance. It was common for an extended family to occupy both units.

Home-ownership is decreasing in the neighborhood. Over half of the residential properties in Belmont are not owner-occupied. While not a hard and fast rule, owner-occupied properties tend to be better maintained than absentee owner properties. With an aging population, more owner-occupied properties will likely be purchased by absentee owners and converted into apartments unless action is taken to encourage more home ownership.

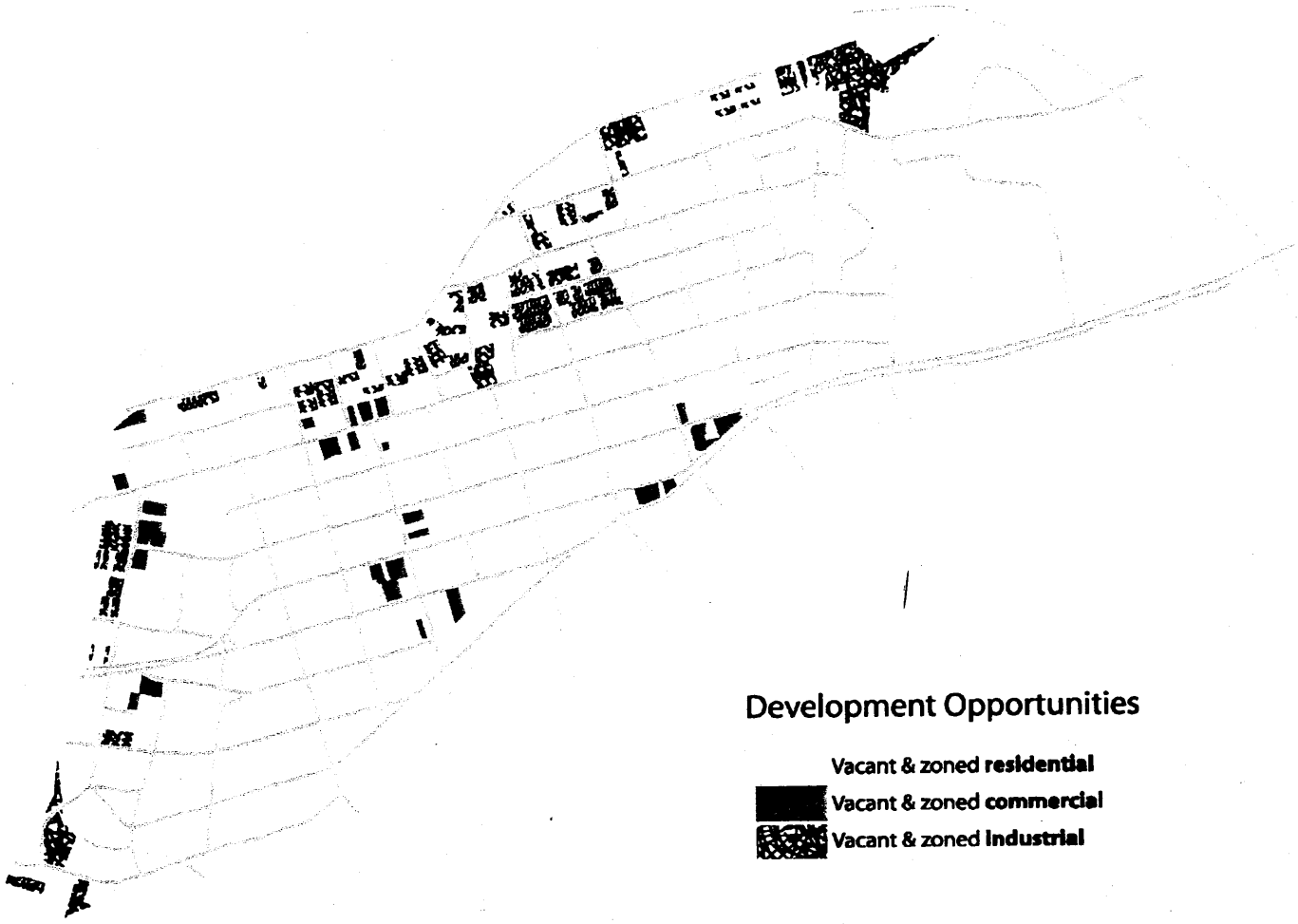
The City has selected Belmont as a pilot area for its first years of targeting Community Development Block Grant funds. This project, called Southeast by Design, will focus over $1 million into housing and infrastructure improvements along the Bullitt-Jamison corridor. A master plan for the corridor is underway and should be adopted as part of or as an amendment to this plan.

One of the city's public housing developments, Indian Rock Village, is located at the eastern edge of the neighborhood. Indian Rock Village provides 80 public housing units in a series of townhouse structures. The Roanoke Redevelopment

and Housing Authority lists 100 households in the neighborhood that receive Section 8 vouchers. This indicates that the neighborhood has a fair amount of affordable, very low-income housing. Creating income diversity is key to stabilization and revitalization. Future housing development should promote income diversity by focusing on market-rate housing and by encouraging home ownership. Public-sector intervention is needed to stimulate development by the private sector of quality market-based housing. This is a major challenge because traditional funding sources and incentives encourage the development of more low-income housing, which can perpetuate a neighborhood's status as a low-income area.

At community workshops, participants cited the need to improve housing conditions as the highest priority for the neighborhood. Most houses were built between 1890 and 1940, so maintenance needs tend to be higher. Residents say that older residents especially have trouble maintaining their homes.

The area is identified as having historic and unique architectural value. Many of the vacant lots (about 400) are good opportunities for new housing development. It is very important that new housing fit in with the existing housing. The Neighborhood Design District is a zoning overlay that is a tool to control the appearance of new infill housing. This plan recommends establishment of this zoning overlay throughout the neighborhood.


Development Opportunities
Vacant & zoned residential
Vacant & zoned commercial
Vacant & zoned industrial

Economic Development

The neighborhood has a diverse mixture of businesses including commercial and industrial uses. Most business is focused into three village centers, a small strip shopping center, and an industrial district. Belmont-Fallon is fortunate to have retained viable village centers that provide basic goods and services within walking distance. Economic development efforts need to reinforce these areas as centers of activity and concentrate businesses into these areas.

Village Centers

The village centers contain basic services such as convenience stores, drug stores, auto parts stores, and hardware. Existing village centers should be limited in size to provide well-defined business areas. Uses should be small in scale and serve both the surrounding neighborhood and those passing through the neighborhood.

Parkside Plaza, near the city limits on Dale Avenue, is a future development opportunity. It was originally developed as a small strip shopping center. *Vision 2001-2020* encourages a "greyfield redevelopment" model that develops the street frontage for retail uses and uses the larger rear buildings for light industrial uses, with parking on the interior of the development. Parkside Plaza is an ideal candidate for this type of redevelopment. Eventually, it could function as a fourth village center serving the eastern part of the neighborhood.

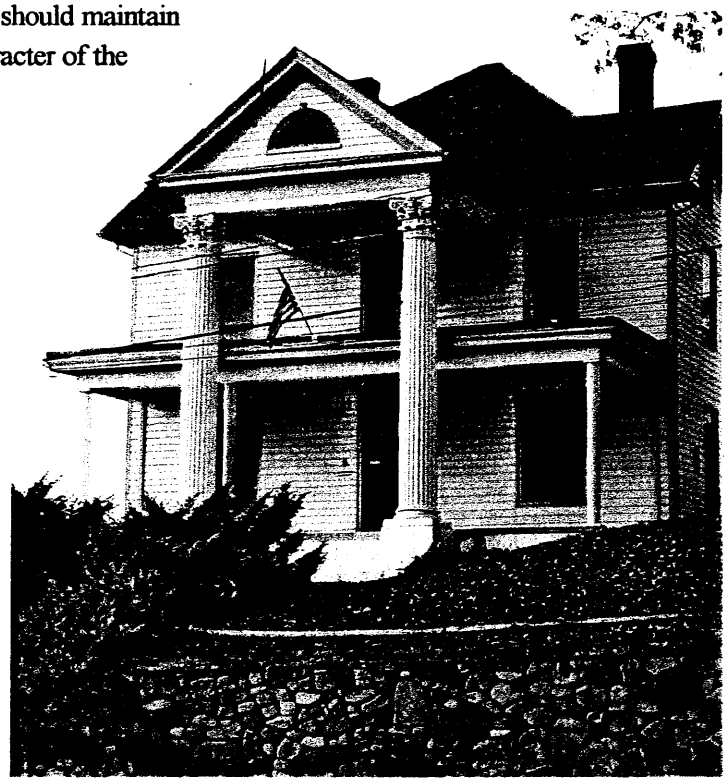
Corner Commercial

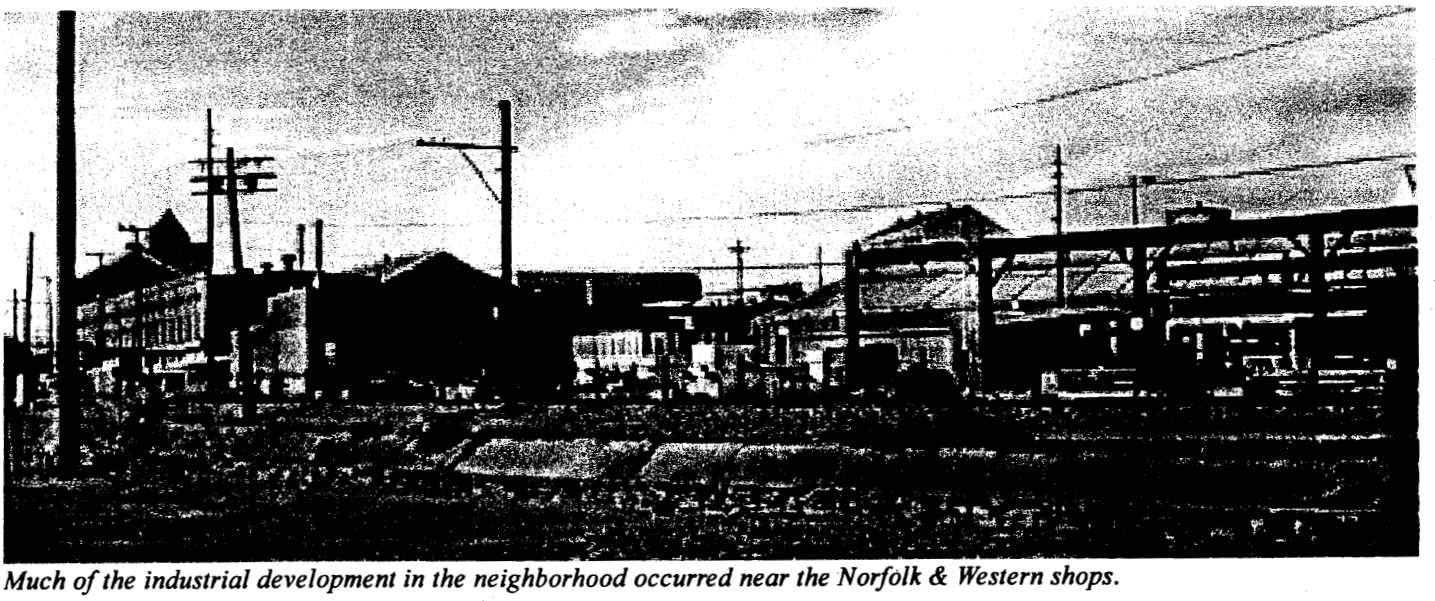
Individual buildings that formerly housed corner commercial development such as grocery stores are scattered throughout the neighborhood. These are typically located at corners on side street frontages. Zoning should allow for appropriate reuse of these structures. Uses should be limited to low-traffic establishments that serve the surrounding neighborhood.

Office-Residential Mix

Larger houses in the areas near downtown are appropriate for a residential-office mixture. Permitting limited office development should encourage business to rehabilitate larger homes for offices. Two successful examples of this adaptive reuse are already located in the area. Time Technologies and Systems 4 are two businesses that have taken advantage of the location near downtown. The Systems 4 project rehabilitated an old house for office space on the first floor and retained the second-floor residential units. New office development that occurs in this area should maintain the residential character of the neighborhood.

Adaptive reuse: Systems 4 and Time Technologies



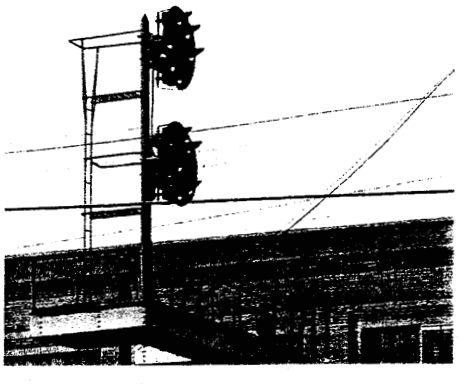


Much of the industrial development in the neighborhood occurred near the Norfolk & Western shops.

Industrial Development

A 60-acre industrial district is located between Campbell Avenue and Tazewell Avenue across from the Norfolk Southern shops. This district has small-scale industrial uses as well as some commercial uses such as convenience stores and restaurants. There are numerous vacant industrial buildings. Most of the industrial area is in the flood plain. Properties in the industrial district tend to be very small and, individually, are not suitable for industrial development. The result is a fragmented and frayed development pattern with vacant buildings and underused property. Properties under multiple ownerships have to be combined before new development or expansion can take place. The city could have a role in assisting with the assembly of lots to encourage high quality development.

The industrial district also contains residential uses. The configuration of the lots suggests that the area was once residential. Wherever there are intact blocks of residential uses, the zoning should be changed to residential.



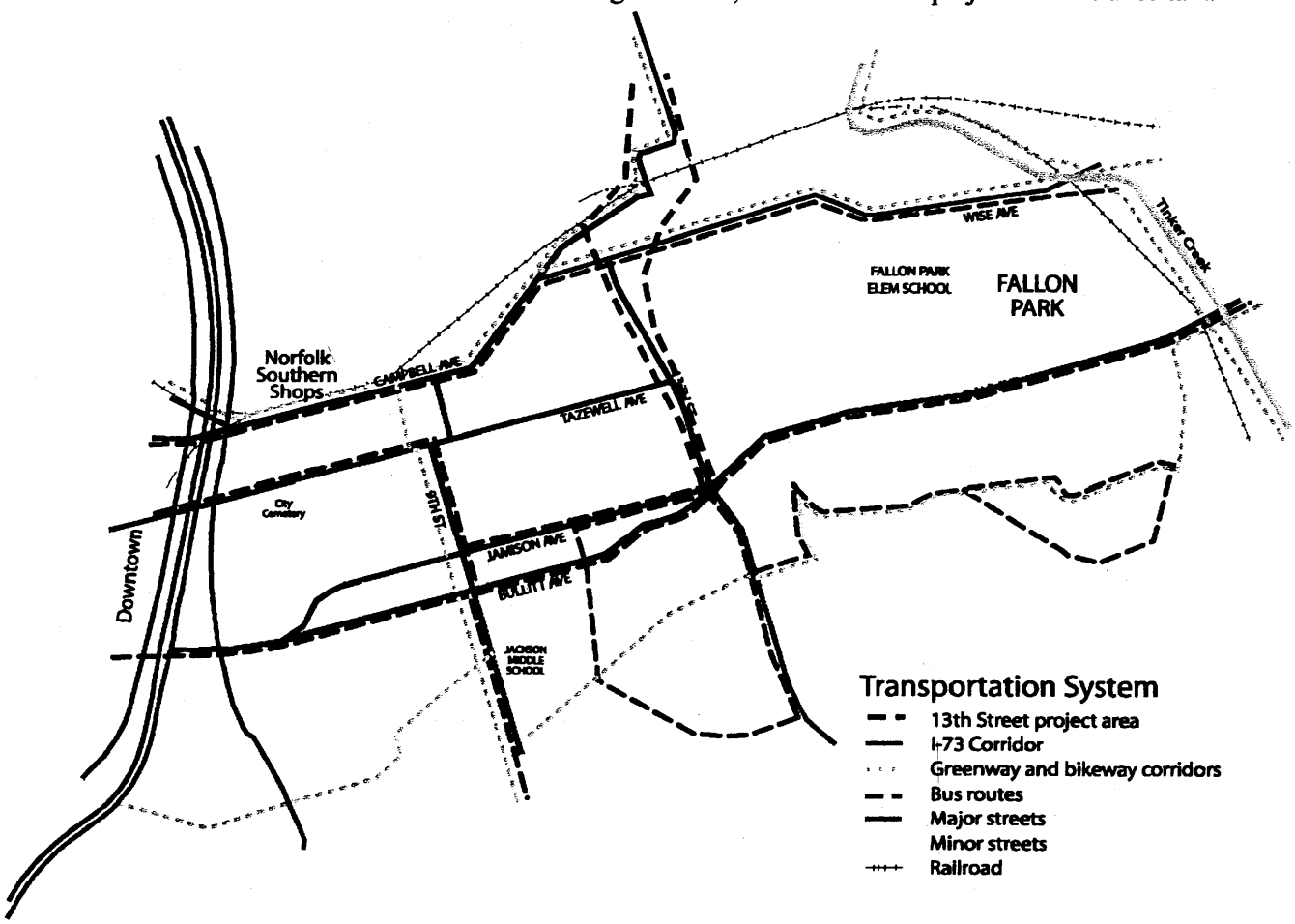
Infrastructure

Street System

The grid street system provides excellent access both within the neighborhood and to other parts of the city. The major east-west thoroughfares are Bullitt-Jamison (Route 24), Tazewell Avenue, and Wise Avenue. 13th Street and 9th Street serve as the north-south thoroughfares. Congestion exists on Bullitt-Jamison and is projected to worsen. 13th Street between Jamison Avenue and Wise Avenue is also congested. 9th Street and 13th Street (south of Dale Avenue) have excess capacity and can handle traffic needs well into the future.

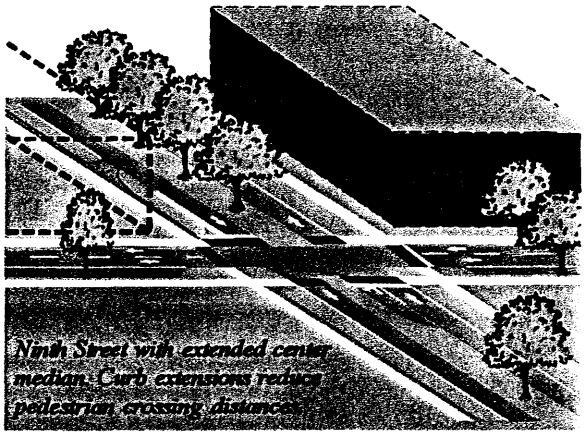
Thirteenth Street Project

A future improvement project to realign and widen 13th Street is listed in the *Roanoke City Thoroughfare Plan* as a high priority. The proposed project includes a bridge over the railroad tracks to connect with Hollins Road. Residents see the project as an improvement to connectivity and an opportunity for revitalization along the corridor. However, they are concerned about the design of the road and its potential for negative effects on the surrounding area. New roads should be carefully designed to maintain the existing street grid and preserve neighborhood character. *Vision 2001-2020* provides design guidance for new streets. With recent state funding shortfalls, the status of this project remains uncertain.



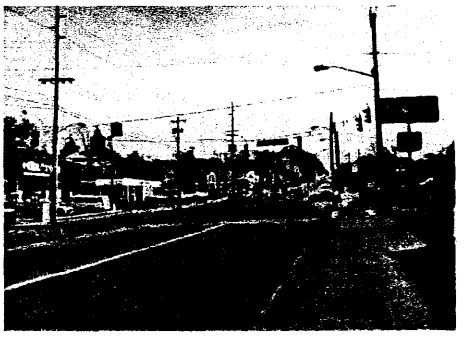
Ninth Street

The section of Ninth Street between Bullitt Avenue and Highland Avenue has four travel lanes and additional turning lanes. With fewer than 8,000 vehicles per day projected by 2015 (*1995-2015 Long Range Transportation Plan*), this street is grossly oversized. At 70 feet, pavement width on Ninth Street has become unnecessarily wide and is not pedestrian-friendly. On the surface at least, it appears that the street could be reconfigured with minimal negative impact on traffic mobility. This plan recommends reconfiguration of this thoroughfare to an urban boulevard by converting some of the pavement to a landscaped median and on-street parking. When considering reconfiguration options, potential impacts on traffic movement must be assessed.



Ninth Street with extended center median. Curb extensions reduce pedestrian crossing distances.

The center median on 9th Street between Tazewell and Jamison makes it easier to cross. The median should be extended to Highland Avenue.



Bullitt-Jamison Corridor

Bullitt-Jamison connects downtown and Vinton and is the major east-west connection through the neighborhood. This corridor is a "paired one-way couplet"— two small streets, each with one-way traffic, that function as a large arterial street. Bullitt-Jamison is important because it carries considerable traffic through the neighborhood and connects four village centers. The primary use between village centers is residential. Walking along or crossing the street along this corridor is uncomfortable and is perceived as dangerous. The corridor is unattractive and traffic appears to travel at speeds well above the posted limit. Limited short-term improvements were recently made at some intersections to improve safety.

In the majority of cases, two-way streets are preferred over one-way streets. The City Design section of *Vision 2001-2020* recommends that "one-way streets should be converted to two-way streets, where possible, to improve access and promote safer speeds." Conversion of the one-way streets of Bullitt-Jamison to two-way streets is more difficult than most conversions because the streets converge into four-lane arterial streets on both ends of the corridor. Moreover, traffic could not easily be dispersed among other streets.

Safety and livability issues should be addressed with comprehensive streetscape and traffic-calming improvements between 6th Street and 13th Street. Such improvements are important to improving livability along the corridor, supporting revitalization efforts, and improving neighborhood image. Improvement strategies for the Bullitt-Jamison corridor should address the following goals:

- Improve overall livability along the street
- Improve pedestrian safety
- Minimize disruption of existing neighborhood
- Reduce speed - at least 85% of the traffic should travel at 30 m.p.h. or less
- Retain capacity to handle current and future volumes, while not inducing more traffic
- Keep commuter traffic off of side streets
- Ensure other thoroughfares carry their "fair share" of traffic

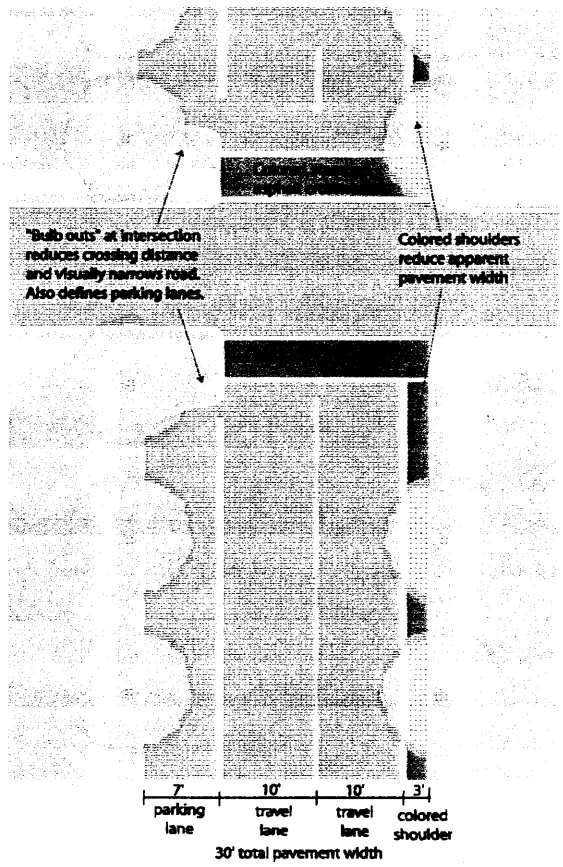
Streetscape and traffic-calming measures can respond to these goals. Following are some potential streetscape/traffic-calming tools that may be used along the corridor:

- Planting large-species trees on both sides of the street.
- Installing curb extensions at intersections and mid-blocks to reduce crossing distance for pedestrians and define parking lanes.
- Marking pedestrian crossings with stamped asphalt or other material to create a change in color and texture.
- Painting the shoulder to reduce the apparent pavement width and keep traffic away from street trees.
- Lateral shifts in the travel lanes from one side of the street to the other.
- Speed tables and raised intersections

This plan recommends that the Bullitt-Jamison corridor remain in the current one-way configuration, with implementation of extensive traffic calming measures. If the recommended traffic-calming strategies do not have the desired effect, additional measures could be explored, including two-way alternatives.

Streetscape and traffic-calming priorities for Bullitt-Jamison should be on tree planting. Planting trees along this corridor is a challenge because the planting strip between the curb and sidewalk is only 2-3 feet wide. Sidewalks are generally 5 feet wide and the width could be reduced to 4 feet in certain sections to provide more room for trees. The tree species must be selected to ensure survivability and to provide a generous canopy over the street.

Approaches to traffic calming and beautification along the Bullitt-Jamison corridor.



Simulation of Bullitt-Jamison with trees, crosswalks, curb extensions, and restriping. Note the apparent width is reduced while the actual width stays the same.

Interstate 73

The corridor for the planned I-73 interstate cuts along the western edge of the neighborhood. While Roanoke City Council advocated a different route, the Commonwealth Transportation Board selected the alignment that cuts through the Belmont and Morningside neighborhoods. The project is in preliminary stages of planning and little is known about the future design of the highway. It is certain that the highway will have a profound negative effect on the Belmont neighborhood. In addition to removing the area along Fourth Street and the village center at Elm Avenue and Fourth Street, it will have considerable impacts on properties just outside the study corridor. There may be an opportunity to reduce negative effects through "Context Sensitive Design." The idea of context sensitive design is promoted by the Federal Highway Administration as a planning process that involves the local community in design decisions. This approach is an attempt to make the project work better within existing communities. The City should advocate the use of context sensitive design in the design process. It should be noted that context sensitive highway design can mitigate some negative impacts, but cannot eliminate them. If the project proceeds, future land use and development will need to be reevaluated along the entire corridor through the city.

Bicycle/pedestrian connections

Belmont-Fallon has an excellent network of sidewalks. However, segments of sidewalk are missing in some places and deterioration is evident, especially in the northern part of the neighborhood near the Norfolk Southern shops. A number of sidewalks are brick. Roanoke's Engineering Division has surveyed the repair and construction needs for sidewalk and curbing. Most of the neighborhood's need is in the form of repairs rather than new construction.

The Tinker Creek Greenway opened in 2001 and provides recreation and transportation connections along the eastern border with Vinton. The Mill Mountain Greenway will run along the western border of Belmont. As a fully developed neighborhood, there are few opportunities for separate greenway facilities. Most connections will be along existing streets and connect major destinations such as schools, parks, and other greenways.

Transit service

Belmont-Fallon is well covered by bus service. Three routes run through the neighborhood and all households are within a short walk of a bus stop. Valley Metro estimates that between the three routes, there are over 750 daily riders. These routes extend to areas outside of the neighborhood and allow residents convenient access to other areas of the city.

Utilities

Drainage is good and there are few problems. Street lighting is good and is generally located at corners and along avenues. Power, phone, and cable TV utilities are generally above ground. Natural gas and public water/sewer are available throughout the neighborhood. The neighborhood has good access to fiber optic cable. Additional fiber may be warranted in the 9th Street village center if the area is designated as a secondary Technology Zone.

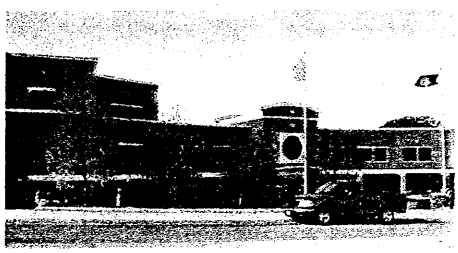
Public Services

Public Safety

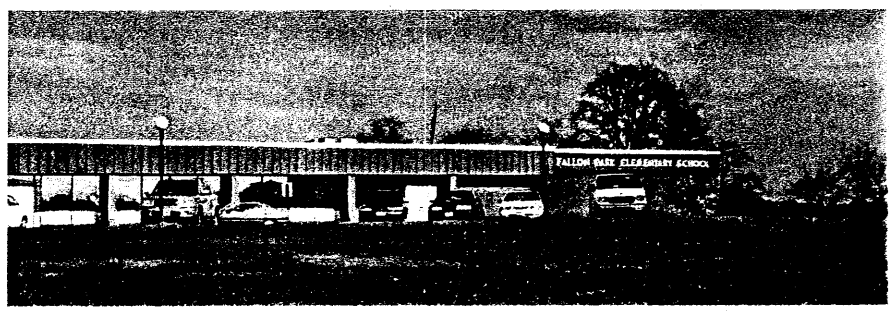
The Old #7 fire house has been established as a satellite police station. Officers will staff the station periodically, establishing a police presence in the neighborhood and increasing interaction between police and the community. The Police Department works closely with various neighborhood organizations and neighborhood watch groups in the area. Excellent fire and rescue response is provided by the 14th Street station and downtown

The Old #7 Fire House is being used as a satellite police station.

Schools and Libraries



Children in Belmont-Fallon have excellent school facilities. Children attend Fallon Park Elementary or Morningside Elementary. After elementary school, students then attend Jackson Middle School or Madison Middle School, and then either Patrick Henry or William Fleming High School. Morningside Elementary and Jackson Middle School have had major renovations. Jackson Middle School contains a fitness center that serves the surrounding neighborhood.



Code Enforcement

Code enforcement is cited as a priority among residents. The most common violations are disabled vehicles and outdoor junk storage. Housing maintenance code violations are also common. Residents are active in reporting violations through the Roanoke Neighborhood Partnership. Code enforcement will be an ongoing issue and consequently, code enforcement must be an ongoing effort.

With increasing levels of rental property, addressing the condition of rental housing is crucial. The Rental Inspection Program began in 1997 to address the issue of deteriorating housing and tenant safety and welfare. The program identifies rental housing structures in the City's *Conservation and Rehabilitation Districts* that do not meet housing maintenance code standards. Structures determined to be in compliance with the code are issued a certificate of compliance. For those that do not, inspectors issue orders for the owner to correct substandard conditions. In Belmont-Fallon, the program has resulted in over 127 structures being repaired, 27 vacant structures being boarded up, and 23 dilapidated structures demolished. Since its inception, the program has resulted in visible improvements in the condition of housing in the neighborhood.

Solid Waste Management

Trash collection is provided from the alley in most areas. Automated collection has transferred some refuse collection to the street. The Regional Transfer Station is located just north of the neighborhood.

Quality of Life

Parks and Recreation

Belmont-Fallon has access to some of the best parks in the Roanoke Valley. There are two very large community parks: Fallon and Jackson. Each has a full complement of recreational facilities. Jackson Park has the Buena Vista Recreation Center, which provides community programs and also houses the local office of the Virginia Department of Historic Resources. Fallon Park contains one of the City's two public swimming pools. Two of the neighborhood's schools are located in these parks. A fitness center, provided through the Parks and Recreation Department, is located in Jackson Middle School. Residents have close access to the Tinker Creek Greenway that borders the eastern part of the Fallon neighborhood.

Fallon Park is an excellent community gateway.

The Belmont area needs a small park. The park should be relatively small (1/2 to 1 acre) and be in a central, visible location and ideally be surrounded by buildings. Since this is a developed neighborhood, it is difficult to identify potential sites. Parks are a desirable amenity and could be coordinated with new housing development. A possible site would be at the center of a proposed housing cluster between Bullitt and Jamison between Sixth Street and Eighth Street.

Community Appearance and Security

There are high levels of vagrancy in the neighborhood and downtown areas. Residents cite problems with frequent public intoxication and littering. Streets and alleys are littered with bottles and other trash. The Roanoke Rescue Mission operates a homeless shelter in the neighborhood and plans to expand its services. Problems with vagrancy are concentrated in areas around this facility. Numerous public meetings have been held to address issues and attempt to develop consensus about future plans for the Rescue Mission. Regardless of the development outcomes, the City and neighborhood residents must keep the neighborhood clean and safe to make future revitalization possible.

Area convenience stores provide easy access to alcoholic beverages. One area convenience store, Stop-In, has discontinued sale of malt liquor in response to community concerns. While access to alcoholic beverages will not be eliminated, this store's initiative should be commended and others should follow this lead.

Health

Carilion Roanoke Community Hospital is adjacent to the neighborhood. The numerous medical clinics in *Old Southwest* are accessible. The Presbyterian Center on Jamison Avenue provides periodic health and immunization clinics for residents of the neighborhood. Still, the Health Department and residents indicate that the area is under served and that a basic health care clinic is needed to respond to the needs of neighborhood residents. The health clinic should be located in a village center.

Human Services

Religious and secular agencies provide human services in the neighborhood. The Rescue Mission and the Salvation Army operate major centers in the neighborhood. The Southeast Roanoke Christian Partnership, a coalition of six neighborhood churches, the Presbyterian Center, the Rescue Mission and the Baptist Community Center, provides various humanitarian services such as food pantries, clothes closets, emergency financial assistance, and referrals to community services. In addition, the Partnership has an arrangement with the College of Health Sciences to provide a congregational nursing program.

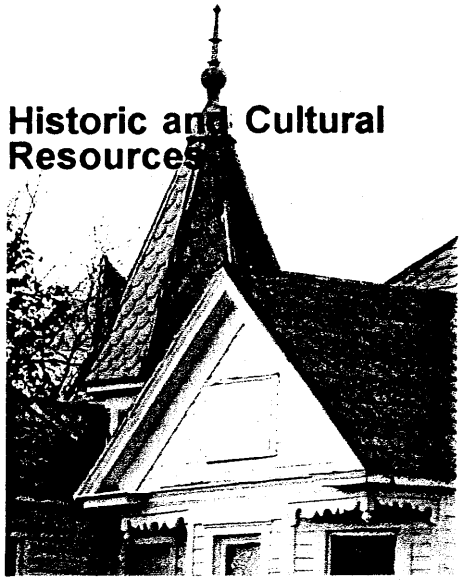
The Rescue Mission is planning an expansion for a women's shelter. The rezoning for the expansion was approved, but was controversial as residents near the Rescue Mission opposed the expansion, citing negative affects the Rescue Mission's clients have on the surrounding area. The expansion also raised the issue of the city as a whole carrying too much of the social services burden for the region. While the Rescue Mission and other such agencies provide crucial human services, these facilities already have a considerable presence in the area and further expansion of homeless shelter functions should be avoided.

Environment

Much of the industrial area along Campbell Avenue is in the flood plain. As a result, storm drainage poses potential risks in some areas. Future development should incorporate design measures to reduce potential flood damage.

Street tree loss is heavy throughout the neighborhood. Many of the trees planted when the neighborhood was first developed have reached the end of their life expectancy. Improving the landscaping of the neighborhood and planting new trees are goals of *Vision 2001-2020*. This plan recommend aggressive reforestation along streets.

Historic and Cultural Resources



Belmont has retained many examples of fine historic residential, commercial, and industrial architecture that contribute to the city's heritage and character. A historic survey of Belmont was conducted in 1999. Unfortunately, the area surveyed narrowly missed qualifying for historic district designation due to demolition of too many of the older homes. Eligibility for the National Register of Historic Places can be influenced by the size of the district considered. Larger or smaller areas may be eligible. This plan recommends continuation of survey efforts to get as much of the neighborhood as possible designated as historic.

Some individual buildings are identified as historic. The Old #7 firehouse is on the National Register of Historic Places. *Buena Vista*, a brick Greek-revival dwelling in Jackson Park, is also on the National Register. The Norfolk Southern shops are also a major historic resource as the shops contributed to the development and growth of the neighborhood and the city, their development coinciding with the name change from Big Lick to Roanoke in 1882. All railroad-related structures were recommended in the Hill Studio study for potential listing on the Virginia Landmarks and National Register of Historic Places. Other significant historic properties include the City Cemetery near downtown, and the American Viscose Corporation plant, which has been determined eligible for listing on the Virginia Landmarks Register and the National Register of Historic Places.

The City Cemetery an important historic landmark. The cemetery has issues with maintenance, security, and vandalism. Residents believe that the cemetery should be protected and maintained as a community asset.

Community Involvement

Belmont Fallon is served by the Southeast Action Forum. Formed in the late 1970s, it was one a founding member of the Roanoke Neighborhood Partnership. The Southeast Action Forum has a long history of neighborhood revitalization projects and has advocated for neighborhood improvement. The Belmont Preservation Association is a recently-formed group that works in the Belmont area to advocate neighborhood interests. In addition, various neighborhood watch groups operate in the area.

Recommendations

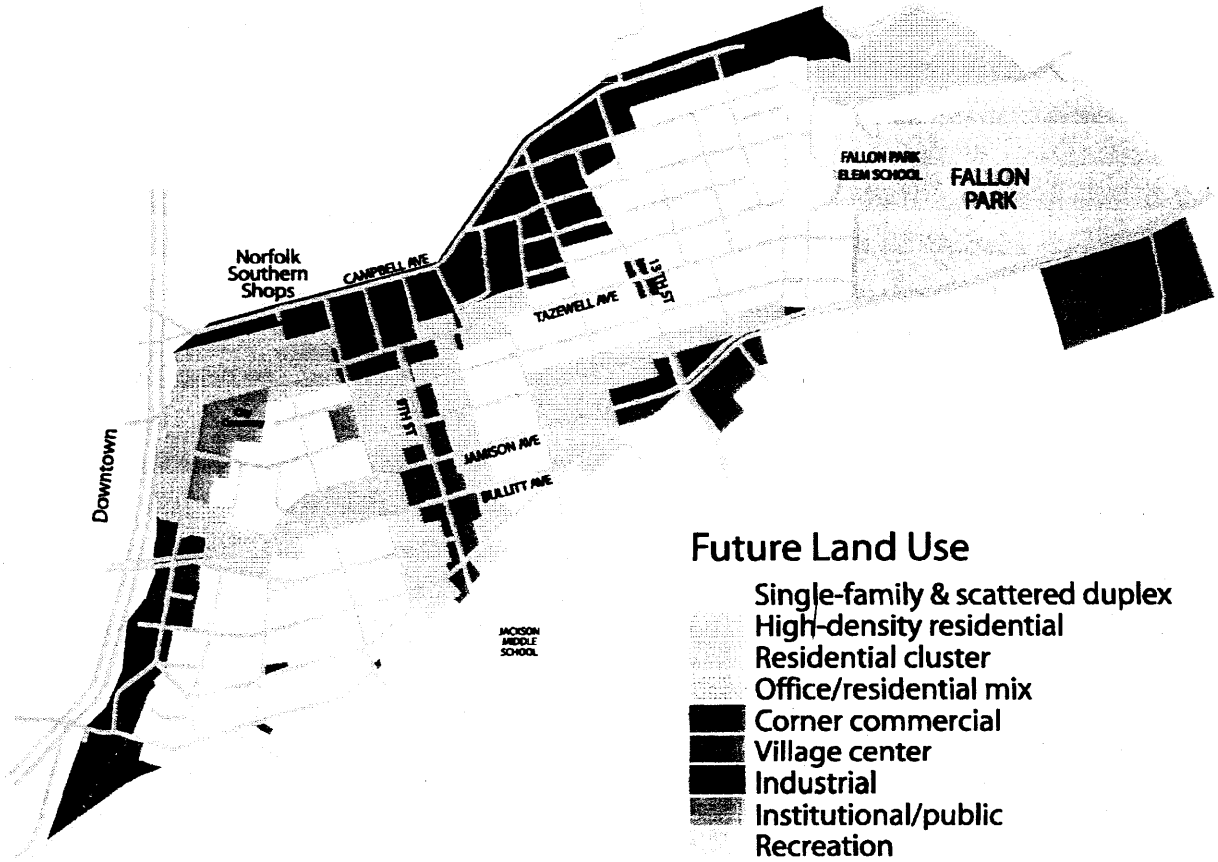
Recommended Policies and Actions

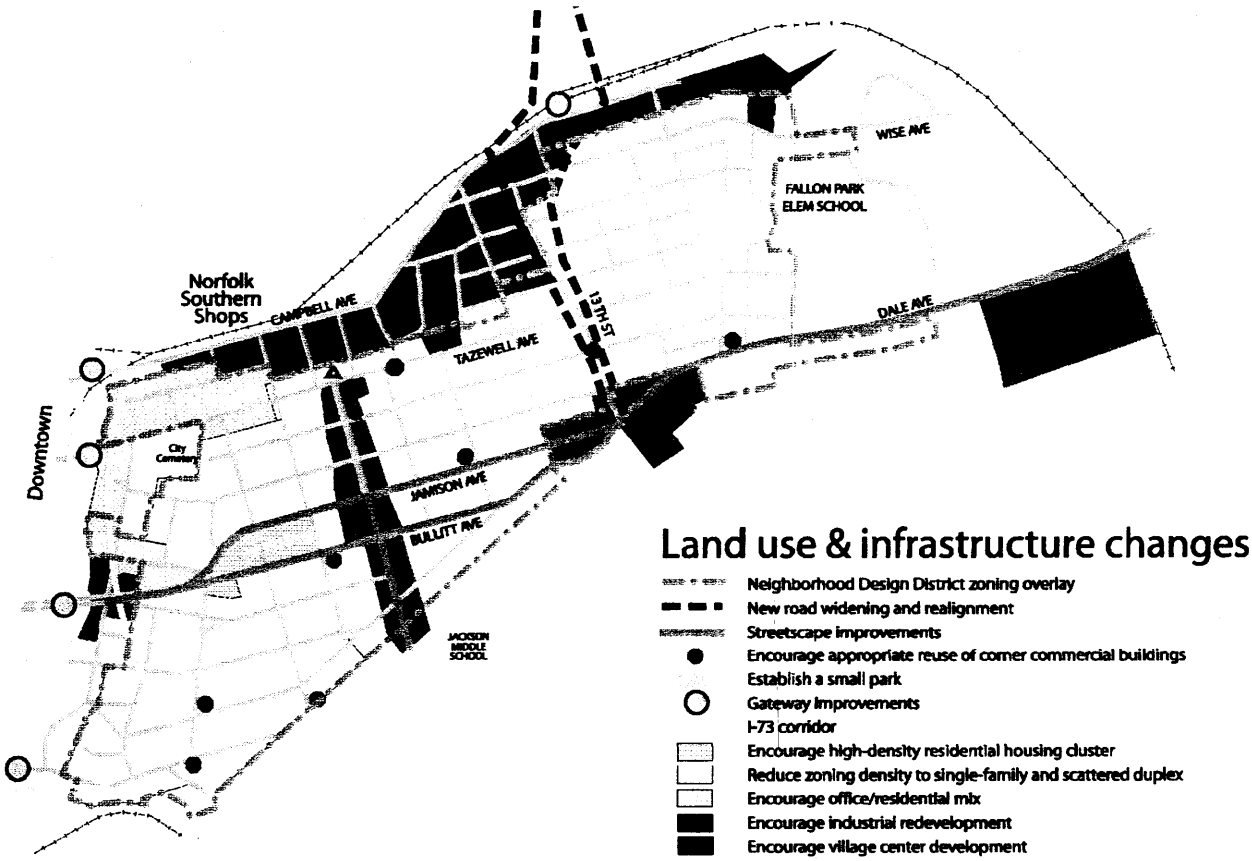
Recommendations are organized by the Plan Elements (community design, residential development, etc.). Recommendations take the form of "policies" or "actions." Policies are principles or ways of doing things that guide future decisions. Generally, policies are ongoing. Actions are projects or tasks that can be completed and have a definite end.

Future Land Use

The *Future Land Use* plan on the following page is the most important recommendation of this plan. It specifies how future development should take place. Zoning is the principal tool that is used to implement the future land use plan. Some of the current zoning is not consistent with the future land use plan, so the plan recommends changes in zoning so that future development will be consistent with the future land use plan.

The *Land Use and Infrastructure Changes* map graphically illustrates many of the plan's recommendations.


FALLON PARK ELEM SCHOOL
FALLON PARK
Norfolk Southern Shops
CAMPBELL AVE
TAZEWELL AVE
13TH ST
9TH ST
JAMISON AVE
BULLITT AVE
Downtown
JACKSON MIDDLE SCHOOL
Future Land Use
Single-family & scattered duplex
High-density residential
Residential cluster
Office/residential mix
Corner commercial
Village center
Industrial
Institutional/public
Recreation


WISE AVE
FALLON PARK ELEM SCHOOL
Norfolk Southern Shops
CAMPBELL AVE
13TH ST
DALE AVE
TAZEWELL AVE
Downtown
City Cemetery
JAMISON AVE
BULLITT AVE
JACKSON MIDDLE SCHOOL
Land use & infrastructure changes
Neighborhood Design District zoning overlay
New road widening and realignment
Streetscape improvements
Encourage appropriate reuse of corner commercial buildings
Establish a small park
Gateway improvements
I-73 corridor
Encourage high-density residential housing cluster
Reduce zoning density to single-family and scattered duplex
Encourage office/residential mix
Encourage industrial redevelopment
Encourage village center development

Community Design Policies

- **Development Model:** Future development should follow the traditional neighborhood model prescribed by *Vision 2001-2020*.
- **Village centers:** Neighborhood activity will be focused into four existing village centers spaced roughly at 1/2 mile intervals. Village centers should be dense, compact in size, and identifiable. Uses in village centers should generally be neighborhood-oriented commercial, but should also contain some businesses that serve a larger market. Live-work spaces and upper floor residential will be encouraged in village centers.
- **Medium- to high-density residential** development such as townhouses and apartments should be located near the village centers.
- **Areas between village centers** are designated for primarily single-family dwellings. Two-family dwellings and commercial uses will be interspersed throughout these areas, but the dominant character will be single-family. In areas with a single-family/two-family mix, duplexes should generally be limited to corner lots, which often have larger lots and more on-street parking available due to side street frontage.
- **Building scale:** Buildings in village centers should have at least two stories to encourage efficient use of limited commercial land, diverse uses, and compact village design. Residential buildings should be at least two stories in most cases except in limited areas such as Fallon, where one-story buildings are common. The number of stories should be guided by the surrounding traditional buildings.
- **Building location:** To encourage a pedestrian environment and desirable streetscape, buildings in village centers should be placed close to the street, immediately adjacent to the sidewalk. Storefronts should be limited in width (25'-40'). Residential buildings should also be placed close to the front property line to maximize rear yards. Established building lines of existing development should be used to guide placement of infill dwellings.
- **Parking:** Parking is recognized as a necessity, but should not be allowed to dominate any development. Parking should be located primarily on-street. Zoning regulations should consider the availability of on-street parking when determining appropriate levels of on-site parking. Where additional parking is warranted, it should be located to the rear or side of buildings. Moreover, where on-site parking is provided, it should use alley access whenever possible.
- **Gateways:** Development of buildings along the Tazewell Avenue and Campbell Avenue street frontages between Williamson Road and I-581 should be encouraged to establish a more continuous link between Belmont and downtown.

Community Design Policies (continued)

- **Ninth Street & Tazewell Avenue:** This intersection is special because it is the terminus of Ninth Street. The future use of the land at this location should be an attractive building or a small park oriented to the axis of the street.
- **Industrial District:** Development of the industrial district along Campbell Avenue should be encouraged to provide employment opportunities within the neighborhood. This area should generally have small-scale light industrial uses. Where industrial uses abut commercial and residential uses, careful building design and site layout should be used to reduce conflicts between adjoining uses.

Community Design Actions

- **Implement infill design regulations:** Establish the Neighborhood Design District zoning overlay to ensure that new construction is compatible with the traditional design of existing development.
- **Encourage office-residential mix:** Change zoning to allow mixed office and residential uses in areas near downtown to encourage rehabilitation, adaptive reuse, and preservation of large, historic houses.
- **Lower residential density:** Lower zoning density from multifamily to single- and two-family in selected areas (away from village centers), leaving higher density zoning in and around village centers.
- **Change industrial zoning:** Where zoning is industrial, but the primary use is likely to remain residential, change zoning to a residential district.
- **Implement village center zoning:** Change zoning in village centers where needed to encourage a mix of uses and building scales that are appropriate in a neighborhood setting. Development codes should promote development of well-designed commercial structures that encourage pedestrian activity.
- **Encourage corner commercial:** Develop and implement zoning regulations to encourage appropriate reuse of corner commercial buildings.
- **Limit surface parking:** Develop mechanisms to limit surface parking lots and encourage use of on-street parking for periodic uses.

Residential Development Policies

- **Housing diversity:** An appropriate balance of diverse housing types will be encouraged in the Belmont-Fallon area. Residential uses will include single- and two-family dwellings, apartments, townhouses, above first floor retail, and live-work spaces.
- **Residential densities:** Generally, residential densities in and around village centers will be medium to high. Between village centers, residential densities will be lower.
- **Market-rate housing:** The primary focus for new development will be on market-rate housing, given current supplies of affordable housing in the neighborhood.
- **Public investment:** The city will make public investments in housing and infrastructure with the expectation of leveraging or encouraging future investment by the private sector.
- **Design:** New structures must be well-designed and compatible with existing buildings.
- **Maintenance:** Housing maintenance codes will be strictly and aggressively enforced.
- **Demolition for parking:** Demolition of houses is a last resort and should only be undertaken when rehabilitation options are sufficiently explored and found to be infeasible. Zoning regulations will discourage the demolition of houses for parking lots and will encourage on-street parking for periodic uses.
- **Underused residential sites:** Zoning and incentives will be used to encourage mixed density cluster development on underused residential areas. The currently vacant property between Bullitt and Jamison between 6th and 8th should be considered for a higher density housing cluster with a central park. Development should attempt to incorporate and retain existing houses along the 700 block of Bullitt Avenue.

Residential Development Actions

- **Develop a housing master plan** for housing and infrastructure improvements along the Bullitt-Jamison corridor and target CDBG funds to implement the plan. (currently underway)
- **Identify and assemble** clusters of vacant lots for future residential development.
- **Initiate zoning changes** to support housing revitalization and desired future residential land use patterns.
- **Create a Community Development Corporation**, a nonprofit business to rehabilitate houses and develop appropriate new infill housing in the Southeast community.

Residential Development Actions (continued)

- **Match rehab programs with need:** Develop an inventory of existing housing rehabilitation programs available through city and volunteer organizations and match needs with appropriate programs.
- **Market the neighborhood:** Develop materials to market the neighborhood's strengths, especially the pedestrian-oriented traditional neighborhood setting. A major strength is that downtown, village centers, parks, libraries, and schools are all within a short walk. The large, historic homes are also a primary asset.
- **Nominate historic districts:** Nominate eligible buildings and areas for inclusion on the National Register of Historic Places. Historic designation makes federal, state, and local rehabilitation incentives available.

Economic Development Policies

- **Support development of compact village centers** in Belmont-Fallon and encourage appropriate development in them. Most businesses will be neighborhood serving, but village centers will ideally contain at least some larger-market businesses. Future business development will take place within commercial centers rather than as strip development along major streets.
- **Building design:** Zoning regulations and incentives will promote development of well-designed commercial buildings that encourage pedestrian activity. Commercial buildings will be placed near the sidewalk with parking on the side or in the rear. Commercial structures will be at least two stories to encourage efficient use of land and diversity of use.
- **Economic development** in village centers will be encouraged with local, state, and federal incentives.
- **Industrial development and redevelopment** will be promoted in the industrial district along Campbell Avenue.
- **Corner commercial:** Zoning regulations will encourage appropriate reuse of corner commercial buildings.

Economic Development Actions

- **Change zoning** in village centers to encourage a mix of uses and building scales that are appropriate in a neighborhood setting.
- **Implement Neighborhood Design District** to apply to new commercial structures.
- **Recruit a grocery store** to serve Southeast, downtown, and other downtown neighborhoods. The location should be in the part of the neighborhood close to downtown (9th Street or west of 9th Street).
- **Redevelop industrial area:** Initiate programs to encourage assembly and combination of small parcels in the industrial district to provide suitable industrial properties. Assist businesses with expansion/relocation/improvements through incentives.
- **Provide economic incentives** such as enterprise zones and technology zones only in recognized commercial/industrial districts.
- **Initiate historic survey and nomination** of buildings and districts for inclusion on the National Register of Historic Places to make local, state, and federal rehabilitation incentives available.

Infrastructure Policies

- **Streetscapes**, especially at gateways and along major transportation routes, will be attractive. Functionally, streets will accommodate autos, pedestrians, and bicycles. Trees should be used to create a canopy over streets, so large species trees should be used whenever possible.
- **Village center streets:** Special attention will be given to the quality of public street spaces in village centers. Decorative sidewalks, lamp posts, street furniture, trees and other public improvements will distinguish village centers.
- **Design of new streets** will be carefully considered to ensure that design principles of *Roanoke Vision 2001-2020* are incorporated. The I-73 project, if it proceeds, should incorporate a context sensitive design process into planning.

Infrastructure Actions

- **Develop site-specific plans** for streets at gateways and village centers.
- **Improve the streetscape of major corridors** in the neighborhood such as Bullitt/Jamison, Tazewell, 9th Street, and 13th Street. Traffic-calming strategies should be incorporated into improvements. The priority should be on installing trees and providing an improved pedestrian environment. Comprehensive streetscape and traffic calming improvements should be implemented along the Bullitt-Jamison corridor. Ninth Street should be reconfigured into an urban boulevard, with a landscaped center median and on-street parking. Turn lanes at major intersections may need to be retained to provide adequate capacity.
- **Identify the 13th Street-Hollins Road project as a priority** to improve connections and access to the neighborhood and the industrial area.
- **Initiate aggressive street tree planting**, especially along major arterials and in village centers.
- **Develop safe bike/pedestrian connections** through the neighborhood to link schools, libraries, village centers, downtown, and greenways.
- **Install special infrastructure in village centers** such as decorative lights, street furniture, textured sidewalks, and covered transit stops.
- **Relocate or consolidate above-ground utilities** in village centers and along arterial streets.
- **Retain and repair existing sidewalks** throughout the neighborhood. Brick sidewalks should be retained where possible.
- **Continue regular bus transportation** available within a five-minute walk of residential areas. Evaluate routing to ensure effective connections to other parts of Roanoke. Provide covered stops in village centers.

Quality of Life Policies

- **Health and human services:** Residents should have convenient access to health and human service services. Private & nonprofit human service initiatives should be supported
- **Additional shelter services** should be discouraged in light of the neighborhood's and the city's overall responsibility for providing these services for the region. Existing service providers should adopt policies and programs to discourage vagrancy and public intoxication. Programs to clean alleys and streets in the area should be continued and expanded.
- **Recreational areas** should be available throughout the neighborhood.
- **Tree canopy** throughout the neighborhood should be increased.
- **The City Cemetery** should be protected and maintained as an important historic resource and neighborhood asset.

Quality of Life Actions

- **Cause the development of a health clinic** in the Ninth Street village center or the Jamison and 13th Street village center.
- **Develop a small park** in the Belmont area.
- **Continue neighborhood review** of zoning and development changes.
- **Initiate private and public tree planting programs** in the neighborhood, especially along major streets
- **Engage area convenience stores** in addressing alcoholic beverage issues. Neighborhood groups should get involved in ABC licensing hearings for convenience stores.

Public Services Policies

- **Appearance and security:** The priority component of revitalization is making the neighborhood clean and safe.
- **Housing maintenance and nuisance abatement codes** will be strictly and aggressively enforced. Use public nuisance abatement ordinances to compel compliance.
- **Functional and open alleys** will be maintained. Zoning regulations will encourage the use of alleys for access to parking in the rear.
- **Litter and graffiti:** Adopt a zero-tolerance policy on litter and graffiti. Ensure that city and state properties are well maintained and free of graffiti, weeds, and trash.

Public Services Actions

- **Eliminate vagrant "camps":** The city, VDOT (state), Norfolk Southern, and other property owners should close off access to hiding places for vagrants. Restrict access to underpasses, garages, overgrown lots, and vacant structures.
- **Regularly inspect alleys, streets, and properties** and coordinate quick cleanup of problem areas.
- **Establish a police satellite station** in the neighborhood (currently being implemented).

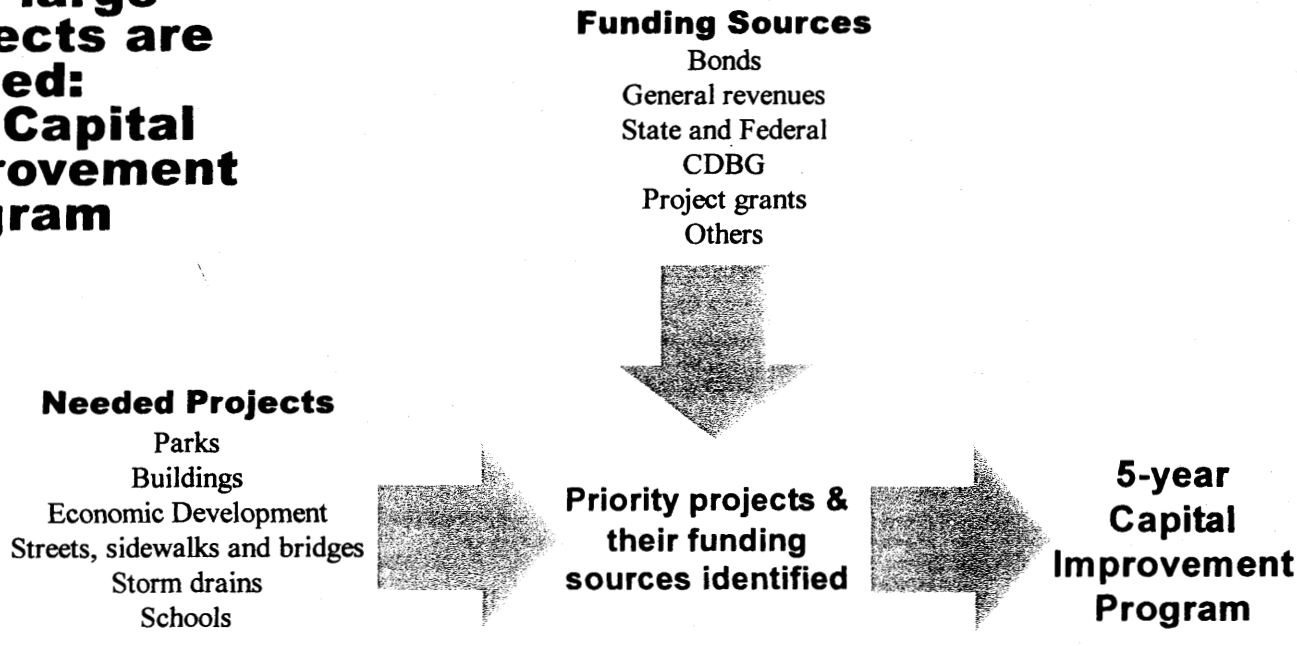
Implementation

Funding

Funding for major infrastructure projects is generally provided through the city's Capital Improvement Program. Funding can come from a variety of sources, including CDBG, transportation funding, state and federal funds, and general revenue. The Capital Improvement Program is developed by identifying needed projects and matching them with potential funding sources. Each project is reviewed and ranked in terms of priority.

The chart on the following page identifies major projects, their time frame, the lead agency or department, and potential sources of funding. The cost of most projects such as streetscape improvements cannot be determined until more detailed planning is completed.

How large projects are funded: The Capital Improvement Program



	Year							
Action	**1**	**2**	**3**	**4**	**5**	**Ongoing**	**Lead Agency**	**Potential funding sources**
Zoning changes		*	*				PBD	PBD operating budget
Bullitt-Jamison Master Plan	*						CDBG	CDBG
Streetscape and gateway planning	*	*					PBD, VT	CDBG, TEA-21, PBD operating
Streetscape and gateway improvements		*	*	*			PW	CDBG, TEA-21, Bond, PW operating budget
Industrial redevelopment						*	ED	CDBG, Bond, ED operating budget
Economic incentives		*	*				ED	ED operating budget
Historic surveys			*	*	*		PBD	PBD operating budget, state grant
13th Street project						*	VDOT	VDOT
Development of small park			*	*			P&R	P&R operating budget, bond
Police satellite station	*						PD	PD operating budget
Code enforcement	*					*	HNS	HNS operating budget

Abbreviations:

PW = Roanoke Public Works
PBD = Roanoke Planning Building and Development
CDBG = Community Development Block Grants (Federal funding to the city)
P&R= Roanoke Parks and Recreation
TEA-21 = Transportation Enhancement Act (Federal transportation funding)
HNS = Department of Housing and Neighborhood Services
VDOT = Virginia Department of Transportation
ED = Department of Economic Development
PD = Police Department
VT = Virginia Tech Dept. of Landscape Architecture

Acknowledgments

City Council
Mayor Ralph K. Smith
Vice Mayor C. Nelson Harris
William H. Carder
William D. Bestpitch
M. Rupert Cutler
Alfred T. Dowe, Jr.
Linda F. Wyatt

Planning Commission
Chairman Robert B. Manetta
Vice Chairman Richard A.Rife
Gilbert E. Butler, Jr.
S. Wayne Campbell
D. Kent Chrisman
Melvin L. Hill
Frederick M. Williams

Planning Building & Development
Brian Townsend, Director

Project Manager:
Chris Chittum, AICP, Senior City Planner

Thanks to all the residents and property owners who participated in the community workshops.

W MA

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Belmont Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Belmont Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Belmont Neighborhood Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on December 19, 2002, and recommended adoption of the Plan and amending Vision 2001 - 2020, the City's Comprehensive Plan (the "Comprehensive Plan"), to include such Plan; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Tuesday, January 21, 2003, on the proposed Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

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

1. That this Council hereby approves the Belmont Neighborhood Plan and amends Vision 2001 - 2020, the City's Comprehensive Plan, to include the Belmont Neighborhood Plan as an element thereof.

2. That the City Clerk is directed to forthwith transmit attested copies of this ordinance to the City Planning Commission.

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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Water Rate Increase

Discussions between the City and County continue with regard to the formation of a regional water authority. However, as has been stated previously, even with the formation of a water authority the current points of interconnection between our two distribution systems limits the amount of water that can be transferred. The costs associated with making new interconnections are significant and cannot be supported under the current water rate structure.

The purchase of water from the City of Salem and Roanoke County to offset drought conditions has significantly depleted the Water Enterprise Fund's cash reserves. These reserves are typically used to fund capital improvement projects. In addition, increased funding for infrastructure replacement within the City's water distribution system is needed. This includes additional fire hydrants and replacement and automation of water meters as well as replacement of water mains.

A water rate increase is needed to meet these funding requirements. Staff from the Departments of Utilities and Finance worked together to develop following recommended rate increase:

- A 35% increase to both tiers of the current water rates from $1.21 to $1.63 per hundred cubic feet (HCF) for tier one and from $1.33 to $1.80 per HCF for tier two, which includes irrigation rates;
- An increase of approximately 10% in the minimum charge from $2.95 to $3.25 per month for 5/8 inch meters; and
- A downward adjustment in the tier breakpoint for commercial and industrial meter classes. The proposed tier breakpoints are 100 HCF for

commercial down from the current 1,000 HCF and 500 HCF for industrial down from the current 5,000 HCF.

No change in the residential tier, currently 10 HCF, is recommended. In 2001, Council changed water rates from a declining block rate to a two-tier conservation block rate. While the residential tier breakpoint is appropriate, account data collected since the new rate structure was put in place suggests that the breakpoints for commercial and industrial were set too high to be effective at promoting conservation. Exhibit A attached to this letter sets forth the revised rates referred to above.

The recommended rate changes are expected to generate between $2.4 and $3.1 million in revenue annually. The variation is due to the uncertainty of conservation effects with the changes in the tier two rate and breakpoints. The rate increases are recommended for implementation on March 1, 2003. Based on this implementation date, additional revenue of $800,000 is expected for FY03. $500,000 of this is requested for appropriation at this time, to fund additional well supplements at Crystal Spring.

Recommended Action:

Approve the revised utility rates as detailed in this letter and as set forth in Exhibit A. Increase revenue estimates for fiscal year 03 by $500,000 as follows: (1) Commercial $189,571; (2) Industrial $24,408; (3) Domestic $286,021. Appropriate $500,000 to account number 002-530-8408-9003.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/mtm

cc: Jesse Hall, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
George C. Snead, Jr., Assistant City Manager for Operations
Michael McEvoy, Director of Utilities
Jesse Perdue, Water Division Manager
Dana Long, Manager, Billings and Collections

CM03-00010

EXHIBIT A – TO COUNCIL LETTER DATED JANUARY 21, 2003

WATER DELIVERY, WATER SERVICE AND WATER METER CHARGES

ASSESSING DEPARTMENT: Billings and Collections

COLLECTION DEPARTMENT: Treasurer

DESCRIPTION: Water charges for delivery are charged per hundred cubic feet. (100 cubic feet equals 750 gallons).

SERVICE CHARGE: **Water Rates**

Minimum Charge per Month

Meter Size (inch)	Effective March 1, 2003
5/8	$ 3.25
¾	8.67
1	11.54
1 ½	23.10
2	36.92
3	92.30
4	147.66
6	369.17
8	590.65
10	945.02
12	1,476.65

Water Rates

Customer Service Type – Effective March 1, 2003		Rate (per 100 cubic feet)
Domestic	All Consumption to 10 hundred cubic feet/month	$1.63
	Over 10 hundred cubic feet/ month (Over 7,500 gallons)	$1.80
Commercial	All consumption to 100 hundred cubic feet/ month	$1.63
	Over 100 hundred cubic feet/ month (Over 75,000 gallons)	$1.80
Industrial	All consumption to 500 hundred cubic feet/ month	$1.63
	Over 500 hundred cubic feet/ month (Over 375,000 gallons)	$1.80
Irrigation	All consumption	$1.80

Notes:

-For retail water service sold outside the City limits, the minimum charge is 100% greater than City rates.

-Cost of water rates and service outside the City limits is $3.26/100 cu. ft.

-Quarterly minimum charges and rates are three times the monthly minimum charges and rates.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water 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 certain sections of the 2002-2003 Water Fund Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Capital Outlay	$ 9,835,519
Crystal Spring Wells Supplements (1)	1,139,720

Revenues

Operating	$ 13,388,295
Commercial Sales (2)	2,266,545
Industrial Sales (3)	313,061
Domestic Sales (4)	1,888,191

1)	Appropriated from General Revenue	(002-530-8408-9003)	$ 500,000
2)	Commercial Sales	(002-110-1234-0901)	189,571
3)	Industrial Sales	(002-110-1234-0902)	24,408
4)	Domestic Sales	(002-110-1234-0903)	286,021

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.

A.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE changing the rate structure and establishing a revised rate schedule for certain rates for water provided by the City effective March 1, 2003; directing amendment of the Fee Compendium; and dispensing with the second reading by title of this ordinance.

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

1. The revised rates and breakpoints for water provided by the City of Roanoke shall be as set forth below with other rates and related charges to continue as previously established, all as further set forth in the letter from the City Manager, dated January 21, 2003, including Exhibit A thereto, and such rates, breakpoints, and charges to be effective for water and statements rendered on or after March 1, 2003. The revised rates and breakpoints are as follows:

DESCRIPTION: Water charges for delivery are charged per hundred cubic feet (100 cubic feet equals 750 gallons).

SERVICE CHARGE:

Water Rates
Minimum Charge per Month

Meter Size (inch)	Effective March 1, 2003
5/8	$3.25
¾	$8.67
1	$11.54
1 ½	$23.10
2	$36.92
3	$92.30
4	$147.66
6	$369.17
8	$590.65
10	$945.02
12	$1,476.65

Customer Service Type	Water Consumption Rates in Hundred Cubic Feet (HCF)	Rate per HCF Effective March 1, 2003
Domestic	All consumption to 10 HCF per month (7,500 gallons)	$1.63
	Over 10 HCF per month (over 7,500 gallons)	$1.80
Commercial	All consumption to 100 HCF per month (75,000 gallons)	$1.63
	Over 100 HCF per month (over 75,000 gallons)	$1.80
Industrial	All consumption to 500 HCF per month (375,000 gallons)	$1.63
	Over 500 HCF per month (over 375,000 gallons)	$1.80
Irrigation	All consumption	$1.80

Notes:

For retail water service sold outside the City limits, the minimum charge is 100% greater than Cityrates.

Cost of water rates and service outside the City limits is $3.26/100 cu. ft. effective March 1, 2003.

Quarterly minimum charges and rates are three times the monthly minimum charges and rates.

2. The Fee Compendium of the City, maintained by the Director of Finance and authorized and approved by City Council by Resolution No. 32412-032795, adopted March 27, 1995, effective as of that date, shall be amended to reflect the foregoing amended fees, rates, breakpoints, and charges established by this ordinance.

3. The fees, rates, breakpoints, and charges established by this ordinance shall remain in effect until amended by this Council.

4. Pursuant to Section 12 of the Roanoke 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
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CityWeb: www.roanokegov.com

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Surplus City-owned Property
Tax Nos. 2011718, 2021789 & 2021788

These parcels are located on Gainsboro Road, NW, at the intersections of Gainsboro and Gilmer and at Gainsboro and Harrison and were acquired by the City in 1994 and 1995 as part of the right-of-way for the Second Street/Gainsboro Road Project. Construction has been completed, leaving small residual parcels. See attachment #1 for map of property. The property is no longer needed by the City and may be disposed of as surplus property in exchange for the grantee agreeing to maintain the property in perpetuity. The City would be relieved of the cost of continued maintenance of the property. Conveyance of the property to the adjacent property owners will also return the property to the tax base. Tax No. 2011718 is adjoined by two vacant parcels owned by Mary W. Cabbler, which are located next to property identified as 125 Gilmer Avenue, N.W. The adjacent owners to Tax Nos. 2021788 and 2021789 are Francis and Karon Jeffries at 101 Harrison Avenue. All have agreed to accept the property.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents to convey the subject property to the adjacent property owners identified above, such documents to be approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham
City Manager

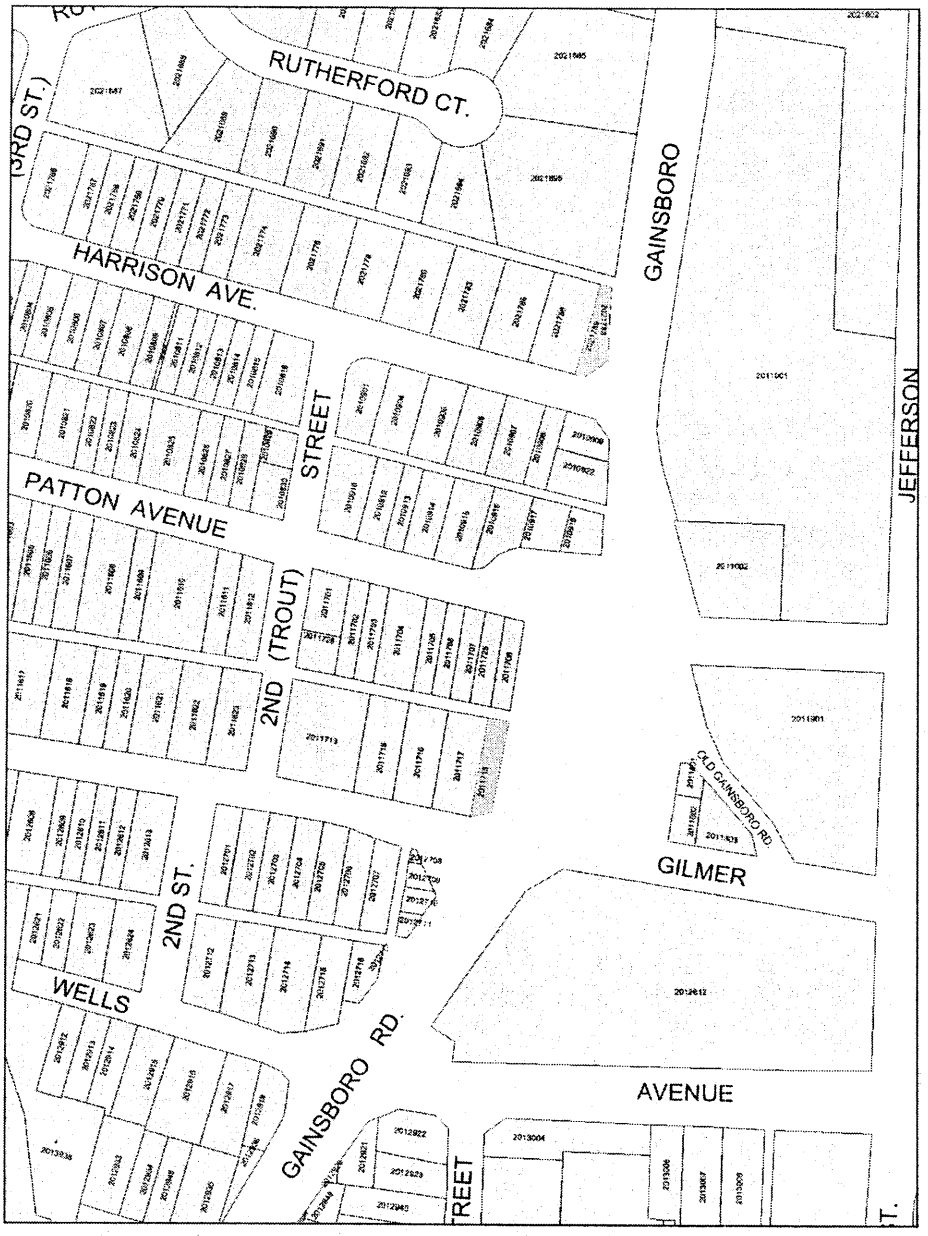
DLB/SEF

Attachment

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

#CM02-00285

Attachment #1



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute agreements, deeds and any related and necessary documents providing for the conveyance of City-owned property located at the intersections of Gainsboro and Gilmer Road and at Gainsboro and Harrison Road, and being identified as Official Tax Nos. 2011718, 2021788 and 2021789, to adjacent and nearby property owners, upon certain terms and conditions, and dispensing with the second reading of this ordinance.

WHEREAS, a public hearing was held on January 21, 2003, 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, agreements, deeds and any related and necessary documents providing for the conveyance of City-owned property located at the intersections of Gainsboro and Gilmer Road and at Gainsboro and Harrison Road, and being a portion of Official Tax Nos. 2011718, 2021788 and 2021789, to adjacent and nearby property owners, upon the terms and conditions set forth in the City Manager's letter to this Council dated January 21, 2003.

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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Vacation and Dedication of Sewer & Drainage Easements – Wildwood Road, SW Tax Map No. 1070605

June W. Camper, owner of property located on Wildwood Road, SW, identified by Tax Map No. 1070605, has requested that the City vacate portions of sanitary sewer and drainage easements that interfere with the development of the parcel. See Attachment #1. Robert H. Kulp, Jr., and G. Baker Ellett, contract purchasers of the property propose to relocate the existing utilities and easements and are willing to dedicate to the City alternate easements for the new alignment. The plats have been reviewed by and are acceptable to the City Engineer. See Attachment #2 for plat showing the existing easements to be vacated and Attachment #3 for the easements to be dedicated. In addition, the owner of the adjacent parcel shown as Lot 3A, June W. Camper, has agreed to dedicate the proposed easement on this parcel. The existing easement on Lot 1A is not being vacated.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute the appropriate documents vacating the existing easements and accepting the new easements. The purchasers of the property will be responsible for preparation of all necessary documents, approved as to form by the City Attorney, and for all expenses associated with relocating any existing utilities.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/sef

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Philip C. Schirmer, City Engineer
Stephen W. Lemon, Martin, Hopkins & Lemon, P.C.

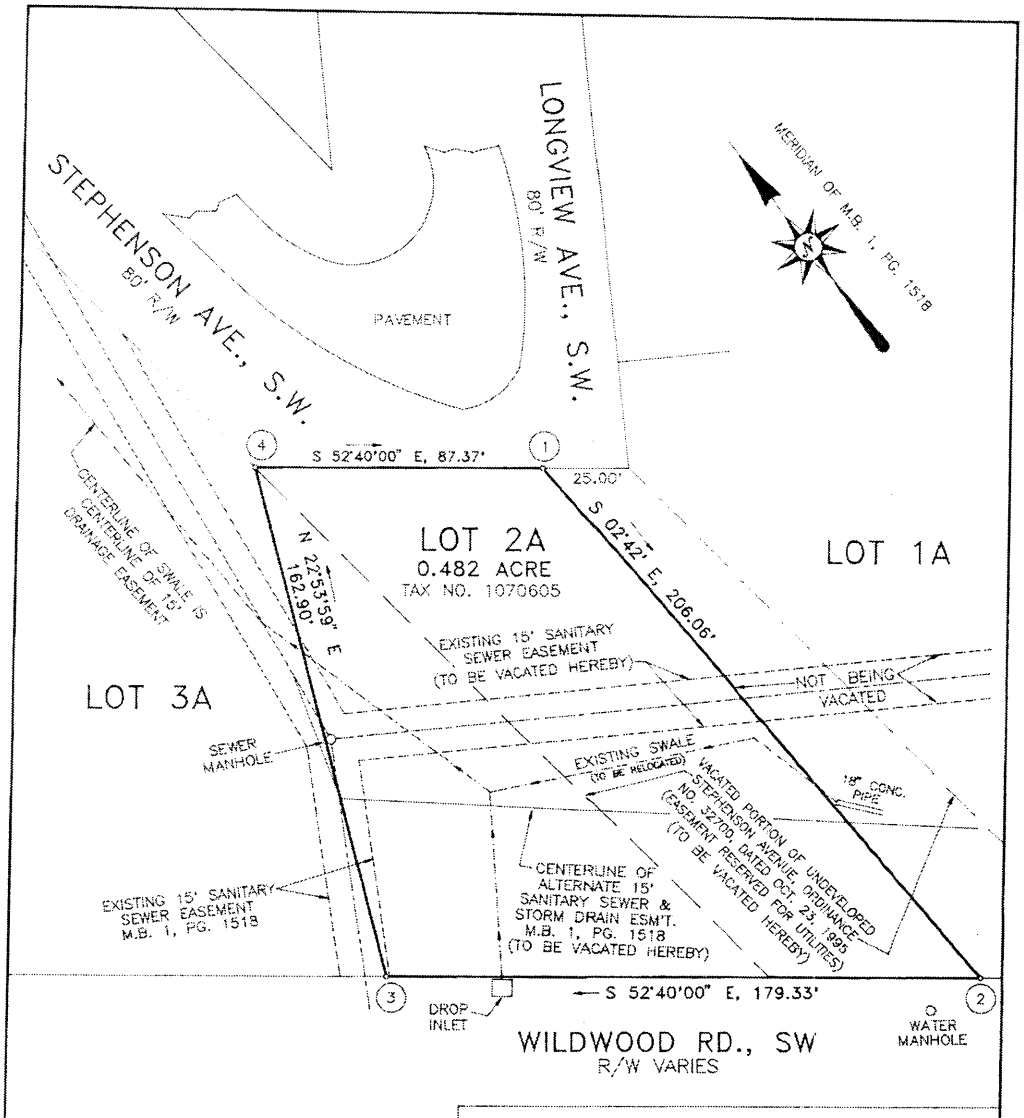
#CM02-00292

Attachment #1

June Camper
725 Wildwood Rd. SW
Roanoke, VA 24014

Dear Mrs. Litton,
I am asking the City of Roanoke to relocate the existing sewer and drainage easement as shown on the plat for Robert Kulp. Sincerely,
June Wall Camper
January 2, 2003

Attachment #2



PLAT MADE FOR

ROBERT KULP

SHOWING EXISTING EASEMENTS LOCATED ON LOT 2A, PLAT OF SUBDIVISION MADE FOR ALLEN H. & JUNE W. CAMPER & BILLIE B. PEERY (MAP BOOK 1, PAGE 1518)

ROANOKE, VIRGINIA

SCALE 1" = 30'

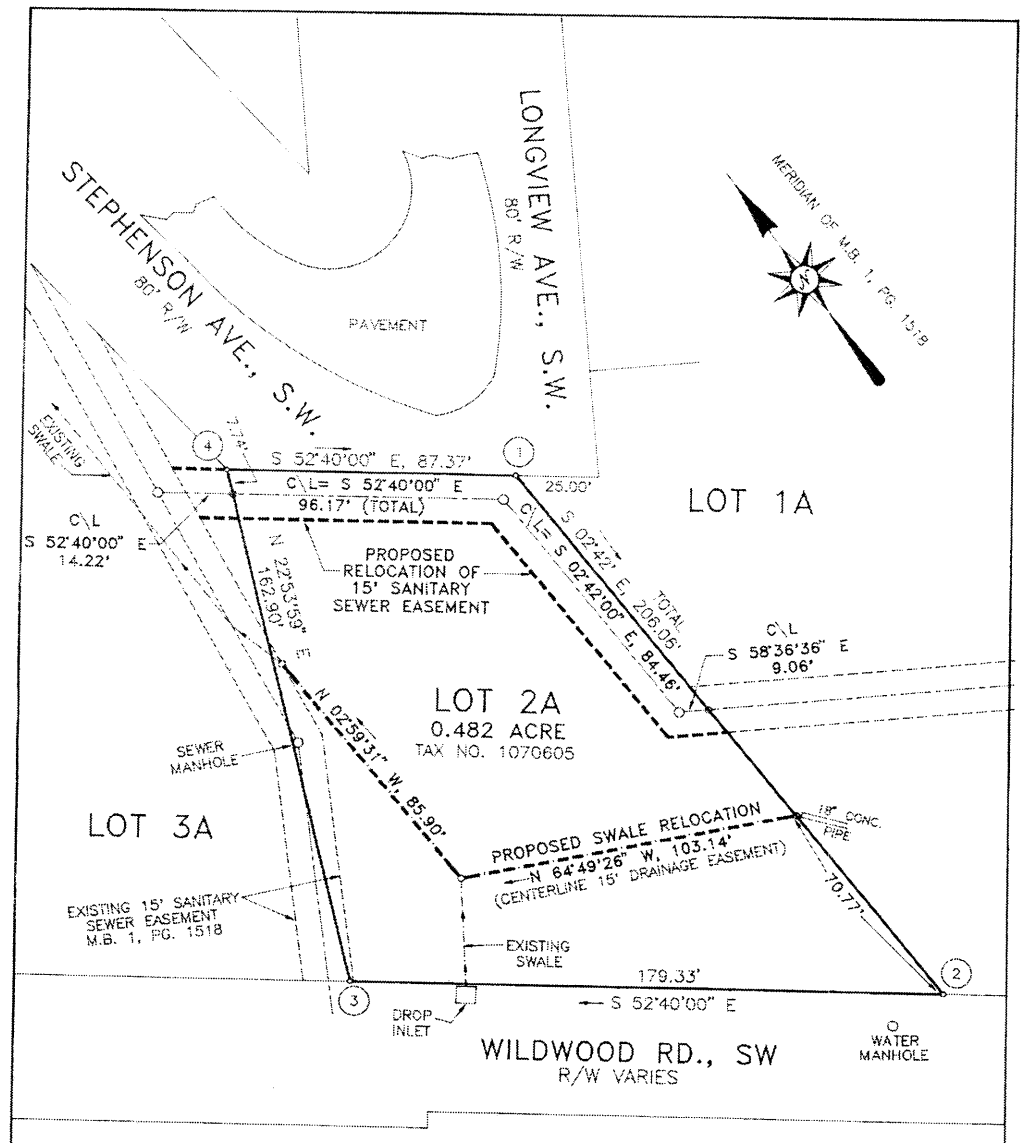
OCTOBER 30, 2002
*REVISED DEC. 30, 2002

COMMONWEALTH OF VIRGINIA
DAVID A. BESS
No. 002240
12-30-02
LAND SURVEYOR

BY: DAVID A. BESS, L.L.C.
LAND SURVEYING
3100A PETERS CREEK RD.
ROANOKE, VA. 24019

D-02295B	N.B. 82

Attachment #3



PLAT MADE FOR

ROBERT KULP

SHOWING PROPOSED RELOCATION OF 15' SANITARY SEWER EASEMENT AND 15' DRAINAGE EASEMENT LOCATED ON LOTS 2A AND 3A, PLAT OF SUBDIVISION MADE FOR ALLEN H. & JUNE W. CAMPER & BILLIE B. PEERY (M.B. 1, PG. 1518)

ROANOKE, VIRGINIA

COMMONWEALTH OF VIRGINIA
DAVID A. BESS
No. 002240
12-30-02
LAND SURVEYOR

SCALE 1" = 30'

OCTOBER 30, 2002
*REVISED DEC. 30, 2002

BY: DAVID A. BESS, L.L.C.
LAND SURVEYING
3100A PETERS CREEK RD.
ROANOKE, VA. 24019

D-02295A	N.B. 82

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the vacation and relocation of a portion of a sanitary sewer and drainage easement across Tax Map No. 1070605, located on Wildwood Road, S.W., and across a portion of the adjoining parcel identified as 1070603, authorizing the acceptance and dedication of a new sanitary sewer and drainage easement across a portion of the same properties, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

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

1. The City Manager and City Clerk are authorized to execute and attest, respectively, in form approved by the City Attorney, appropriate documentation providing for the vacation of a portion of an existing sanitary sewer and drainage easement across Tax Map No. 1070605, located on Wildwood Road, S.W., and across a portion of the adjoining parcel identified as 1070603, as more particularly described in the City Manager's letter to this Council dated January 21, 2003.

2. The City Manager and City Clerk are authorized to execute and attest, respectively, in form approved by the City Attorney, appropriate documentation providing for the acceptance and dedication of a new sanitary sewer and drainage easement, across Tax Map No. 1070605, located on Wildwood Road, S.W., and across a portion of the adjoining parcel identified as 1070603, as more particularly described in the City Manager's letter to

this Council dated January 21, 2003.

3. The City Attorney is authorized to record the appropriate documentation providing for acceptance and dedication of a new sanitary sewer and drainage easement across Tax Map No. 1070605, and across a portion of the adjoining parcel identified as 1070603, as more particularly described in the City Manager's letter to this Council dated January 21, 2003.

4. Vacation of the aforementioned easements is made expressly contingent on all of the property owners involved dedicating the new easements to the City of Roanoke.

5. Pursuant to 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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Lease of Jefferson High School Gymnasium

Background:

The Young Men's Christian Association (YMCA) of Roanoke, Virginia, currently leases the Jefferson High School Gymnasium from the School Board for the City of Roanoke. The current lease agreement expired January 18, 2003. This lease is a three party agreement among the City of Roanoke, the School Board for the City of Roanoke and the YMCA. The YMCA is interested in continuing its use of this space and has notified the School Board of its intention to negotiate a new lease of this property.

As a condition of the current lease agreement, the School Board acts as Lessor, until such time the facility is no longer dedicated for school purposes; the City of Roanoke then becomes Lessor. It is anticipated that the School Board will approve the lease extension at its January 14, 2003, meeting and will provide notice to the City that it no longer wishes to act as Lessor as its current use of this facility is very limited.

Considerations:

Currently, the YMCA pays the School Board one dollar ($1.00) per year to lease this space. The YMCA is required to handle all operational expenses according to the current agreement. The YMCA desires to continue its lease of this property and incorporate the gym into the operations of its proposed new facility. Currently,

an agreement is being negotiated that would transfer ownership of this facility to the YMCA in exchange for services provided to the citizens of the City of Roanoke. To accommodate the time needed to negotiate an exchange agreement, the YMCA has requested a six (6) month extension of the current agreement.

Recommended Action:

Following the public hearing, authorize the City Manager to execute an extension of the existing lease among the City of Roanoke, the School Board for the City of Roanoke and the YMCA, permitting a six-month term in the amount of $1.00 to allow appropriate time for the YMCA and the City to negotiate conditions for a transfer of ownership. This six-month extension period will begin January 19, 2003, and end July 18, 2003.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:slm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Department of Management and Budget
Wanda Reed, Acting Building Services Manager
Dana Long, Manager of Billings and Collections
Scott L. Motley, Economic Development Specialist

CM02-00291

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing and directing the proper City officials to enter into a lease extension between the City, the School Board of the City of Roanoke and the Young Men's Christian Association of Roanoke, Virginia, for use of the Jefferson High School gymnasium, upon certain terms and conditions.

BE IT ORDAINED by the Council of the City of Roanoke that the City Manager and the City Clerk are authorized to execute and attest, respectively, a lease extension in form approved by the City Attorney, providing for use and occupancy of the Jefferson High School gymnasium by the Young Men's Christian Association of Roanoke, Virginia. The School Board for the City of Roanoke shall also be a party to such lease. The lease shall provide for a six month extension. Such lease extension shall commence on January 19, 2003 and end on July 18, 2003.

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

January 21, 2003

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable William H. Carder, Council Member
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Lease of Commonwealth Building

Background:

The General Services Administration (GSA) leases the second floor of the Commonwealth Building for use of the Federal Bankruptcy Court and affiliated offices. This lease expires January 31, 2003. The GSA is interested in continuing the lease of this space and is currently considering leasing more space within the Commonwealth Building.

Considerations:

Currently, the GSA leases 12, 413 square feet, including the entire second floor and one office on the first floor. The current lease rate is $6.50 per square foot plus $3.97 per square foot for operating costs, with annual rent totaling $130,007.76. The renewal of this lease involves the same square footage and base rate per square foot, with the rate for operating cost increasing according to the Consumer Price Index for 1982 – 1984 = 100, as a condition of the current lease.

The GSA is actively searching for additional office space to support its current operation in the Commonwealth Building. Additional space has tentatively been identified on the first floor of this building. The GSA is in the process of determining if this space will adequately address the needs of the Bankruptcy Court. To accomplish negotiating a lease that will incorporate the current leased

area and any additional space, the GSA has requested a one-year extension of the current lease agreement.

Recommended Action:

Authorize the City Manager to offer and execute an extension of the existing lease between the City of Roanoke and the GSA, permitting a one-year term to allow appropriate time for the GSA and the City to negotiate terms and conditions for a new lease agreement. This one-year extension period will begin February 1, 2003, and end January 31, 2004.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:slm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Department of Management and Budget
Wanda Reed, Acting Building Services Manager
Dana Long, Manager of Billings and Collections
Scott L. Motley, Economic Development Specialist

CM02-00284

GENERAL SERVICES ADMINISTRATION
PUBLIC BUILDINGS SERVICE

SUPPLEMENTAL LEASE AGREEMENT

SUPPLEMENTAL AGREEMENT NO. 8	DATE
TO LEASE NO. GS- 03B - 50012	
ADDRESS OF PREMISES Commonwealth Building, 215 Church Street, SW Roanoke, VA 42011	ACT Number

THIS AGREEMENT, made and entered into this date by and between
The City of Roanoke

whose address is P.O. Box 1451
Roanoke, VA 24007

hereinafter called the Lessor, and the UNITED STATES OF AMERICA, hereinafter called the Government:

WHEREAS, the parties hereto desire to amend the above Lease. Agree to extend this lease one year.

NOW THEREFORE, these parties for the considerations hereinafter mentioned covenant and agree that the said Lease is amended, effective January 31, 2003, as follows:

1. Paragraph 2 of Standard Form 2 is hereby amended by deleting the existing text in its entirety and by inserting in lieu thereof the following:

   "2. TO HAVE AND TO HOLD the said premises with their appurtanances for term beginning on February 1, 1986 through January 31, 2004, subject to termination and renewal rights as may hereinafter set forth."

All other terms and conditions of the lease shall remain in force and effect.
IN WITNESS WHEREOF, the parties subscribed their names as of the above date.

LESSOR City of Roanoke

BY _____ _____
(Signature) (Title)

IN PRESENCE OF

_____ _____
(Signature) (Address)

UNITED STATES OF AMERICA GSA, Allegheny Service Center

BY _____ _____
(Signature) (Official Title)

DAC

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the extension of an existing lease between the City of Roanoke and the General Services Administration of the United States of America for the lease of certain space in the Commonwealth Building, located at 210 Church Avenue, S.W., for a period of one year, authorizing the City Manager to execute the requisite lease extension agreement, and dispensing with the second reading of this ordinance.

WHEREAS, by Ordinance No. 27529, dated May 6, 1985, City Council authorized the appropriate City officials to enter into a lease agreement, dated July 15, 1985, between the United States of America, through the General Services Administration, for space in the Commonwealth Building; and

WHEREAS, the General Services Administration of the United States of America is interested in extending the current lease of this space, which expires January 31, 2003, for one year, upon the same terms as the current lease.

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

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, on behalf of the City, in form approved by the City Attorney, a lease extension agreement for lease of certain space of City-owned property known as the Commonwealth Building, upon the same terms as the current lease, such lease begins February 1, 2003, and expires January 31, 2004, at $6.50 per square foot plus $3.97 per square foot for operating costs (increased annually based on consumer price index) with an annual rent amount of

$130,007.76, as more particularly stated in the City Manager's letter to City Council dated January 21, 2003.

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.