ROANOKE CITY COUNCIL
REGULAR SESSION

DECEMBER 16, 2002
2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Jeffrey V. Doremus, Minister of Leadership and Family Life, First Baptist 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, December 19, 2002, at 7:00 p.m., and Saturday, December 21, 2002, 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:

Proclamation declaring Tuesday, December 17, 2002, as Red Cross "Donorama" Day.

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 City Council held on Monday, October 15, 2002, recessed until Thursday, October 17, 2002, recessed until Friday, October 18, 2002, and recessed until Thursday, October 31, 2002; and the regular meeting of City Council held on Monday, November 4, 2002, and recessed until Thursday, November 7, 2002. P 13; P 87

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

C-2 A communication from Mayor Ralph K. Smith 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 124

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from Council Member C. Nelson Harris, Chair, City Council Personnel Committee, requesting a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. P 125

RECOMMENDED ACTION: Concur in the request.

C-4 A communication from the City Manager requesting that Council schedule a public hearing for Tuesday, January 21, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to an increase in water rates. P 126

RECOMMENDED ACTION: Concur in the request.

C-5 Qualification of the following persons:

Monica S. Prince as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2005;

David Fifer as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2004; and

Robert K. Bengtson as a member of the Board of Directors, Roanoke Valley Resource Authority, for a term ending December 31, 2006.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

a. A communication from the Honorable Donald S. Caldwell, Roanoke City Commonwealth Attorney, requesting amendment to the CY 2002-2003 Virginia Exile Grant; and acceptance of the 2003 Virginia Exile rant by the Department of Criminal Justice Services; and a communication from the City Manager concurring in the request. P 127; B/O 131; R 133

b. A request of Blue Ridge Behavioral Healthcare to present a briefing with regard to services provided to City of Roanoke residents in fiscal year 2002. Robert Williams, Member, Blue Ridge Behavioral Healthcare Board of Directors; and S. James Sikkema, Executive Director, Spokespersons. P 135

c. A request of the Roanoke Fire Fighters Association to present a model of Roanoke's Fallen Fire Fighter Memorial. Robert L. Humphreys, Vice-Chair, Roanoke Arts Commission, and Liaison from the Arts Commission to the Police Officer Memorial Committee, Spokesperson. P 137

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication with regard to the Roanoke Passenger Station Renovation Project. P 139; B/O 141; O 142

2. A communication recommending revisions to the Procurement Ordinance. P 143; O 144

3. A communication recommending adoption of a budget for operation of the City Market Building for the remainder of the 2002-03 fiscal year. P 147; B/O 151; B/O 152

4. A communication in connection with transfer of funds for the comfort station replacement project. P 153; B/O 155

5. A communication recommending acceptance of the bid submitted by S. C. Rossi & Co., Inc., for completion of the Summit Hills Storm Drain Project - Phase II, in the amount of $158,000.00. P 156; B/O 159; O 160

6. A communication recommending acceptance of the bid submitted by S. C. Rossi & Co., Inc., for construction of new concrete sidewalks, entrances and curb on various streets within the Old Southwest section of the City, in the amount of $203,065.00. P 162; B/O 167; O 168

7. A communication recommending execution of a contract with Harmony Information Systems, Inc., to provide a Comprehensive Services Act Application System. P 170; R 173

8. A communication in connection with the Shaffer's Crossing Community Development Project. P 174; R 176

9. A communication recommending rejection of all proposals received in connection with the Colonial Avenue Development Project. P 178; R 180

10. A communication recommending acceptance of a donation from the LifeNet Donor Memorial Foundation, Inc. P 181; B/O 182; O 183

11. A communication recommending execution of a contract with Easter Seals of Virginia, in connection with promoting a series of concerts in Elmwood Park. P 185; O 186

7. REPORTS OF COMMITTEES:

a. A report of the Roanoke City School Board requesting appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson. P 187; B/O 193

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 various authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED MEETING.

THE MEETING WILL BE DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN CITY COUNCIL'S CONFERENCE ROOM FOR A BRIEFING WITH REGARD TO CERTAIN TRAFFIC CALMING PROPOSALS.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 5:00 P.M., FOR DINNER, FOLLOWED BY ONE CLOSED SESSION ON A PERSONNEL MATTER, BEING THE MID-YEAR PERFORMANCE EVALUATIONS OF THREE COUNCIL-APPOINTED OFFICERS.

ROANOKE CITY COUNCIL
REGULAR SESSION

DECEMBER 16, 2002
7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

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, December 19, 2002, at 7:00 p.m., and Saturday, December 21, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PRESENTATIONS AND ACKNOWLEDGMENTS:

Presentation of Shining Star Awards.

B. PUBLIC HEARINGS:

1. Public hearing on a request of Dudley Automotive Corp. that an alley lying between Official Tax Nos. 1220415 and 1220416, be permanently vacated, discontinued and closed. Roy V. Creasy, Attorney. P 198; O 205

2. Public hearing on a request of Dudley Automotive Corp. to rezone a tract of land lying on Campbell Avenue, S. W., Official Tax No. 1220415, from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Roy V. Creasy, Attorney. P 209; O 220

3. Public hearing on a request of WS Associates of Virginia, L.L.C., to rezone two tracts of land located at the intersection of 1261 Riverland Road and Garden City Boulevard, S. E., identified as Official Tax Nos. 4360104 and 4360103, from RM-1, Residential Multi-family, Low-Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney. P 222; O 239

4. Public hearing with regard to a proposal of the City of Roanoke to convey by exchange a portion of City-owned property bearing Official Tax Nos. 1113418 and 1113419. Darlene L. Burcham, City Manager. P 241; O 242

5. Public hearing on a request of the YMCA of Roanoke Valley, Inc., to rezone tracts of land lying between Campbell Avenue, Fifth Street, Luck Avenue and Sixth Street, S. W., comprising approximately 2.89 acres, more or less, and identified as Official Tax Nos. 1113401, 1113408 - 1113412, inclusive, and 1113414 -1113425, inclusive, from C-1, Office District, to C-3, Central Business District. James F. Douthat, Attorney. P 243; O 259

6. Public hearing with regard to conveyance of a portion of City-owned property, identified as Official Tax No. 4010217, such land being subject to any and all previous conveyances or leases, to the Western Virginia Foundation for the Arts and Sciences for design, development and construction on the property of a new building or complex to house an art museum and IMAX Theatre, subject to terms of an Agreement dated April 16, 2001, and any subsequent amendments to such Agreement between the City and the Foundation. Darlene L. Burcham, City Manager.

P 262; O 264

7. Public hearing on a request of the Western Virginia Foundation for the Arts and Sciences, a Virginia non-stock corporation, that portions of Norfolk Avenue and First Street, S. E., adjacent to Official Tax No. 4010205, be permanently vacated, discontinued and closed. Stephen W. Lemon, Attorney.

P 266; O 275

8. Public hearing on a request of Martha G. Hayes and Stanley C. Simmons, Jr., that a certain portion of an alley lying between Official Tax Nos. 4151204 and 4151205, from its southerly boundary at Arbutus Avenue, S. E., to the boundary of property acquired by the Roanoke River Flood Reduction Project, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager.

P 280; O 286

9. Public hearing with regard to an amendment to Vision 2001 - 2020, the City's Comprehensive Plan, to include the Peters Creek North Neighborhood Plan and the Loudon-Melrose/Shenandoah West Neighborhood Plan as elements of Vision 2001-2020, the City's Comprehensive Plan. Robert B. Townsend, Director, Planning, Building and Development, Spokesperson.

P 289; O 326; P 328; O 365

10. Public hearing on a request of Roanoke Valley Harley Davidson Owners Group, Inc., for Amendment of Proffered Conditions for a parcel of land lying on the east side of Peters Creek Road, N. W., designated as Official Tax No. 6380101 (1925 Peters Creek Road, N. W.); and to amend, repeal or replace proffered conditions authorized by Ordinance No. 35030-090500 presently binding upon Official Tax No. 6380101. Edward A. Natt, Attorney.

P 367; O 374

11. Public hearing on a request of Bland A. Painter, III, Betty J. Painter and FR-1 Investments, L.L.C., to rezone approximately 7.292 acres, more or less, on Franklin Road, S. W., identified as Official Tax Nos. 1272504, 1272505, 1150103, and a portion of 1150106, from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioners. Maryellen F. Goodlatte, Attorney. P 376; O 399

12. Public hearing with regard to amendment of Sections 36.1-206, Permitted uses, C-2, General Commercial District, and 36.1-228, Special exception uses, C-3, Central Business District, Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide standards for motor vehicle service station canopies in said zoning districts. Robert B. Townsend, Director, Planning, Building and Development, Spokesperson. P 401; O 405

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.

THE CITY COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL WEDNESDAY, DECEMBER 18, 2002, AT 2:00 P.M., FOR THE CITY COUNCIL'S PLANNING RETREAT AT THE HOTEL ROANOKE AND CONFERENCE CENTER, APPALACHIAN ROOM.

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.**

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

October 15, 2002

2:00 p.m.

The Council of the City of Roanoke met in regular session on Tuesday, October 15, 2002, at 2:00 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, Alfred T. Dowe, Jr., Linda F. Waytt and Mayor Ralph K. Smith-------6.

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

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

The meeting was opened with a prayer by The Reverend Delmar L. Jackson, II, Senior Pastor, Abundant Grace Assembly.

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

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-DRUGS/SUBSTANCE ABUSE-YOUTH: The Mayor presented a proclamation declaring October 25 - November 3, 2002, as Red Ribbon Week.

PROCLAMATIONS - FIRE DEPARTMENT -EMERGENCY MEDICAL SERVICES: The Mayor presented a proclamation declaring Sunday, October 27, 2002, as "Change Your Clock, Change your Battery" Day.

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.

MINUTES: Minutes of the work session of City Council held on Monday, July 29, 2002; and the regular meeting of City Council held on Tuesday, September 3, 2002, were before the body.

(For full text, see Minutes on file in the City Clerk's Office.)

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Cutler 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.)

ACTS OF ACKNOWLEDGMENT-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss the 2002 Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before Council.

Mr. Carder moved that Council concur in the request of the Mayor to convene in Closed Session. The motion was seconded by Mr. Cutler 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-COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: A communication from James P. Armstrong tendering his resignation as a member of the Roanoke Neighborhood Partnership Steering Committee, effective October 18, 2002, was before Council.

Mr. Carder moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Mr. Cutler 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-COMMITTEES-ROANOKE CIVIC CENTER-ARCHITECTURAL REVIEW BOARD-TRANSPORTATION SAFETY-PENSIONS:The following reports of qualification were before Council:

> **Kyle G. Ray as a member of the Architectural Review Board, for a term ending October 1, 2002.**
>
> **Paul P. Anderson and Mark E. Feldmann as members of the Roanoke Civic Center Commission, for terms ending September 30, 2005.**
>
> **E. W. Tibbs as a member of the City of Roanoke Transportation Safety Commission, for a term ending October 31, 2004; and**
>
> **Efren T. Gonzalez as a member of the Board of Trustees, City of Roanoke Pension Plan, for a term ending June 30, 2006.**

Mr. Carder moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler 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.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

FIRE DEPARTMENT-EMERGENCY MEDICAL SERVICES: The City Manager submitted a communication advising that in order to be in compliance with the Department of Health, Office of Emergency Medical Services, EMS Licensor requirements, the City of Roanoke is required to have an Operational Medical Director (OMD) appointed to provide medical oversight for provision of prehospital care, which is a volunteer position, generally filled by a physician who is not a City employee, and no fees are currently involved; and pursuant to the agreement, the City will defend and indemnify the OMD when any judgment or settlement results from actions which are done in good faith, done in a reasonable belief that such actions are in the best interest of the City and are in furtherance of the official policies and practices of the City, are within the scope of authority of the OMD, are within the course of serving as the OMD, and are not willful, malicious or wanton.

The City Manager recommended that she be authorized to execute, on behalf of the City of Roanoke, a contract approved as to form by the City Attorney with the qualified candidate to fill the position of Operational Medical Director.

Mr. Carder offered the following resolution:

(#36090-101502) A RESOLUTION authorizing the execution of a contract for an Operational Medical Director (OMD) for Fire-EMS to provide medical oversight for the provision of prehospital care.

(For full text of Resolution, see Resolution Book No. 66, page 455.)

Mr. Carder moved the adoption of Resolution No. 36090-101502. The motion was seconded by Mr. Dowe 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.)

HOUSING/AUTHORITY-PARKING FACILITIES: The City Manager submitted a communication advising that on July 1, 2002, Council accepted a proposal of Lancor Parking, L.L.C. to provide management and operation services for certain City owned and/or controlled parking facilities, effective August 1, 2002, for management and operation of the Church Avenue, Market Square, Tower, Williamson Road, Gainsboro and Century Station Parking Garages and the Salem Avenue, Gainsboro, Williamson Road and Norfolk Avenue Surface Parking Lots; although the Salem Avenue Surface Lot is one of the facilities included under the management contract, the lot was not placed into operation due to construction of the Linear Rail Walk; and construction of the Linear Rail Walk has progressed to the point that the Salem Avenue Surface Lot can now be placed into operation.

It was further advised that in the downtown area, the Roanoke Redevelopment and Housing Authority (RRHA) owns the Bullitt Avenue Surface Lot (sometimes referred to as the "Park" Lot), located at the corner of Bullitt Avenue and Williamson Road (Official Tax Nos. 4013321 and 4013322) and the Church Avenue Surface Lot (sometimes referred to as the "Nickel" Lot), located at the corner of Church Avenue and Williamson Road (Official Tax No. 4011413); both lots were purchased by the RRHA in conjunction with the Downtown East Redevelopment Plan; and in order to provide for consistent management and operation of the Bullitt Avenue and Church Avenue Surface Parking Lots, with those parking facilities currently being managed by Lancor Parking, L.L.C., and provide for uses of the lots to be consistent with the Downtown East Redevelopment Plan, the RRHA has indicated its intent to allow the

City to provide for management and operation of the Bullitt Avenue and Church Avenue Surface Parking Lots, which is proposed to be accomplished through an amendment to the City's management and operation services contract with Lancor Parking, L.L.C.

It was explained that Lancor Parking, L.L.C., has recommended and City staff concurs, with establishment of parking fees to be charged for parking at the Salem Avenue, Bullitt Avenue and Church Avenue Surface Parking Lots, as described in an attachment to the communication; the City Manager, or her designee, should be authorized to modify or waive parking fees for City sponsored events or other special events, as deemed appropriate by the City Manager; any payments of monthly parking fees received more than seven days after such fees are due, may be assessed a $5.00 late fee in addition to the monthly rate charged; and in order to provide for management and operation of the Bullitt Avenue and Church Avenue Surface Parking Lots, the management and operation services contract dated July 1, 2002, between the City of Roanoke and Lancor Parking, L.L.C., should be amended to provide for provision of management and operation services and to adjust the management fees, as described in an attachment to the communication to be paid to Lancor Parking, to compensate for additional services.

It was advised that funding is available in Account No. 007-540-8220-2050 to compensate Lancor Parking for additional services; authorization is needed for the City Manager to add or delete such parking facilities and adjust the management fee with Lancor Parking as deemed appropriate and as provided by the contract, provided the change to the management fee is not more than 25 per cent of the original or amended contract amount; and City staff and Lancor Parking are evaluating the overall parking fee structure for the entire City of Roanoke Parking System which may result in additional changes to the manner in which fees are determined.

The City Manager recommended that she be authorized to execute a Parking Management Agreement between the City of Roanoke and the City of Roanoke Redevelopment and Housing Authority, in a form approved by the City Attorney, and to take such further actions and to execute such further documents as may be necessary to implement and administer the Agreement; approve parking fees and amend the Fee Compendium establishing the parking fees to be charged for the Salem Avenue, Church Avenue and Bullitt Avenue Surface Parking Lots; authorize the City Manager to modify or waive the parking fees and provide for a $5.00 late fee; authorize the City Manager to enter into an amendment, in a form to be approved by the City Attorney, to the contract between the City of Roanoke and Lancor Parking,

L.L.C., dated July 1, 2002, to provide management and operation services for the Bullitt Avenue and Church Avenue Surface Parking Lots and to adjust the management fee paid to Lancor Parking to compensate for additional services; authorize the City Manager to add or delete from the contract with Lancor Parking, such parking facilities and adjust the management fee as deemed appropriate by the City Manager and as provided for in said contract, provided that the management fee change is not more than 25 per cent of the original or amended contract amount, and to take such further action and to execute such further documents, including amendments, as may be necessary to administer such contract.

Mr. Carder offered the following resolution:

(#36091-101502) A RESOLUTION authorizing the execution of a Parking Lot Management Agreement between the City of Roanoke and the City of Roanoke Redevelopment and Housing Authority (RRHA); and authorizing the City Manager to take such further action and execute such further documents as may be necessary to implement and administer such Agreement.

(For full text of Resolution, see Resolution Book No. 66, page 456.)

Mr. Carder moved the adoption of Resolution No. 36091-101502. The motion was seconded by Mr. Dowe 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.)

Mr. Carder offered the following resolution:

(#36092-101502) A RESOLUTION providing for the adoption of parking fees to be charged at the Salem Avenue, Church Avenue and Bullitt Avenue Surface Parking Lots; and directing amendment of the Fee Compendium.

(For full text of Resolution, see Resolution Book No. 66, page 457.)

Mr. Carder moved the adoption of Resolution No. 36092-101502. The motion was seconded by Mr. Cutler 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.)

Mr. Carder offered the following ordinance:

(#36093-101502) AN ORDINANCE authorizing an Amendment to the Contract for Management and Operation Services between the City of Roanoke and Lancor Parking, L. L. C., dated July 1, 2002, regarding certain parking facilities; authorizing the City Manager to make future adjustments to such contract; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 459.)

Mr. Carder moved the adoption of Ordinance No. 36093-101502. The motion was seconded by Mr. Dowe 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.)

DONATIONS/CONTRIBUTIONS-NEIGHBORHOOD ORGANIZATIONS-HOUSING/ AUTHORITY-GRANTS: The City Manager submitted a communication advising that each year, the City of Roanoke receives approximately $3.0 million in entitlement grants from the U. S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and HOME Investment Partnerships (HOME) programs; at its meeting on September 17, 2001, Council adopted the "Policy on HUD Funds," one provision of which is the substantial targeting of said funds to create a visible and lasting impact; the initial targeting activity under the policy was presented to Council in October, 2001, and is moving forward in the area bordered by Bullitt and Jamison Avenues between 6th and 13th Streets; in April, 2002, the City Manager appointed the Neighborhood Selection Task Force (NSTF) and charged the Task Force with recommending those neighborhoods where the resources should next be targeted during the coming years; and on September 19, 2002, Task Force recommendations were submitted to the City Manager.

It was further advised that because of rules involved with Federal grants, the areas eligible for consideration within neighborhoods are those in which most of the families have low or moderate incomes, and a total of 26 such eligible areas were considered; while originally asked to recommend five of the areas, the ratings of the fourth, fifth and sixth areas were extremely close; therefore, the Task Force found it appropriate to recommend six areas; and in making its recommendation, the Task Force considered it to be important that the City have the discretion to modify the order of neighborhood project implementation, based on the time needed to plan and leverage financing, or other critical circumstances that affect the ability to succeed in a given neighborhood.

The City Manager recommended that Council approve substantial targeting of the City's HUD funds to one or more of the block groups within each of the Gainsboro, Hurt Park, Washington Park, Loudon-Melrose, Old Southwest and Gilmer/NNEO neighborhoods, and that the City have the discretion to implement the neighborhood projects in an order that considers the time needed to plan and leverage financing, or other critical circumstances that would affect the ability to succeed in each neighborhood.

Mr. Cutler offered the following resolution:

(#36094-101502) A RESOLUTION concurring in the recommendation of the Neighborhood Task Selectionx Task Force for the substantial targeting of the City's funds from the U. S. Department of Housing and Urban Development ("HUD") under the Community Development Block Grant, Emergency Shelter Grant and Home Investment Partnerships program.

(For full text of Resolution, see Resolution Book No. 66, page 461.)

Mr. Cutler moved the adoption of Resolution No. 36094-101502. The motion was seconded by Mr. Dowe.

The City Manager advised that the Neighborhood Selection Task Force devoted a significant amount of time and effort in regard to the criteria for selecting future neighborhoods for concentrated Community Development Block Grant funding similar to that which is currently being done in the southeast section (Bullitt/Jamison) corridor of the City of Roanoke. She called upon Laura Benjamin, Chair, Neighborhood Section Task Force, for presentation of the report of the Task Force.

Ms. Benjamin introduced the following members of the Task Force who were in attendance: Alvin Nash, Carl Cooper, The Reverend William Lee, Paula Prince, Teresa Walker, Rolanda Johnson, V. Lee Wolfe and Karen Mason. (Other members of the Task Force not in attendance are: John Baker, Ted Edlich, Robert Fetzer, Rick Hendrick, James Lesniak, and Karen Michalski- Karney.)

Ms. Benjamin advised that meetings started in April 2002, the purpose of which was to develop a process by which the City could select future neighborhoods where Federal and City funds could be focused in order to maximize revitalization efforts. She stated that the Task Force was specifically requested to select the top six neighborhoods out of 26 that would be eligible for consideration, pursuant to the following criteria: demographics, per cent below poverty, per cent of home owners and racial balance, crime rate (the number of violent crimes, property crimes), vacant structures ready for demolition, vacant structures ready for rehabilitation, occupied structures that could be rehabilitated and the number of available lots for new construction. She stated that the Task Force looked at existing investments, such as an active neighborhood organization and neighborhood watch, the existence of a neighborhood plan or master plan, the existence of a conservation area, or rehabilitation district, and the presence of the Roanoke Redevelopment and Housing Authority or some other CDC investment, market factors such as the existence of public/private investments, the existence of a City, State or national district, the potential for a Hope VI grant in the neighborhood, proximity to downtown, visability and marketability. She explained that after reviewing the criteria, the top six specific eligible block groups to be selected for revitalization are Gainsboro, Hurt Park, Washington Park, Loudon/Melrose, Old Southwest and Gilmer, and the City will have the discretion to change the order of implementation based on each neighborhood's level of readiness.

Ms. Wyatt advised that familiarity breeds understanding; therefore, she suggested that community leaders/representatives be identified from each of the above referenced block groups to act as observers of the Bullitt/Jamison project. She stated that by observing the process as it unfolds, they will be in a better position to understand procedures when revitalization efforts occur in their respective neighborhoods.

Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that she is pleased to know that Gainsboro is ranked number one for the next revitalization project. She called attention to the Washington Park Improvements Committee which was appointed by the City Manager, and inquired as to how Washington Park fits into the neighborhood group. She also inquired as to the boundaries of Gainsboro.

Freed G. (Mike) Etienne, Housing Development Administrator, addressed the boundaries of the Gainsboro area which include the block groups within the neighborhood. He stated that block groups were reviewed that were eligible for Community Development Block Grant funds; i.e.: 51 per cent of residents earning less than 80 per cent of the median income. He explained that the boundaries of Gainsboro are 5th Street, part of downtown and Orange Avenue. In regard to Washington Park, he advised that the eligible area within Washington Park was reviewed and the Washington Park Improvements Council will be involved in the process. He stated that the boundaries of Washington Park include 10th Street, Orange Avenue and the Interstate.

The City Manager clarified that the Washington Park Improvements Committee, as referenced by Ms. Davis, is an ad hoc committee which was appointed by the City Manager specifically for the purpose of looking at necessary improvements to Booker T. Washington Park. She stated that in working with neighborhood groups, the City would look more to the civic organizations that have multiple interests and not to those groups with a limited interest.

Resolution No. 36094-101502 was 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.)

COMMUNITY PLANNING-BLUE RIDGE COMMUNITY SERVICES-HOUSING/ AUTHORITY-GRANTS: The City Manager submitted a communication advising that since 1996, the Blue Ridge Housing Development (BRHDC) has successfully conducted several housing programs for the City of Roanoke using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; on May 13, 2002, Council authorized the BRHDC's 2002-2003 CDBG and HOME activities and funding by Resolution No. 35848-051302, which also approved submission of the City's 2002-2003 Consolidated Plan Annual Update to the U. S. Department of Housing and Urban Development; Council accepted 2002-2003 CDBG and HOME funds on June 17, 2002, by Ordinance No. 35914-061702, Resolution No. 35915-061702, Ordinance No. 35912-061702, and Resolution No. 35913-061702, respectively, pending receipt of grant approvals from HUD; and grant agreements with HUD have since been signed.

It was further advised that in order for the BRHDC to conduct the housing activities approved in the Consolidated Plan, authorization by Council to execute an agreement is needed; and a total of $648,432.00 is being provided to the BRHDC.

The City Manager recommended that she be authorized to execute the 2002-2003 CDBG/HOME Agreement with the Blue Ridge Housing Development Corporation, to be approved as to form by the City Attorney.

Mr. Carder offered the following resolution:

(#36095-101502) A RESOLUTION authorizing the appropriate City officials to enter into an Agreement with the Blue Ridge Housing Development Corporation to conduct housing activities using Community Development Block Grant and HOME Investment Partnerships Program funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 66, page 462.)

Mr. Carder moved the adoption of Resolution No. 36095-101502. The motion was seconded by Mr. Dowe 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.)

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that historically, the Roanoke Redevelopment and Housing Authority (RRHA) has administered a variety of housing programs for the City of Roanoke using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; on May 13, 2002, Council authorized the RRHA's 2002-2003 CDBG and HOME activities and funding pursuant to Resolution No. 35848-051302, which approved submission of the City's 2002-2003 Consolidated Plan Annual Update to the U. S. Department of Housing and Urban Development (HUD); Council accepted the 2002-2003 CDBG and HOME funds on June 17, 2002, pursuant to Ordinance No. 35914-061702, Resolution No. 35915-061702, Ordinance No. 35912-061702 and Resolution No. 35913-061702, respectively, pending receipt of grant approvals from HUD; and grant agreements with HUD have since been signed.

It was further advised that in order for the RRHA to conduct the housing activities approved in the Consolidated Plan, authorization by Council to execute an agreement with the RRHA is needed; a total of $1,051,162.00 is being provided to the Housing Authority, and the Agreement contains a mutual indemnification clause in which both parties agree to indemnify the other for damages and expenses incurred as a result of the other party's conduct; and the effect of the clause is that, in certain circumstances, the City would be waiving its defense of sovereign immunity.

The City Manager recommended that she be authorized to execute the 2002-2003 CDBG/HOME Agreement with the Roanoke Redevelopment and Housing Authority, to be approved as to form by the City Attorney.

Mr. Carder offered the following resolution:

(#36096-101502) A RESOLUTION authorizing the appropriate City officials to enter into an Agreement with the Roanoke Redevelopment and Housing Authority to conduct housing activities using Community Development Block Grant and Home Investment Partnerships Program funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 66, page 463.)

Mr. Carder moved the adoption of Resolution No. 36096-101502. 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.)

SEWERS AND STORM DRAINS: The City Manager submitted a communication advising that as part of the fulfillment for the City's Storm Water Quality Improvement Program (SWQIP), the City of Roanoke, in cooperation with the Clean Valley Council and the Virginia Department of Conservation and Recreation, will initiate a storm drain inlet stenciling project; storm drain stenciling projects have been implemented nationwide to help increase community awareness of storm drain-related pollution, which increased awareness has been accepted by the U. S.

Environmental Protection Agency as an appropriate Best Management Practice (BMP) to decrease the effects of non-point source pollutants to municipal separate storm sewer systems (MS-4); and decreasing pollutant loads into the City's MS-4 is the overall goal of the SWQIP.

It was further advised that schools and other community groups will stencil the message, "Dump No Waste Drains to River" on drain inlets throughout the City and other jurisdictions in the Roanoke Valley; the stenciled message will include a graphic of the Roanoke log perch, an endangered species that lives in the Roanoke River; storm drain stenciling is planned to begin on October 16, with citizen involvement over the weekend of October 18, 19 and 20 to coincide with the 30th anniversary of the Clean Water Act on October 18; the project will continue as the City moves into the implementation phase of its Storm Water Quality Improvement Program; authorization for the proposed marking of public rights-of-way is requested since the markings will be done by citizens on City-owned property throughout the City; and projected cost for the project is $4,000.00 for this fiscal year, to cover development of custom stencils and effort coordination, and funding is available in Account No. 008-530-9736, NPDES – Phase 2.

The City Manager recommended that she be authorized to allow community groups, volunteers, and such other entities as the City Manager may deem appropriate to undertake the storm drain stenciling project and to take such further action as may be necessary to implement and administer the project.

Mr. Carder offered the following resolution:

(#36097-101502) A RESOLUTION authorizing the City Manager to allow community groups, volunteers and other entities as the City Manager may deem appropriate to undertake a storm drain stenciling project within the City's rights-of-way and to take such further action as may be necessary to implement and administer such project.

(For full text of Resolution, see Resolution Book No. 66, page 464.)

Mr. Carder moved the adoption of Resolution No. 36097-101502. The motion was seconded by Mr. Cutler 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.)

HEALTH DEPARTMENT- BUDGET-HUMAN DEVELOPMENT-YOUTH: The City Manager submitted a communication advising that the City of Roanoke has been selected as a grantee for the Federally-funded Program for Runaway and Homeless Youth (RHY) under provisions of the Runaway and Homeless Youth Act, in the amount of $126,675.00 annually; funds are to be used to cover salaries and fringe benefits of one Youth Counselor III, one Youth Counselor II, one relief counselor and related program activities in the Outreach Program; the required local match is offered as in-kind services; the U. S. Department of Health and Human Services awards grants for services in three-year cycles; and project period for the grant begins September 1, 2002 and will end on September 1, 2005.

It was further advised that the focus of the program is to alleviate the problems of runaway and homeless youth and their families, strengthen family relationships and encourage stable living conditions; early intervention of Outreach staff in a combination of shelter based and home based services offers runaway and homeless youth and their families supportive services that will decrease the incidence of repeat runaway episodes; and program services include: 24 hour intake and referral access, temporary shelter, individual, group and family counseling, community service linkages, aftercare services, case disposition and recreation opportunities.

The City Manager recommended that Council adopt a measure accepting the $126,675.00 in funding from the U. S. Department of Health and Human Services, Grant No. 03CYO433/1, for Sanctuary's Runaway and Homeless Youth Outreach program; authorize the City Manager to execute the required grant agreement and any other forms required by the Department of Health and Human Services in order to accept funds, such documents to be approved as to form by the City Attorney; and appropriate $126,675.00 in Federal funds to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance.

Mr. Dowe offered the following budget ordinance:

(#36098-101502) 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.

(For full text of Ordinance, see Ordinance Book No. 66, page 465.)

Mr. Dowe moved the adoption of Ordinance No. 36098-101502. The motion was seconded by Mr. Carder 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.)

Mr. Carder offered the following resolution:

(#36099-101502) A RESOLUTION authorizing the acceptance of a grant from the United States Department of Health and Human Services to be used for salary and fringe benefits of counselors and related activities in the Outreach Program; and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 66, page 466.)

Mr. Carder moved the adoption of Resolution No. 36099-101502. The motion was seconded by Mr. Dowe 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.)

SCHOOLS: The City Manager submitted a communication advising that the Parks and Recreation Department opened its first fitness center, in partnership with the Roanoke Public Schools, at Breckinridge Middle School in October 1997, which was followed by fitness center openings at Woodrow Wilson Middle School in November 1998, Addison Middle School in December 1999, and Jackson Middle

School in February 2001; the original Agreement for Breckinridge Middle School expired on September 30, 2002; the Roanoke City Public Schools use the fitness room and equipment for physical education classes and sports conditioning; and the Parks and Recreation Department operates the facility as a fitness center, open to the general public during non-school hours.

It was further advised that the current one year Agreement with the Roanoke City School Board, with an option to renew for four additional one-year terms, expired on September 30, 2002; and the Agreement was authorized by Council pursuant to Ordinance No. 33609-100697; and following minor changes to the agreement, it is requested that the Agreement be continued for up to an additional five years, ending September 30, 2007.

The City Manager recommended that she be authorized to execute an Agreement, in a form to be approved by the City Attorney, in order to continue operation of the Breckinridge Fitness Center.

Mr. Carder offered the following resolution:

(#36100-101502) A RESOLUTION authorizing the City Manager to execute an agreement between the Roanoke City School Board and the City of Roanoke, allowing the City to operate a fitness center at the Breckinridge Middle School for use by the general public, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 66, page 467.)

Mr. Carder moved the adoption of Resolution No. 36100-101502. The motion was seconded by Mr. Dowe 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.)

SIDEWALKS/CURB AND GUTTER-BUDGET: The City Manager submitted a communication in connection with bids received by the City for sidewalk maintenance, advising that S. R. Draper Paving Company submitted the low bid, in the amount of $134,995.50, and has agreed to honor the bid through June 30, 2003;

award of the contract was postponed to allow Council to be briefed on the overall curb, gutter and sidewalk program prior to proceeding with implementation; and during the briefing, Council was advised that $800,000.00 ($200,000.00 annually) would be set aside for the purpose of curb, gutter, and sidewalk replacement as needed to meet current maintenance demands.

The City Manager recommended that Council accept the bid of S. R. Draper Paving Company and authorize the City Manager to execute a contract in the amount of $134,995.50, in a form to be approved by the City Attorney, for the time period ending June 30, 2003; funding in the amount of $800,000.00 is available in Public Improvement Bond Series 2002 (Account No. 008-530-9711-9195) to be appropriated to an account to be established by the Director of Finance; and that all other bids received by the City be rejected.

Mr. Carder offered the following budget ordinance:

(#36101-101502) 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.

(For full text of Ordinance, see Ordinance Book No. 66, page 468.)

Mr. Carder moved the adoption of Ordinance No. 36101-101502. The motion was seconded by Mr. Dowe 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.)

Mr. Dowe offered the following ordinance:

(#36102-101502) AN ORDINANCE accepting the bid of S. R. Draper Paving Company, for constructing various curbs, gutters, and sidewalks along City streets, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 469.)

Mr. Dowe moved the adoption of Ordinance No. 36102-101502. The motion was seconded by Mr. Carder 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.)

CITY ATTORNEY:

CITY CODE-SPECIAL PERMITS-SOLICITATION: The City Attorney submitted a written report advising that Article II, Solicitations for Charitable Purposes, Chapter 28, Solicitations, Code of the City of Roanoke (1979), as amended, requires all charitable organizations conducting charitable solicitations in the City of Roanoke to obtain a permit from the City Manager; certain organizations are exempt from obtaining a permit, including those which have registered with the Commonwealth of Virginia, or which are a chapter, branch or affiliate included in the consolidated report of an organization so registered; the City's regulations pertaining to charitable solicitations have not been substantially updated since their adoption; and the City does not charge for issuance of solicitation permits.

It was further advised that the Commonwealth of Virginia currently comprehensively regulates charitable solicitations (§§ 57-48, et seq., Code of Virginia); with certain exceptions, the State requires that all charitable organizations, prior to soliciting contributions, file a registration statement with the Commissioner of Agriculture and Consumer Services; the required statement contains detailed information about the organization and its proposed fund-raising; the State charges an annual registration fee, which varies with the size of the fund-raising effort; while the State has comprehensively regulated charitable solicitations, it does permit localities to adopt local ordinances not inconsistent with the State's regulations, to require local licenses, and to impose a license fee up to ten dollars; however, §57-63.D of the Code of Virginia provides that:

> "No charitable organization shall be required to comply with the provisions of local ordinances if such organization has registered with the Commissioner or if such organization is a chapter, branch or affiliate included in the consolidated report of an organization or federated organization registered with the Commissioner, except that

such charitable organization shall not be exempted from that portion of any local ordinance which requires such organization to register its name, the name of its solicitors and the dates and times that they will be soliciting in the locality."

It was explained that given the extent which the Commonwealth of Virginia now regulates charitable solicitations, it does not seem to serve any useful purpose for the City of Roanoke to have a separate ordinance on the subject, and to require charitable organizations to complete a separate application for submittal to the City; therefore, the City Attorney proposed that Article II, Solicitations for Charitable Purposes, of Chapter 28, Solicitations, be repealed and replaced by a requirement that those organizations which have registered with the Commonwealth of Virginia register with the City of Roanoke its name, the names of its solicitors and the dates and times of solicition in the City.

The City Attorney transmitted an ordinance which would accomplish the above referenced proposal for consideration by Council.

Mr. Carder offered the following ordinance:

(#36103-101502) AN ORDINANCE repealing Article II, Solicitations for Charitable Purposes, of Chapter 28, Solicitations, Code of the City of Roanoke (1979), as amended, and amending Article I, In General by the addition of a new §28-3, Registration of charitable solicitors; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 470.)

Mr. Carder moved the adoption of Ordinance No. 36103-101502. The motion was seconded by Mr. Cutler 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.)

CITY PROPERTY-SPECIAL PERMITS: The City Attorney submitted a written report advising that on July 1, 2002, Council adopted Ordinance No. 35959-070192, permitting owners of property located at 3745 Forest Road, S. W., to continue the encroachment of a basketball goal into City right-of-way, and also designating a portion of Forest Road as a play area, provided that such use is limited to daylight hours and that a minimum of four temporary traffic cones be put in place delineating the play area when in use; the ordinance requires the property owners to indemnify and hold harmless the City of Roanoke, and to obtain liability insurance, with the City as an additional insured; the property owners have advised that after several weeks of effort, they are unable to have their homeowner's insurance company issue the required insurance; the company is apparently not willing to take on the risk of underwriting the insurance because it involves children playing in a street, even with the safeguards required by the City; and the City's Risk Manager has inquired about having the coverage added to the City's insurance (it would have been paid for by the owner), but was unsuccessful.

It was further stated that since the property owners are unable to obtain the insurance required by the terms of Ordinance No. 35959-070102, the City's options include revoking the encroachment permit, or deleting the insurance requirement (in which event, the City would still be indemnified and held harmless by the owners); the City's Risk Manager believes that with the restrictions on play set out in the ordinance, deleting the insurance requirement would be acceptable from a risk management perspective, since the risk would not be greater than block parties, etc., which the City permits on City rights-of-way without requiring insurance, should Council desire to delete the insurance requirement; and while the City has routinely granted permits for encroachments onto City property for a variety of purposes and insurance has been routinely posted, this is the only instance to the knowledge of the City Attorney where, in addition to permitting an encroachment, a "play area" has also been designated, therefore, the City has not been provided with insurance previously for such use.

Mr. Dowe offered the following ordinance:

(#36104-101502) AN ORDINANCE granting a conditional permit to allow for the encroachment of a basketball goal approximately three feet into the public right-of-way in front of the property located at 3745 Forest Road, S. W., and bearing Official Tax No. 1390514; designating a play area pursuant to the provisions of §46.2-932.A, Code of Virginia (1950), as amended, upon certain terms and conditions; repealing Ordinance No. 35959-070102; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 472.)

Mr. Dowe moved the adoption of Ordinance No. 36104-101502. The motion was seconded by Mr. Carder 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.)

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council appropriate funds to the following school accounts, was before the body.

$444,343.00 from the Capital Maintenance and Equipment Replacement Fund. Monies will be used to fund instructional technology equipment, the replacement of vehicles, facility improvements for handicap access, and the Schools' share of construction costs for the new transportation facility.

$40,230.00 for the Drug Free Schools program. Monies will provide for one student assistance counselor at the secondary level to work with substance abuse issues. This continuing program will be reimbursed one hundred per cent by Federal funds.

$295,180.00 for the Technology-Based Wellness program. Monies will provide a comprehensive, technology-based wellness program in all secondary grades to revitalize student interest in health and physical education, develop knowledge and skills required for life-long wellness, and improve student performance on national and state physical education tests. This new program will be reimbursed one hundred per cent by Federal funds.

A report of the Director of Finance recommending that Council concur in the request, was also before the body.

Mr. Carder offered the following budget ordinance:

(#36105-101502) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 School and School Food Services Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 473.)

Mr. Carder moved the adoption of Ordinance No. 36105-101502. The motion was seconded by Mr. Dowe 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.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

COMMITTEES-INDUSTRIES: Mr. Cutler offered the following resolution reappointing Dennis R. Cronk as a Director of the Industrial Development Authority for a term ending October 20, 2006:

(#36106-101502) A RESOLUTION reappointing a Director of the Industrial Development Authority of the City of Roanoke, to fill a four year term on the Board of Director.

(For full text Resolution, See Resolution Book No. 66, page 475.)

Mr. Cutler moved the adoption of Resolution No. 36106-101502. The motion was seconded by Mr. Dowe 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.)

COMMITTEES-INDUSTRIES: Mr. Carder offered the following resolution reappointing Stark H. Jones as a Director of the Industrial Development Authority for a term ending October 20, 2006:

(#36107-101502) A RESOLUTION reappointing a Director of the Industrial Development Authority of the City of Roanoke, to fill a four year term on the Board of Directors.

(For full text of Resolution, see Resolution Book No. 66, page 476.)

Mr. Carder moved the adoption of Resolution No. 36107-101502. The motion was seconded by Mr. Dowe 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.)

MOTIONS AND MISCELLANEOUS BUSINESS:

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

CITY COUNCIL: Council Members Bestpitch and Wyatt expressed appreciation for the opportunity to participate in the Leadership Trip to Charleston, South Carolina, which was held October 6 - 8, 2002.

Council Member Bestpitch advised that a city such as Roanoke can learn from a city like Charleston the importance of preservation. However, he stated that the City of Roanoke has much that is worthy of preservation, not only in terms of its built environment, but the surrounding natural resources. He called attention to the importance of the public realm in paying particular attention to those parts of the community where people tend to congregate for business and social purposes and the importance of quality – or doing things well; and the City's Comprehensive Plan indicates that the City of Roanoke recognizes the importance of preservation, the importance of the public realm and the importance of quality. He stated that the question now is whether the City of Roanoke will continue to implement the Comprehensive Plan in a manner that also recognizes the importance of those areas, not just on paper, but in practice.

Council Member Wyatt advised that as she listened to speakers during the conference in Charleston, especially in regard to education issues, she felt good about her community, because Roanoke is already doing or surpassing certain other localities in regard to various aspects of educating its children.

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.

HOUSING: Mr. Robert Gravely, 617 Hanover Avenue, N. W., spoke with regard to affordable housing in the City of Roanoke; and the need for the kind of jobs that will provide the means for Roanoke's citizens to become home owners. He referred to housing in the 1100 block of Gilmer Avenue, N. W., which sells for $80,000.00, while the average house in the neighborhood sells for $32,000.00; therefore, he questioned why anyone who can afford to purchase an $80,000.00 house would want to live in a neighborhood containing $32,000.00 homes.

CITY MANAGER COMMENTS:

CITY COUNCIL-COMMUNITY PLANNING: The City Manager commended the Mayor and Members of Council for taking time out of their busy schedules to attend the Leadership Trip to Charleston, South Carolina, on October 6-8, 2002. She advised that the Council's Planning Retreat on Thursday, October 17, will provide an opportunity for Council Members to discuss the City of Roanoke's Comprehensive Plan in more detail.

ANIMALS/INSECTS: The City Manager referred to a report and recommendations from the Wildlife Task Force, copy of which was previously forwarded to the Members of Council. She advised that additional work is needed before a staff recommendation is submitted to Council, and presented copy of a communication which was forwarded to the Task Force requesting that it reconvene and produce supporting statistics. She further advised that certain members of the Task Force have resigned and requested that Council Members submit recommendations for additional members by Friday, October 18, 2002.

ROANOKE CIVIC CENTER-YOUTH: In conjunction with the celebration of Halloween on October 31, 2002, the City Manager advised that activities will be held at the Roanoke Civic Center for children under 12 years of age.

At 3:15 p.m., the Mayor declared the meeting in recess for one closed session.

At 4:05 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.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe 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. Carder 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.)

At 4:08 p.m., the Mayor declared the Council meeting in recess until 5:00 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building , 215 Church Avenue, S. W. , City of Roanoke.

A joint meeting of City Council and the City of Roanoke Redevelopment and Housing Authority was called to order at 5:00 p.m., on Tuesday, October 15, 2002, in Room 159, Emergency Operations Center Conference Room, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith presiding.

COUNCIL MEMBERS PRESENT: William D. Bestpitch, William H. Carder, M. Rupert Cutler, Alfred T. Dowe, Jr., Linda F. Wyatt, and Mayor Ralph K. Smith------6.

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

ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY COMMISSIONERS PRESENT: Carolyn M. Bumbry, H. Victor Gilchrist, Joseph F. Lynn, Christie L. Meredith and Chairman Ben J. Fink----------4.

ABSENT: Commissioners James W. Burks, Jr., and Beverly T. Fitzpatrick, Jr.----------2.

OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; John R. Baker, Executive Director, Roanoke Redevelopment and Housing Authority; and Sue Marie Worline, Secretary, Roanoke Redevelopment and Housing Authority Board of Commissioners.

Following dinner, the business session convened at 5:25 p.m.

HOUSING/AUTHORITY: Chairman Fink called attention to significant changes over the last several years in the way that the Roanoke Redevelopment and Housing Authority transacts business in an effort to become more efficient and to make programs more effective. He referred to efforts of the Housing Authority regarding the Gainsboro Redevelopment Project, the South Jefferson Street (Bio-Med) project, the Lincoln 2000 project, neighborhood development, and coordinating a more effective case management system with other agencies and non-profit organizations, which will allow the transfer of data between various agencies and groups. He called attention to the receipt of local, state and national awards by the Housing Authority, one of which was the National Association of Housing and Redevelopment District for Outstanding Housing and Community Development Programs, South Jefferson Redevelopment area (Riverside Centre).

PROJECT UPDATES:

South Jefferson Redevelopment Area (Riverside Centre)

Commissioner Christie Meredith advised that on March 19, 2001, City Council and the Roanoke Redevelopment and Housing Authority approved the Redevelopment Plan for the South Jefferson project which is over half way into a three year implementation program. She stated that pursuant to the agreement, within the first year, the Housing Authority was to acquire and clear the initial site of approximately five acres of land; businesses in the area have been relocated and of the 12 area businesses, all have remained in the City of Roanoke, with the exception of two; and all properties that were to be acquired in the area designated as A-1 have been acquired, either on or ahead of schedule. She advised that five voluntary remediation plan applications have been developed and accepted for the program through the Department of Environmental Quality; initially, it was anticipated that remediation costs would be in the range of $700,000.00, however, it now appears that costs will be approximately $130,000.00. She stated that the process has been streamlined which has created a smooth clean up of the area, and called attention to restrictions on the provision of ground water focused on residential development, placement of buildings, land shapes and contamination.

She advised that a development issues group, composed of representatives of Carilion, Carilion Bio Med Rivers Edge Development Group, City of Roanoke and Roanoke Redevelopment and Housing Authority representatives met with Hill Studio and Hayes, Seay, Mattern and Mattern to prepare design scenes which will include uniform design standards of the area that will resemble a campus setting.

The City Manager called attention to a recent meeting with a consultant engaged by the Roanoke Redevelopment and Housing Authority to prepare a market study of the entire area, and the consultant enforced the position that the Riverside Centre is not and should not be seen as exclusively bio-medical in nature, the entire technology arena should be targeted, and while the Bio-Med Centre itself will be a drawing card and create a close relationship with the two universities, it is equally important to look at service industries and technology in general. She advised that the medical emphasis is important because the two anchors are hospitals.

There was discussion in regard to the road configuration in the area of the Riverside Centre; whereupon, the City Manager referred to potential alternatives because the original ramp configuration in the initial plans may be held up indefinitely due to I-73; the State has completed the necessary studies and determined that eventual improvements to the Elm Avenue Interchange with I-73 will be insufficient to meet the needs that the Bio Med Center will generate; and the City's Six Year Plan has been reduced to such an extent that it is questionable as to when either of the alternatives could be funded. She advised that although the Council's preference was the Franklin Road option, as opposed to coming through the center of the site, a meeting was recently held with Virginia Department of Transportation (VDOT) officials, and it was suggested that the City consider reworking the Wonju Interchange as a possible solution, and it might also be possible to incorporate an expansion of the ramp off of Wonju Street as a new entrance to the hospital and to the Bio Med Centre. She stated that the option is being explored, but the process is moving slowly because of the financial situation and the lack of VDOT funding for highway projects.

Council Member Carder advised that if traffic is taken off of Elm Avenue and routed to the entrance that is in close proximity to the Bio Tech Centre, it could kill any potential along the Williamson Road corridor, because traffic will be basically cut off. He referred to recent comments of Traffic Engineer Ian Lockwood who stated that with the greenway, Williamson Road could be used as an entranceway and/or gateway. He cautioned against doing anything that would spurn development along the Williamson Road corridor and provide a short cut for persons traveling out of town.

Eight Jefferson Place (GOB South)

Commissioner Joseph Lynn advised that when undertaking the Eight Jefferson Place project, the importance of maintaining the original integrity of the building as much as possible, while converting the building into upscale downtown housing, was emphasized. He stated that currently, the project is about 90 per cent complete, leasing of apartments started in September, and 12 tenants currently occupy the apartments. He advised that Eight Jefferson Place is a $10 million project financed by the Federal government and represents a joint effort by numerous organizations in the City of Roanoke, and the project should be completed by the end of October, 2002.

In a discussion, it was pointed out that the success of Eight Jefferson Place is important to the overall success of downtown Roanoke and there should be improved access to downtown by reopening the tunnel/walkway over the railroad tracks to provide for easier downtown access; and developers are waiting to see what happens with regard to Eight Jefferson Place as it relates to additional rehabilitation and re-creation of downtown housing units, whether they be constructing new buildings, rehabilitating existing buildings, or marketing the concept of corporate apartments.

Lincoln 2000

Commissioner Carolyn Bumbry presented highlights of the Lincoln 2000 project. She advised that there were 262 moves, 106 original families chose to remain in Lincoln Terrace, and 130 families chose to move to other public housing, Section 8 housing, or relocated elsewhere in the City of Roanoke. She stated that 165 units were completed ahead of schedule, units are equipped with air conditioning, large front porches, storage sheds at the rear of the units, backyards are enclosed with fences for improved security, and reconfigured interior space. She noted that 145 apartments were demolished and the land is ready for construction of single family homes; two new homes were built outside of Lincoln 2000 which were constructed as a joint venture by the Roanoke Redevelopment and Housing Authority and Blue Ridge Housing Development Corporation and are currently occupied by residents of public housing; two new handicapped accessible duplex buildings and four lease purchase town homes are 95 per cent complete, and bids are due on six additional lease/purchase town houses.

Ms. Bumbry called attention to concerns expressed by a small number of residents with regard to the need for screen doors on the front and back of Lincoln 2000 units, and advised that screen doors will be installed on the back doors as requested by elderly residents. She called attention to the Even Start program,

sponsored by the Roanoke City Public Schools, which provides child care for children age three and above to assist parents who are working on obtaining their GED; the Headstart Program operated by Total Action Against Poverty is located in the Lincoln 2000 complex; and there are plans for a business/opportunity center, a branch of the WIC program, and office space for on site case management through the Resident Council. She called attention to other programs offered by the Housing Authority to provide educational opportunities for residents which will enable them to move out of public housing.

There was discussion with regard to screen doors on Lincoln 2000 housing units; whereupon, Mr. Baker clarified that screen doors could be installed on the back doors as soon as possible, there is a limited amount of available funding, and although it is not known as to how many screen doors could be installed in this fiscal year, the number will more than likely meet the needs of those persons who have expressed an interest to date.

There was discussion with regard to occupancy levels at other public housing developments in the City of Roanoke; whereupon, Mr. Baker advised that Lansdowne is experiencing substantial on site rehabilitation, therefore, a large number of units are presently unoccupied; educational opportunities in public housing which will assist residents to shift to home ownership or other rental units in the community; the Housing Authority is sensitive to the fact that there are some residents who will not be able to live independently, therefore, public housing will be a necessity due to their age or other limitations; and efforts of the Housing Authority through education, training, job skills etc., focus on youth so that they do not become permanent residents of public housing.

There was further discussion in regard to whether plans are underway to eliminate units covered by Section 8 Certificates; whereupon, Mr. Baker advised that any plan is based on the reality of funds and there are insufficient funds outside of the Lincoln 2000 program to make the transition to outside housing. He stated that the availability of units by landlords who are willing to accept Section 8 Certificates is limited, many communities are seriously under utilizing their Section 8 vouchers because of the housing market, and landlords cannot be required to accept Section 8 tenants.

It was noted that there appears to be a conflict between the City's Comprehensive Plan and Lincoln 2000; whereupon, Mr. Baker advised that the density in Lincoln Terrace was reduced, which had the affect of distributing units across the community, and some residents chose not to return to Lincoln Terrace and took advantage of Section 8 Certificates which enabled them to move out of Lincoln Terrace.

The City Manager advised that the City of Roanoke, as the urban center of the region, has a disproportionate burden relative to public housing and assisting the disadvantaged, because there are no other public housing units in the region. Likewise, she advised that the majority of Section 8 Certificates are unused within the City of Roanoke and are not disbursed into the neighboring jurisdictions, and the problem is compounded further the transportation issue. She stated that the City needs to look at ways to cause disbursement, both within the Roanoke community and into the broader Roanoke Valley region. She added that she has encouraged the Housing Authority's Executive Director to talk with landlords in the neighboring jurisdictions to determine their interest in accepting Section 8 Certificates, because some persons are under the mistaken impression that if they accept a Section 8 Certificate from the Housing Authority, they are required to use the Certificate within the limits of the City of Roanoke. She called attention to instances when she has denied letters of support from the City of Roanoke when organizations propose to construct additional low income housing in the same neighborhood, which does not mean that she is against low income housing, but she is concerned about the concentration of low income housing in one area of the City, as opposed to throughout the City of Roanoke.

There was discussion with regard to the possibility of eliminating public housing at some time in the future; whereupon, Mr. Baker spoke in support of using the next HOPE VI Program to look at the issue of housing for families with low income. He stated that it is not a good strategy to eliminate standard low income housing when there is a large amount of substandard housing in the City of Roanoke currently housing low income families; public housing is not a problem for housing low income families, but a standard resource, and there is a need to look at why families are living in substandard housing, the disbursal issue, locations, and housing patterns for low income housing.

The City Manager advised that the matter should be discussed with Congressman Goodlatte, and suggested that rather than rehabilitate apartment units, such as is being done in Lansdowne, why not take a set of units and create a type of alternate standard so that low income persons are not made to feel that the only place they can find standard housing is in public housing.

It was noted that another group should be encouraged to step up to the plate – realtors – by asking them to be good corporate citizens and accept Section 8 Certificates to help citizens move out of public housing projects.

Commissioner Meredith called attention to the Section 8 vouchers for home ownership which will be implemented by the Housing Authority and will provide home ownership for persons who otherwise could not afford to purchase a home; however, there will continue to be families who need good quality, and safe public housing, be they Section 8 rental vouchers or housing in complexes managed by the Roanoke Redevelopment and Housing Authority.

Question was raised as to future redevelopment programs, or the next large project to be undertaken by the Roanoke Redevelopment and Housing Authority; whereupon, Mr. Baker advised that current efforts relate to tying in with the City's strategy to focus Community Development Block Grant funds into the neighborhoods, and in particular, leveraging funds within the neighborhoods to make the most significant impact, allow the market rate to take over, and then move on to another neighborhood. He called attention to activities in the Gainsboro area; the cultural exchange; another developer has expressed an interest in the area; plans of Total Action Against Property for a fund raising campaign to rehabilitate the Dumas Hotel, which will require land acquisition from the Housing Authority; the Roanoke Neighborhood Development Project is moving forward; and the Housing Authority is working on specific projects with other entities. In summary, he reiterated that the Housing Authority's main focus at this time is the City's strategy in neighborhood revitalization.

Roanoke Redevelopment and Housing Authority History, Vision and Goals

Chairman Fink advised that pursuant to Title 36, Code of Virginia, 1950, as amended, the Housing Authority is charged with the responsibility of developing and operating public housing developments and residential buildings; to serve as a partner with the City of Roanoke; and to serve as the City's agent to implement the City's vision, plans and priorities for redevelopment and revitalization programs; therefore, the Housing Authority is looking to City Council for direction. He further advised that the State Code provides the Housing Authority with specific authorization to purchase property for private and public development in certain areas, to make loans or grants for construction and rehabilitation of residential, commercial or individual properties, to issue revenue bonds or funds to carry out the Housing Authority's specific purpose and to form corporations, partnerships, joint ventures, trusts or any other legally necessary entity. He stated that the Housing Authority wishes to provide the type of leadership that will enable it to become a model redevelopment and housing authority, and to be recognized nationally as a trend setter. He advised that the mission of the Housing Authority is to partner with community organizations, agencies and local governments, to

provide housing and home ownership opportunities for low and moderate income persons, to take a leadership role in providing programs and resources for residents that promote and encourage self-sufficiency, self-esteem and self-determination and to maintain a leadership role in fostering economic development and job opportunities; and staff of the City of Roanoke Redevelopment and Housing Authority bring wide and varied expertise to the Roanoke area.

There being no further business, the Mayor declared the City Council meeting in recess at 6:40 p.m., to be reconvened at 7:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 7:00 p.m., on Tuesday October 15, 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, Linda F. Wyatt, and Mayor Ralph K. Smith ----------5.

ABSENT: Vice-Mayor C. Nelson Harris and Council Member Alfred T. Dowe, Jr.----------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 reconvened meeting was opened with a prayer by Mayor Smith.

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

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk and Secretary to the City Planning Commission having advertised a joint public hearing for Tuesday, October 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on an amendment to Sections 36.1-393, Standards for new construction, 36.1-403, Front yard requirements for infill developments, and 36.1-428, General standards,

Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to provide standards for a new dwelling, new accessory building, or an expansion of an existing dwelling in the ND, Neighborhood Design District overlay, to establish the depth of front yards, and to establish parking requirements in the ND District, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 27, 2002, and Friday, October 4, 2002, and in The Roanoke Tribune on Thursday, October 3, 2002.

The Director of Planning and Code Enforcement advised that incompatible infill housing in Roanoke's older neighborhoods has been a concern of residents for many years; in 1994, the Neighborhood Design (ND) District was adopted by the Council to encourage new buildings which are compatible with existing scale and character of surrounding neighborhoods and to encourage protection of existing neighborhoods from incompatible infill development. He stated that the ability to undertake these regulations were limited to neighborhoods that had rehabilitation, redevelopment or conservation district status, including Melrose/Rugby, Loudon/ Melrose, Harrison, Gilmer, Gainsboro, Hurt Park, Belmont, Fallon, Kenwood and Morningside. He explained that at the time the ND District was established, it did not include a set of comprehensive design standards which are currently under consideration by Council and the City Planning Commission; and development of proposed design standards will provide a more definitive direction regarding specific design elements that should be included in any development of infill housing in the above referenced neighborhoods. He stated that meetings were conducted in August 2002 to review the proposed design standards with the Roanoke Regional Homebuilders Association, Roanoke Regional Housing Network, Roanoke Redevelopment and Housing Authority, and Presidents of the Roanoke Neighborhood Partnership and neighborhood organizations, a general public workshop was held on August 29 at Lucy Addison Middle School and a follow up meeting was held with the Melrose/Rugby neighborhood on October 3. He advised that design standards for the Neighborhood Design District are based on architectural elements common to older neighborhoods and design standards regulate building, location and mass, roofs, entrances, windows, porches, siding, trim and additions to any accessory structure as applied to residential construction, and specifically for new dwellings, additions to existing dwellings and construction of accessory buildings (garages, sheds, etc.) He stated that the application, review and approval process for Neighborhood Design District standards would be handled administratively by the Zoning Administrator; administrative review for new housing in the ND District must be completed within 15 working days and even though the

City Code provides for administrative fees to be associated with review, staff recommends that no additional fee be applied, other than those fees associated with building permits. He noted that this is the first opportunity for the City Council and the City Planning Commission to apply an implementation activity that was called for in the Comprehensive Plan, and referred to three specific policies or actions that were identified in the vision document related to the topic: (1) revise zoning ordinances to encourage quality infill development that reflect the character of the neighborhoods, including infill development standards, (2) develop criteria for evaluating new residential proposals to ensure compatibility with surrounding neighborhoods and support of the City's goals of a balanced and sustainable housing supply, and (3) consider ND Districts overlay zoning for qualifying centers and Rehabilitation and Conservation Areas to encourage compatible design or development in village centers.

Christopher Chittum, Senior Planner, presented an overview of the Neighborhood Design District standards.

The Mayor advised that numerous persons had signed up to speak on the issue and each speaker would be allotted three minutes.

Mr. Matt Prescott, 2501 Wycliffe Avenue, S. W., a builder in the City of Roanoke, and a member of the Architectural Review Board, advised that Neighborhood Design guidelines are narrowly defined and are being promoted to remedy badly designed infill developments that have been constructed in the City's neighborhoods in past years. He stated that the guidelines are desirable to ameliorate those problems, but they represent a quick fix in the long run, and if the City of Roanoke is desirous of long term, sustainable growth, the proposed guidelines will place the City in a defined box that will hurt future development. He added that the proposed standards are unrealistic and builders cannot construct the type of house that the guidelines would impose and still make a profit. He explained that no builder will go into these neighborhoods and take the risk of constructing a house on these lots because conforming to the proposed guidelines is undoable. As a builder, a resident of the City of Roanoke and someone who cares about the long term vitality of the City, he requested that the proposal be denied and that City Planners be instructed to present ideas that will help Roanoke to build neighborhoods that will be vital and growing over the long term.

Mr. Joseph Keaton, 1544 Deborah Lane, concurred in the remarks of the previous speaker in regard to the affordability of building in the neighborhoods governed by ND District guidelines. He stated that the regulations say nothing about

the doability or durability of a house, or safety aspects and life of the building, and if changes are to be made, standards should address these areas so that it will be economically wise for builders to make this kind of an investment. He added that it appears that only "cosmetic" issues have been addressed and to enforce these restrictions on a neighborhood and to take away the individuality of the neighborhood is out of place. He noted that northwest Roanoke is filled with houses of all shapes, roof sizes, and slopes, etc., to place these regulations on the community would have damaging results, and asked that the proposed regulations be denied by Council.

Mr. Joe Miller, 2812 Longview Avenue, S. W., a third generation home builder in the Roanoke Valley, advised that he is against the adoption of Neighborhood Design standards. He stated that the City of Roanoke adopted its latest Comprehensive Plan, Vision 2020, in August 2001 and he was an active participant in the process which calls for affordable housing to be available in all parts of the City, the proposed standards will make it impossible to construct affordable housing in the designated neighborhoods, and, in addition, the market will not bear the cost of a new home built to these standards. He explained that the Vision 2020 document provides that the City will recommend ways to overcome impediments to fair housing by identifying barriers to housing choice, and the proposed ND standards represent an impediment to housing choice. He stated that the proposed standards are written to forever link these neighborhoods in one architectural style which is evident in the neighborhoods, with no allowance for other architectural styles that are also apparent in the neighborhoods, or for the individual choices of home owners; therefore, the proposed standards are contrary to housing choice. He urged that the proposed regulations be denied and that Council direct the City Planning Commission to recommend regulations that will encourage new development in the City of Roanoke and not create additional barriers.

Mr. Robert Gravely, 617 Hanover Avenue, N. W., advised that the proposed ND regulations could lead to the construction of housing that the average citizen in the affected areas cannot afford to purchase, and uniform standards should be established for all areas of the City. He referred to houses in the Gilmer Avenue area that sell for $80,000.00, when the average price of a house in the area is $30,000.00; therefore, a person who can afford an $80,000.00 home will not purchase a home in a $30,000.00 neighborhood.

Mr. Martin Pruitt, 1851 Blenheim Road, S. W., a builder and President of the Roanoke Regional Homebuilders Association, advised that the Homebuilders Association strives to create an environment of free enterprise where regulations can be kept to a minimum and products and services can be produced at optimum value to the home buyer. He stated that the Homebuilders Association has reviewed the proposed ND standards and collectively believe that the proposed regulations will negatively impact revitalization of the City's neighborhoods, which position was previously presented to City Planning staff. He added that implementation of the standards will take vacant infill lots off the market because it is not economically feasible for the private sector to build a home in accordance with the proposed standards. He explained that homes in the 11 neighborhoods that would be affected by the proposed standards were constructed in the 1920's, 1930's and 1940's and many homes are now in need of repair. He stated that the risk of not being able to sell infill housing, which would be costly to build in accordance with the proposed standards, is a risk that most builders and developers cannot afford to take. He added that the Homebuilders Association does not believe that the City should dictate the style of housing that is to be available for its citizens; and inasmuch as the Homebuilders Association acknowledges those concerns expressed by some neighborhoods and current residents regarding the negative impact of building a one story plain box style house within the neighborhoods, the Homebuilders Association believes that to effectively increase new housing stock within the City's limits, tracts of land must be made available, and in order for the City to create a demand for people to live in its neighborhoods, there must be diversity in housing, both in style and in price. He added that implementation of the proposed standards is an example of the City's contradiction regarding housing - the desire has been stated to increase housing opportunities, but the tendency of the proposed standards restrict housing development. He requested that Council instruct the City Planning staff to go back to the drawing table and approach the City's housing challenge as a way to plan for the future – rather than to create obstacles. He offered the expertise of the Roanoke Regional Homebuilders Association to help the City to resolve its housing challenges, and asked that Council vote no on the proposed ND regulations.

Mr. Kit Hale, 2222 Blenheim Road, S. W., encouraged Council to be mindful of the issue of affordability of housing when enacting the proposed Neighborhood Design standards. He stated that the City's Comprehensive Plan addresses housing affordability and expressed concern that the proposed standards would overly burden affordability of housing in the affected neighborhoods.

Ms. Estelle H. McCadden, 2128 Mercer Avenue, N. W., President, Melrose/Rugby Neighborhood Forum, spoke in support of the proposed Neighborhood Design standards. She advised that most of the persons who have spoken against the guidelines do not live in the affected neighborhoods. She stated that developers have constructed incompatible infill housing between other housing or changed the design of housing in the affected neighborhoods; therefore, residents are opposed to the construction of additional infill housing that will change the character of their neighborhoods and cause property values to decrease.

Mr. Steve Strauss, 3600 block of Peakwood Drive, S. W., advised that he has been a builder in the Roanoke Valley for the past 27 years. He stated that the City Planning Commission and City Council are attempting to control architectural standards for the betterment of the neighborhoods which is admirable, but an extremely difficult issue to address. He noted that the proposed regulations will ensure construction of no additional infill housing in the affected areas because the regulations will negatively impact the cost of housing; and proposed regulations will drive individual builders away, as well as individual homeowners who wish to remodel or construct a house next to their current home. He called attention to insufficient lot width in the neighborhoods under discussion in order to construct an addition to the side of the dwelling, therefore, the most logical place to construct an addition to a home is at the rear, which is not permitted under proposed regulations. He called further attention to $200,000.00 - $400,000.00 homes that are constructed in today's market where garage doors are permitted at the front of the structure. He requested that Council and the City Planning Commission refer the matter back to City Planning staff for further review and to recommend regulations that are workable within the community.

Mr. Charles Coulter, 3750 Peakwood Drive, S. W., a local builder, advised that the recommendation of City Planning staff will be counter productive; and the goal of design standards should be to promote new residential growth in the selected areas. He stated that Council should first consider the source of new construction, which is speculative construction by private sector builders - builders who must evaluate the risk versus the profit potential in areas governed by the proposed restrictions. He explained that the proposed standards will increase the cost of construction, thereby reducing the full potential for consumers, increasing the builders ranking factor, and will ultimately serve as a negative impact on many or all builders to speculate in the market. He stated that the proposed regulations would increase the cost of constructing homes in specific areas; the ND standards could be the undoing of the very neighborhoods that they are proposed to protect, and individual property rights of home owners should be considered. He advised that builders would like to assist the City in developing standards that would less negatively impact the goals of the Neighborhood Design district.

Ms. Gale Martin, 1436 Syracuse Avenue, N. W., spoke in support of the ND District standards. She advised that her neighborhood is an old and established community where people enjoy the lay out of their homes; and the construction of infill housing, which is not compatible with the neighborhood, is discouraging. She requested that Council consider the needs of the community and enact the proposed ND standards.

Mr. Brian Maslyk, Residential Architect, Balzer & Associates, encouraged that Council not be fooled into thinking that the proposed ND regulations are traditional neighborhood development. He explained that traditional neighborhood development begins with infrastructure, site lighting, street widths, sidewalks, alley ways and many other amenities besides the proposed guidelines.

Mr. Adam Cohen, 6036 Chagall Drive, S. W., a builder in the Roanoke Valley, advised that he recently constructed an infill house in South Roanoke and according to the proposed ND standards, he violated nine regulations when constructing the house; however, that same house was recognized in national design competition as being an exceptional design in architecture. He stated that the proposed design standards will kill creativity in the City of Roanoke; and the City's attempts to help communities grow is admirable, but the City is not taking a wholistic approach by looking at the entire package, such as available grants through the Federal government, and the work of organizations such as the Northwest Neighborhood Environmental Organization and Habitat for Humanity. He stated that the proposed regulations will fail, the Neighborhood Design standards need further study, and suggested that the matter be referred back to the City Planning Commission to arrive at a more wholistic approach.

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

Richard Rife, Vice-Chair, City Planning Commission, called for comments by City Planning Commission members.

Commissioner Hill advised that affordable housing does not mean bad housing; and problems in the affected communities do not evolve solely around housing, but include social problems, economic problems, etc., that cannot be addressed through the ND standards. He stated that housing is only one aspect and should not be voted against simply because it is not a part of the larger scheme, and he failed to understand how improved housing through the ND overlay is not in the best interest of the affected neighborhoods. He advised that even though the neighborhood cannot be completely improved through this process, it is a good step in the right direction, and he intended to support the ND District.

Commissioner Williams advised that at some point in time it may be necessary to refine the regulations, or make substantial changes, but the proposed regulations provide a good first step in trying to correct some of the serious and existing problems in the neighborhoods. He explained that the proposed ND standards are not any more restrictive than the standards in the H-2 District in Old Southwest. He stated that it is true that the proposed standards are not traditional neighborhood development, and agreed with a previous speaker that true traditional neighborhood development starts with infrastructure.

Vice-Chair Rife advised that the argument of the Roanoke Valley Homebuilders Association that the ND guidelines will limit development of infill housing is "hollow". He stated that the proposed ND regulations represent a step forward, and he intends to support the proposed standards.

Upon a roll call vote of the City Planning Commission, the proposed Neighborhood Design standards were recommended to Council for approval.

Inasmuch as two Members of Council were absent, Council has received input from citizens, and a recommendation from the City Planning Commission, Mr. Bestpitch moved that action on the ordinance be tabled until the next regular meeting of Council on Monday, November 4, 2002, at 2:00 p.m. The motion was seconded by Carder and adopted.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk and the Secretary to the City Planning Commission having advertised a joint public hearing for Tuesday, October 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City Planning Commission that properties within the Melrose-Rugby neighborhood generally bounded by Interstate 581, Lick Run and Andrews Road on the north, Melrose and Orange Avenues on the south, Tenth Street on the east, and Lafayette Boulevard on the west, be zoned ND, Neighborhood Design District overlay, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 27, 2002, and Friday, October 4, 2002, and in The Roanoke Tribune on Thursday, October 3, 2002.

Christopher Chittum, Senior Planner, advised that the public hearing pertains to the actual zoning of the Neighborhood Design District overlay in the Melrose/Rugby neighborhood. He explained that the neighborhood is slated for this proposed rezoning for a number of reasons; i.e.: it has been plagued by considerable incompatible infill housing and meets the three criteria set forth in the City Code for establishment of the ND district, it is located within an area that is designated on an adopted plan for conservation, rehabilitation and redevelopment, and it is identified in the City's Comprehensive Plan as having historic or unique architectural value and contains at least two contiguous acres. He advised that Melrose/Rugby will be the first neighborhood approved for the ND designation, if approved by Council and the City Planning Commission. He noted that Vision 2001-2020 supports implementation of the ND District through a number of policies; i.e.: revising the zoning ordinance to encourage quality infill development that reflects the character of the neighborhood, including infill development standards; and developing criteria for evaluating new residential proposals to ensure compatibility with surrounding neighborhoods and support of the City's goals of a balanced and sustainable housing supply. He stated that the Melrose/Rugby Neighborhood Plan adopted by Council in June 2001 recommends that the City create an ND District overlay zoning throughout the neighborhood; and design of infill housing is identified in the Plan and was the top concern of residents of the area as expressed during neighborhood workshops which led to development of the Neighborhood Plan. He added that Melrose/Rugby residents believe that ensuring compatible infill design is essential to maintaining their property values, attracting new residents, and encouraging long term neighborhood revitalization. He stated that City Planning staff recommends approval of the ND District overlay in the Melrose/Rugby neighborhood, application of the ND District and implementation of recommendations of Vision 2001-2020, and the Melrose Neighborhood Plan will protect the neighborhood from incompatible construction, maintain property values, and encourage neighborhood revitalization.

The Mayor advised that numerous persons had signed up to speak on the issue and advised that each speaker would be allotted three minutes.

Mr. A. L. Holland, 3425 Kershaw Road, N. W., representing High Street Baptist Church, located at the corner of Florida Avenue and Lafayette Boulevard, N. W., expressed concern with regard to brick structures that have existed in the neighborhood for many years, and if other types of homes are constructed, property values of existing homes will be affected and/or decreased.

Mr. Joseph Lynn, 1831 Syracuse Avenue N. W., Chairman, Andrews Road Civic League, expressed confusion with regard to the area to be included in the ND District overlay. He stated that his neighborhood contains RS-1, RS-2, RS-3 , C-1 and C-2 zoning and inquired as to how the ND District will affect his neighborhood. He explained that the areas that are currently zoned RS-3 are primarily of brick construction and include new homes which do not need rehabilitation; therefore, the Andrews Road Civic League would like to retain its current zoning. He stated that the City or Roanoke should enact more stringent application of current regulations which would eliminate the need for Neighborhood Design District overlay provisions.

Mr. Robert Gravely, 617 Hanover Avenue, N. W., advised that in order for the proposed ND regulations to be successful, the area needs to be crime free and businesses need to flourish.

Ms. Gale Martin, 1436 Syracuse Avenue, N. W., advised that property values in the neighborhood have decreased because of incompatible infill structures that have previously been constructed. She stated that a clear definition and understanding of what is to be allowed in the Melrose/Rugby neighborhood is in order.

Ms. Estelle H. McCadden, 2128 McDowell Avenue, N. W., President, Melrose/Rugby Neighborhood Forum, expressed concern with regard to delaying the vote on the ordinance before Council until Monday, November 4, which will allow more time for permits to be issued to developers to construct infill housing. She stated that she would encourage property owners in the Melrose/Rugby neighborhood to refrain from selling lots until the ND District ordinance is approved by Council, thus eliminating the threat of additional infill housing.

Mr. Demetrius Phelps, 2102 Mercer Avenue, N. W., advised that he would like to construct an addition to his residence, but under the proposed ND guidelines, it will be difficult to do so. He stated that there should be more planning by the City before Council enacts the proposed ND overlay regulations.

The Director of Planning and Code Enforcement responded to Mr. Lynn's question with regard to the impact on current zoning in his neighborhood, and advised that application of the ND overlay in no way affects underlying zoning districts already in place. He explained that the overlay provides more design teeth in the set of regulations for the Melrose/Rugby neighborhood, but would not change existing underlying zoning in RS-1, RS-2 or RS-3 areas, nor would it allow existing residential zoning to be converted to commercial.

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

Upon a roll call vote, the City Planning Commission recommended that Council approve the Neighborhood Design District zoning overlay in the Melrose/Rugby neighborhood.

Question was raised by a Member of Council that in previous public hearings, citizens in favor of and those against a specific item were invited to stand; however, the Mayor had not followed that procedure with regard to the present and previous public hearings; whereupon, the City Attorney advised that the court prefers to look at the record of the evidence and comments that are contained in the records of a governing body. He explained that one court frowned upon the counting of heads of persons at a public hearing and stated that it is not a matter of how many people attend a public hearing, but the merits of the debate. Therefore, the City Attorney advised that the counting of heads is discouraged, and free and open discourse on the merits of the matters before the Council is in order.

Ms. Wyatt advised that standards are needed for the Melrose/Rugby neighborhood because all citizens are desirous of preserving the character of their neighborhood, regardless of where they live. She expressed concern that the proposed ND guidelines could create problems for those persons who want to increase the value of their homes. She called attention to persons who have a long term investment in their neighborhoods, who do not want infill housing, but neither do they want empty lots and guidelines that are so rigid and structured that they prohibit homeowners from making additions to their homes. She spoke in support of enacting regulations that are geared more toward preserving the character of the neighborhoods.

For the above stated reasons, Ms. Wyatt moved that the matter be referred back to the City Planning Commission for further study.

The motion failed for lack of a second.

Ms. Wyatt withdrew the motion.

Inasmuch as two Members of Council were absent, Council has received input from citizens, and a recommendation by the City Planning Commission, Mr. Bestpitch moved that the ordinance be tabled until the next regular meeting of Council on Monday, November 4, 2002, at 2:00 p.m. The motion was seconded by Mr. Carder and adopted.

The Mayor declared the City Council meeting in recess to be reconvened in five minutes.

The Vice-Chair declared the City Planning Commission meeting adjourned.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, October 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Larry J. Conner, that property located at 547 Campbell Avenue, S. W., designated as Official Tax No. 1112510, be rezoned from LM, Light Manufacturing District, to C-1, Office District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 27, 2002, and Friday, October 4, 2002.

A report of the City Planning Commission advising that use of the property will be limited to general and professional offices, home occupation uses, non-profit counseling and services, excluding drug rehabilitation and/or substance abuse programs, and multifamily residential (so long as said multifamily use is approved by the Board of Zoning Appeals), was before Council.

The City Planning Commission recommended that Council approve the request for rezoning, which is consistent with Vision 2001-2020; and the rezoning would allow a mixture of office and residential uses on the property and is consistent with desired development patterns in downtown.

Mr. Carder offered the following ordinance:

(#36108-101502) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 111, Sectional 1976 Zone map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, page 477.)

Mr. Carder moved the adoption of Ordinance No. 36108-101502. The motion was seconded by Mr. Cutler.

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

Ordinance No. 36108-101502 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Wyatt, and Mayor Smith----------5.

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

(Vice-Mayor Harris and Council Member Dowe were absent.)

BONDS/BOND ISSUES-SCHOOLS-EQUIPMENT: Pursuant to action taken by the Council, the City Clerk having advertised a public hearing for Monday, October 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the Roanoke City School Board for passage of a resolution, or resolutions, approving issuance by the City of Roanoke of its general obligation bonds, in an amount estimated not to exceed $800,000.00, for the purpose of financing certain rehabilitations, repairs and/or equipment in connection with Lincoln Terrace Elementary School, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Tuesday, September 17, 2002, and Tuesday, September 24, 2002.

A communication from George J. A. Clemo, Attorney, advising that in October, 2001, at the request of the Roanoke City School Board, Council adopted Resolution No. 35606-101801, authorizing the School Board to rehabilitate the present school building at Lincoln Terrace Elementary School, authorizing an application to be filed with the Virginia Department of Education seeking an allocation of authority to issue qualified zone academy bonds to finance a portion of the rehabilitation, and authorizing publication of a notice of public hearing to be held in connection with the proposed bond issuance; however, after extensive inquiry, the School system was unable to find a buyer for the bond; and consequently, the public hearing, which was scheduled for November 5, 2001, was withdrawn from the Council's docket, was before the body.

It was explained that under applicable rules, preliminary allocation by the Virginia Department of Education of $800,000.00 in qualified zone academy bond issuance authority to the project was carried over to 2002; additionally, upon further inquiry, it appears that the Bank of America is prepared to purchase the proposed qualified zone academy bond; and accordingly, Roanoke City Schools have requested that Council again authorize a public hearing on the proposed bond issuance, which is required pursuant to the Public Finance Act before the bond can be issued; and following the public hearing, approval by Council of a resolution approving the details of the bond and its issuance is requested.

Mr. Carder offered the following resolution:

(#36109-101502) A RESOLUTION authorizing the issuance of an $800,000.00 General Obligation Qualified Zone Academy Bond (Lincoln Terrace Elementary School), Series 2002, of the City of Roanoke, Virginia, to be sold to Bank of America, N. A. and providing for the form and details thereof.

Mr. Carder moved the adoption of Resolution No. 36109-101502. The motion was seconded by Mr. Cutler.

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

Resolution No. 36109-101502 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Wyatt, and Mayor Smith----------5.

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

(Vice-Mayor Harris and Council Member Dowe were absent.)

NEIGHBORHOOD ORGANIZATIONS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, October 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke that Vision 2001-2020, the City's Comprehensive Plan, be amended to include the Southern Hills Neighborhood Plan as an element of said Plan, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, September 27, 2002, and Friday, October 4, 2002.

A report of the City Planning Commission advising that the Southern Hills Neighborhood Plan was developed over a series of four community workshops sponsored by the City's Planning Building and Development Department; and the plan was developed based on an evaluation of existing neighborhood conditions and concerns identified by community residents.

It was noted that Vision 2001-2020 recommends that detailed neighborhood plans be developed and adopted for each of Roanoke's neighborhoods; the plan for Southern Hills has been reviewed by the neighborhood, by City staff and by the Long Range Planning Committee of the Planning Commission; and the plan identifies five high priority initiatives:

Install lines to provide public sewer to the entire neighborhood
Replace inadequate water lines and install fire hydrants
Improve the drainage system
Realign and improve Southern Hills Drive
Improve the streetscape of U. S. Route 220

It was further noted that the plan also includes a future land use map to guide development and zoning patterns in the neighborhood.

The City Planning Commission recommended that Council adopt the Southern Hills Neighborhood Plan as a component of the City's Comprehensive Plan.

Mr. Carder offered the following resolution:

(#36110-101502) A RESOLUTION approving the Southern Hills Neighborhood Plan, and amending Vision 2001-2020, the City's Comprehensive Plan, to include the Southern Hills Neighborhood Plan.

(For full text of Ordinance, see Ordinance Book No. 66, page 483.)

Mr. Carder moved the adoption of Resolution No. 36110-101502. The motion was seconded by Mr. Bestpitch.

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

Council Member Bestpitch called attention to five high priority initiatives identified in the neighborhood plan; i.e.: install lines to provide public sewer to the entire neighborhood, replace inadequate water lines and install fire hydrants, improve the drainage system, realign and improve Southern Hills Drive, and improve the streetscape of U. S. Route 220. He expressed concern, when taking into consideration how long ago the area was annexed to the City of Roanoke, that little has been done over the years to provide basic levels of infrastructure for those citizens who live in the Southern Hills neighborhood. He stated that he submitted his comments to suggest to the City administration that even in these difficult budget times and with all of the other challenges facing the City, it is hoped that the City of Roanoke will do everything it can to identify ways of moving the above referenced initiatives forward.

Resolution No. 36110-101502 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Wyatt, and Mayor Smith----------5.

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

(Vice-Mayor Harris and Council Member Dowe were absent.)

EASEMENTS-DONATIONS/CONTRIBUTIONS-SUBDIVISIONS-UTILITY LINE SERVICES-TRANSPORTATION SAFETY-WATER RESOURCES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Tuesday, October 15, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with a proposal of the City of Roanoke to vacate an existing water line easement located on privately owned property in exchange for a relocated easement to be dedicated to the City of Roanoke; and thereafter, the City of Roanoke proposes to quitclaim a portion of the new easement to the Virginia Department of Transportation, in connection with development of Kingston Estates, a new subdivision located in Roanoke County, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, August 11, 2002.

The City Manager submitted a communication advising that the City of Roanoke Water Division was contacted by a developer, John Griffin, regarding a new subdivision named Kingston Estates which he is constructing in Roanoke County; and the main water distribution line from the Falling Creek Filtration Plant runs through the property; the water line has existed in this location for approximately 100 years; the water line runs at a diagonal through the property, as shown on a Plat of Survey, which impacts the planned housing layout – two houses would be less than ten feet from the line; the line is under high water pressure and could cause considerable damage to property if left in its current location; and leaving the water line in its current location would make routine or emergency maintenance very difficult.

The City Manager further advised that the City requested the contractor to locate the water line in a new easement outside the lots in a dedicated water line easement; the new line and the new easement will be in place before the existing easement is vacated; water line relocation has been completed and is acceptable to the City of Roanoke Utility Department; the contractor has requested the City to quitclaim its easement through the roadways which VDOT requires in order to accept the road system for maintenance; and the City Attorney and the Attorney for the developer have agreed on a Deed of Release and Dedication for the water line and a Deed of Quitclaim which is acceptable to the City of Roanoke.

The City Manager recommended, following the public hearing, that Council approve execution of the Deed of Release vacating the existing water line easement, the Deed of Dedication establishing a new water line easement and a Deed of Quitclaim for VDOT for the easement through the roadway right-of-way.

Mr. Carder offered the following ordinance:

(#36111-101502) AN ORDINANCE authorizing the vacation and relocation of a portion of a main water distribution line easement from the Falling Creek Filtration Plant which runs across property known as Kingston Estates subdivision, and the acceptance and dedication of a new water distribution line easement across a portion of the same property, upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, page 484.)

Mr. Carder moved the adoption of Ordinance No. 36111-101502. The motion was seconded by Mr. Cutler.

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

Ordinance No. 36111-101502 was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, Cutler, Wyatt, and Mayor Smith----------5.

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

(Vice-Mayor Harris and Council Member Dowe were absent.)

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.

No citizens had previously registered to speak.

There being no further business, at 9:00 p.m., the Mayor declared the meeting in recess until Thursday, October 17, 2002, at 9:00 a.m., in the Roanoke Boardroom at Bernard's Landing Resort and Conference Center, 775 Ashmeade Road, Moneta, Virginia, for the City Council's Planning Retreat.

The Council meeting reconvened on Thursday, October 17, 2002, at 9:15 a.m., in the Roanoke Boardroom, Bernard's Landing Resort and Conference Center, 775 Ashmeade Road, Moneta, Virginia, with Lyle Sumek, Lyle Sumek Associates, Inc., facilitating.

COUNCIL MEMBERS PRESENT: 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.

STAFF PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; George C. Snead. Jr., Assistant City Manager for Operations; and Rolanda A. Johnson, Assistant City Manager for Community Development.

COUNCIL: Mr. Sumek reviewed turbulent forces in today's times. He advised that turbulent times require courageous leaders who invest in the future and to act on the realities of today; they blend being a catalyst for change with a calm of stability; and the following realities contribute to today's turbulence:

Post 9/11 - Planning for possible future acts of terrorism; pressures from public safety unions - from national collective bargaining to significant salary increases; evaluation and plans for security at City facilities, from City Hall to water treatment plants; responding to desires of citizens for reassurance and a safe "backyard" - home and neighborhood.

Uncertain Economic Future - reduced revenues for current budget year; delays in business investments in community - a new mall, a business relocation; low return on investment income from reserves and "spare" cash; and rising cost of health insurance and fewer employee benefits.

Shift to Community Based City Government - greater willingness to question experts who may not understand the community; increased open government through public information requests to more citizen involvement prior to a decision; balancing the "best professional recommendation" with the "best for the community"; potential dominance by the negative five per cent who will never be satisfied and who are increasingly threatening leaders though misinformation.

Civic Impaired Citizenry - lacking little formal education about City government - roles, responsibilities and legal framework; little interest in government until they are personally affected by government; and unwilling to contribute to the City's future by getting involved or voting.

State "Attacks" on Cities - changing the legal framework from governance to taxation; taking away or restricting current revenue sources for cities; balancing highway projects, dollars, or grants; and acting with regard to the impacts on cities - both short-term and long term.

Desire To Be A "Service Business" - demand for greater cost consciousness, concern about service values to "citizen customers"; emphasis on productivity, performance and results; growing frustration with employee attitude of entitlement; and services based upon tradition rather than community need.

Mr. Sumek reviewed the ten lessons from great leaders on turbulence; i.e.:

Vision With Defined Goals - The courageous leader does not get captured by the events of today, but focuses on the future. They look at the horizon and present a dream that presents a desired future with goals defined by results that can be measured. In presenting this vision, the leader risks rejection and possible future political loss.

Simple Message, Meaning to Citizens - The courageous leader has a challenge of putting their vision and goals, the explanation of decisions and their actions into a simple message that the non-involved citizen can relate to in their daily life. The leader must focus on a few key points and help of others to understand without over simplifying the issues.

Taking Action, Producing Results - The courageous leader must build momentum through little successes, which means taking timely action now and producing visible results that make a difference that citizens can see. The action contributes to achieving the goal and realizing the vision. The leader challenges City processes to be more responsible and action oriented.

Decisive - The courageous leader makes timely decisions based upon the best available data. They keep the end result - the goal - in mind, seek and listen to input from others in the City and in the community, and make decisions within their areas of responsibility. For Mayor and Council, it is deciding policies, services and service level revenues; and not micro managing policy implementation, project management or service delivery.

Working Allies - Partners - The courageous leader looks for allies - allies for their vision and allies who believe in the value based future. These allies can contribute resources and bring a sense of renewed energy to the table. The leader actively seeks out these partners and defines ways of working together for a common good.

Act With Integrity - The courageous leader "walks the walk". Their promises and commitments become reality. Their behaviors and actions reflect their words. Their communication is honest and direct. The leader focuses on their ability to look at themselves in the mirror and see a person who is a steward of the public trust and is driven by what is best for the City over personal agenda or gain.

Learns and Adjusts - The courageous leader is not driven by perfection, but realism. They take time to evaluate and to get feedback, to learn from the situation and to adjust to the turbulence. The leader recognizes that no plan is perfect and an effective plan always has risks of uncertainty.

Have Resiliency - The courageous leader is able to bounce back quickly from adversity, setbacks or failure. They recognize that every action is not going to produce the desired outcome and that the opportunity and environment is in a state of flux. When others want to dwell on the past, the leader refocuses on the future and enthusiastically believes that they can help to create a better tomorrow.

Taking Responsibility, Sharing Successes - The courageous leader takes responsibility for actions, problems and consequences; and shares successes with anyone who has contributed. They are not worried about personal credit or recognition. The leader admits failure whenever appropriate.

Instill Hope - The courageous leader believes in the future and rallies the support for the future. They believe that their efforts will make a difference. They ride the City's "Board" and are a strong advocate for the City's future without being "Pollyannaish".

Mr. Sumek reviewed responses by Council Members for transforming the City organization.

He reviewed an Effectiveness Model which includes the following:

Core Competency:

Ideas include service responsibility - mission; what "we" do best; our services and our products; processes that produce results; our ability to compete with others; our core business; and knowing our job, our operation.

Capacity Building:

Ideas include resources to produce results; planning for succession - future; new knowledge and skills; expanding resources to produce better outcomes; being better; adjusting processes - focusing on outcomes.

Cooperation:

Ideas include "sacrificing" for others - greater good; sharing resources, being a participant; helping others to achieve their goal or our goal; adding value to the process and product; seeking assistance from others; willingness to and being receptive to others; success equals the City.

Accountability:

Ideas include putting a name on a product or service; personal conduct - actions taken; defining responsibilities, taking responsibility; transform to results; having consequences: positive or negative; best use of resources; and knowing the outcome or bottom line.

Mr. Sumek advised that a portion of the session would address vision and strategic planning. He stated that vision comes from the Council as the governing body; vision provides an overall framework for the City's future, captures the dream of what Council wants the City to be 20 years in the future; and vision is presented in a set of principles which outline the key values of the Council's dream for the City. He advised that mission defines the basic businesses of City government - reason for existence and contributions to the community and to the quality of life or citizens; mission begins with the core businesses of City government, followed by identification and development of the businesses of each department; different

cities have common businesses and some businesses that are unique to their City alone. He stated that goals define five-year outcomes for the City - Community - the destination point and direction for the City; and goals become a guidepost for policy development, policy decisions, management decisions and management/ organization action. He stated that the policy agenda establishes a one-year work program for the City Council regarding the most important policy issues that need to be addressed, short-term; focus is on how the City organization conducts business, manages programs and services and implements projects. He noted that the management agenda establishes a one-year work program for the City management team of administrative and internal organization issues that need to be addressed short-term.

Mr. Sumek reviewed the goals of Council for the City of Roanoke 2008 and beyond as established at Council's Planning retreat in 2001; i.e.

Healthy/Local Economy
Quality Services: Responsive, Cost Effective
Working Together as a City
Strong Neighborhoods
Vibrant Downtown
Enhanced Environmental Quality

For reading at a later time, Mr. Sumek suggested that Council Members/staff read "8" Ways Test Strategic Goals Lead to Results".

He reviewed the following major achievements of the City, as stated by Council Members, i.e.:

Comprehensive Plan: Adoption
City's Response: Water Crisis
Southeast by Design
Stadium/Amphitheater Project
Redirecting CDBG funding: Neighborhood Impact
Budget: Process and Document
Riverside Centre Developments
Air Service Strategy
Civic Center Expansion
Fire/EMS
Greenway Network
Consolidation of Planning/Code Enforcement Office

Council Members engaged in an exercise, "Looking to the Future" in which they were asked to respond to the following questions: Roanoke 2012: My Vision; Major Challenges; Opportunities on the Horizon; My Agenda: 2003. Following individual completion of the exercise, each Council Member was allotted three minutes to share their responses to each of the above referenced questions.

Of the following principles, Council Members and staff were requested to rank their top 12 priorities:

Capital Center for Western Virginia: economic, governmental and cultural
Strong neighborhoods with quality infrastructure, livable homes
Pedestrian oriented developments and City
Financially sustainable City government
Recognized leadership on regional and State issues
Quality water supply meeting community needs
Variety of venues to attract people
Ease in traveling from and to the outside world
Tourism: people coming to Roanoke, a key to our economy
City services delivered in the most cost effective manner
Young adults wanting to live in Roanoke: an exciting place to live
Convenient parks and leisure activities
Strong community pride and identity
Top quality City services
River and waterways clean and usable
Protection of our natural beauty and resources
Easement of movement within Roanoke
Citizens involvement in City government/active partnership
Known for educational excellence
River front developed as an exciting focal point to live and play
Trails and greenways linked throughout the community
Reuse of brown fields and redevelopment for better uses
Entertainment destination point: major events, sporting events and tournaments, festivals, etc.
Businesses and individuals investing in Roanoke and in downtown
Connectivity with universities and colleges
One of the safest cities in the country
Center for cultural arts and museums
Increased city population
Increased income.

From the above listed principals, Council Members/staff engaged in a ranking exercise and the following received the highest ranking:

Regional Center for Western Virginia: economic, governmental and cultural
Strong neighborhoods with quality infrastructure, livable homes
Financially sustainable City government
Quality water supply meeting community needs
Ease in traveling from and to the outside world
Young adults wanting to live in Roanoke/an exciting place to live
Strong community pride and identity
Protection of our natural beauty and resources
Known for Educational Excellence
River front developed as an exciting focal point to live and play
Reuse of brown fields/redevelopment for better uses
Entertainment destination point: major events, strong events and tournaments, festivals, etc.
Businesses and individuals investing in Roanoke and in downtown
Connectivity with universities and colleges
Center for cultural arts and museums.

The meeting was declared in recess at 12:10 p.m., for lunch.

At 1:20 p.m., the meeting reconvened.

The remainder of the work session consisted of a discussion of the City's goals with primary objectives, i.e.:

Healthy Local Economy

Quality services: responsive, cost effective, working together as a City, strong neighborhoods, vibrant downtown, and enhanced environmental quality.

Mr. Sumek advised that he would incorporate the suggestions of Council Members regarding additions and/or deletions to Roanoke 2008 and beyond for discussion at a future Council retreat.

The City Manager advised of efforts to establish a date for a joint City Council/School Board retreat and following the retreat, she requested that Council set aside additional time to meet with Mr. Sumek to review the goals and objectives of Council as revised during the current work session.

There being no further business, at 3:00 p.m., the meeting was declared in recess to be reconvened on Friday, October 18, 2002, at 12:00 noon, for the Regional Leadership Summit Luncheon, to be hosted by the City of Covington, City Hall, 333 West Locust Street, Covington, Virginia.

The City Council meeting reconvened on Friday, October 18, 2002, at 1:00 p.m., in the City of Covington, City Hall, 333 West Locust Street, Covington, Virginia, for a meeting of the Regional Leadership Summit.

CITY COUNCIL MEMBERS PRESENT: William D. Bestpitch, M. Rupert Cutler, Linda F. Wyatt and Mayor Ralph K. Smith----------4.

CITY COUNCIL MEMBERS ABSENT: William H. Carder, Alfred T. Dowe, Jr., and Vice-Mayor C. Nelson Harris----------3.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; and Mary F. Parker, City Clerk.

Representatives from the City of Salem, Town of Vinton, Roanoke County, Botetourt County, Montgomery County , Allegheny County, Bedford County, Franklin County and the City of Covington were also in attendance.

COUNCIL-LEGISLATION-REGIONAL LEADERSHIP SUMMIT: The Honorable Temple Kessenger, Mayor, City of Covington, welcomed all participants to the meeting and presented a film outlining the accomplishments of the City of Covington.

Wayne Strickland, Executive Director, Roanoke Valley-Allegheny Regional Commission facilitated the meeting.

Mr. Strickland advised that on September 26, 2002, City Managers/Administrators met to prepare a proposed list of legislative items to be considered by the Regional Leadership Summit and narrowed the list down to less than ten items that were considered to be key components. He stated that the legislative items are categorized into the following topics: Education, Taxing and Funding, Transportation and Local Authority. The following recommendations for presentation to local representatives to the General Assembly were reviewed:

EDUCATION:

The General Assembly should fully fund the Standards of Quality. The Commonwealth has an obligation to fund the Standards of Quality on the basis of realistic cost – reflecting actual education practices to include capital, operating and maintenance costs.

TAXING AND FUNDING:

The General Assembly should eliminate the distinction in taxing authority of Virginia's cities and counties. Counties should possess the same authority as cities to levy taxes on tobacco products, lodging, meals and admissions. The Tax Commission recommended elimintion of the distinction in taxing authority.

The General Assembly should require state agencies, such as the Virginia Department of Housing and Community Development, to use specific income data from towns when assessing grants-in-aid programs. Currently, data for counties are used when towns apply for grants and often the economic conditions in a town differ significantly from the economic condition of the county in which they are located. This places the towns at a disadvantage when applying for competitive state grants.

TRANSPORTATION:

The General Assembly should require VDOT to find a funding mechanism that will expedite the widening/improvements to Interstate 81. I-81 is the economic lifeblood of Western Virginia. Improvements to this highway will enhance safety and promote the economy of this region. The communities in Western Virginia cannot wait 40 - 50 years for the widening of I-81 to take place.
The General Assembly should fund implementation of passenger rail service in the Roanoke to Bristol corridor. Rail service will provide a good multi-modal addition to the highways and airports currently serving the region.

The General Assembly should fund the Smart Road outside of the VDOT funds allocated to the Salem Transportation District. Approximately 35 per cent of the funds allocated to the Salem District are going to pay for the Smart Road. This highway facility represents an economic benefit for the entire Commonwealth and the nation, and as such, the funds for the Smart Road should not come solely from this region's highway allocation.

LOCAL AUTHORITY:

The General Assembly should not pass legislation that takes away local government authority over land use issues. For example, legislation will be considered in the 2002-03 session that will require manufactured housing to be permitted "by right" in all residential zoning districts. Such legislation would directly affect the power of local councils and boards to control land use in their communities.

Mr. Strickland proposed that members of the Regional Leadership Summit meet with area legislators on October 31 or November 25 at 12:00 noon to present the above referenced recommendations.

Following discussion, it was the consensus of the majority in attendance that the meeting with area legislators will be held on Thursday, October 31, 2002, at 12:00 noon at a location to be later announced; and Mr. Strickland would send letters of invitation to area legislators, along with a copy of the proposed recommendations.

Mayor Smith moved approval of the recommendations as discussion points for the October 31 meeting with area legislators. The motion was seconded by Mr. Bestpitch.

There was discussion that City Councils and Boards of Supervisors should band together in advising local legislators that instead of placing the taxing burden on localities, they should either raise taxes or cut the car tax; and legislators should be made accountable for the results of actions that take place at the General Assembly.

Discussion also centered around advising legislators that local officials oppose any state action that would limit or restrict existing taxing authority of localities; counties should possess the same authority as cities to levy taxes on tobacco products, lodging, meals and admissions; the state has taken on too many

projects and the difference between inflation, population, economic growth and the growth of the state budget is somewhere between two and four per cent; if the state dictates that money is to be spent in a certain way, the state should fund the mandate; the state is not doing a wise job in spending taxpayers' dollars; and a one per cent increase in the sales tax in the Commonwealth of Virginia would help to solve existing problems.

It was the consensus of the Regional Leadership Summit that on October 31 area legislators should be told that the State is not addressing certain matters for which it is responsible; and there are approximately 500 Federal and State mandates in the Commonwealth of Virginia, some of which are funded fully, some of which are partially funded and some of which are not funded at all.

It was agreed that another sentence will be added to the recommendation on taxing and funding to request that the General Assembly should not limit or restrict existing local revenue sources.

Following further discussion, it was agreed that Roanoke City Manager Darlene Burcham would work with Mr. Strickland on proper phrasing of the statement.

The motion to adopt the recommendations with the above referenced addition was adopted; and it was agreed that the recommendations will be forwarded with the letters of invitation to area legislators.

There was discussion in regard to designating a facilitator for the October 31 meeting; whereupon, it was the consensus that Mr. Strickland will serve in that capacity. Following further discussion, it was the consensus that Council Member Linda Wyatt, City of Roanoke, and Board Chair Mary Biggs, Montgomery County, will present the section on Education; Mayor Sonny Tarpley, City of Salem, will present the section on Taxing and Funding; Board Chair Joe Church, Roanoke County, will present the section on Requesting State Agencies such as the Virginia Department of Housing and Community Development to use specific income data from towns when assessing grants in aid programs; Board Chair Wayne Angell, Franklin County, will present the section on Not Limiting or Restricting Existing Local Revenue Sources; Board Chair Steven Clinton, Botetourt County, would present the section on Widening and Improvements to I-81; Council Member William Bestpitch, City of Roanoke, would present the section on Implementation of Passenger Rail Service in the Roanoke to Bristol corridor; Board Member Joe McNamana, Roanoke County, would present the section on Funding for the Smart Road Outside of the VDOT funds allocated to the Salem Transportation District; Mayor Temple Kessinger, City of Covington, and Chair Cletus Nicely, Allegheny County, would present the section on Local Authority.

It was agreed that an elected official will make opening remarks and set the tone for the meeting, and that the local official would depend upon which locality hosts the luncheon.

The representative from Montgomery County distributed copy of Montgomery County's Legislative Priorities for 2003.

Mr. Strickland called attention to an Early Reduction Compact, which will attempt to address the issue of ozone non-attainment for the Roanoke Valley. He advised that the Environmental Protection Agency (EPA) will likely declare the Roanoke Valley a non-attainment area for ozone in March of 2004; however, if the region is able to form an Early Reduction Compact, this designation can be deferred for up to three years, or possibly eliminated all together; and the Compact falls under the EPA's approved Early Action Program.

He explained that the Early Action Program allows local governments that would be designated part of a non-attainment area to work cooperatively to prepare a plan for ozone reduction, which allows local governments the flexibility to determine appropriate measures in their region to reduce ozone levels, in lieu of Federal and State governments mandating specific ozone reduction requirements; additionally, by participating in the Early Action program, the localities will be showing their constituents that they are being "proactive" in trying to improve air quality in the region; participation in the program is crucial because if the EPA declares the region as a non-attainment area, both future transportation improvements and industrial development efforts will be affected.

Mr. Strickland further explained that in order for the region to participate in the program it must have an Early Reduction Compact agreed to and signed by representatives of participating local governments by December 31, 2002; and following formation of the Compact, participating local governments will have one year, until December 31, 2003, to prepare a plan to demonstrate how they will reduce ozone levels by 2007.

The Roanoke City Council meeting was declared in recess at 2:00 p.m., to be reconvened on Thursday, October 31, 2002, at 12:00 noon for a luncheon meeting of the Regional Leadership Summit with elected officials to the General Assembly representing the City of Roanoke, City of Salem, City of Covington, Town of Vinton, Franklin County, Roanoke County, Botetourt County, Allegheny County, and Bedford County.

The City Council meeting reconvened on Thursday, October 31, 2002, at 12:00 noon at the Salem Civic Center, 1001 Salem Boulevard, Salem, Virginia, Parlor C, for a meeting of representatives of the Regional Leadership Summit and legislators representing member localities to the Regional Leadership Summit.

PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler and Linda F. Wyatt----------3.

ABSENT: Council Members William H. Carder, Alfred T. Dowe, Jr., C. Nelson Harris and Mayor Ralph K. Smith----------4.

OFFICERS PRESENT: William M. Hackworth, City Attorney; and Mary F. Parker, City Clerk.

LEGISLATORS PRESENT: Senator John S. Edwards, representing the 21st Senatorial District; Senator Bo Trumbo, representing the 22nd Senatorial District; Delegate A. Victor Thomas, Delegate Clifton A. Woodrum, III, and Delegate Morgan Griffith.

Also represented were members of City Councils/Boards of Supervisors and staff of the following localities: City of Roanoke, City of Covington, City of Salem, Town of Vinton, Bedford County, Roanoke County, Botetourt County, Allegheny County, Montgomery County and Franklin County; Wayne G. Strickland, Executive Director, Roanoke Valley/Alleghany Regional Commission; Christie Meredith, Legislative Aide to Delegate Woodrum; Brian Shepherd, Legislative Aide to Delegate Thomas; and Melinda Payne, City of Salem Public Information Officer.

COUNCIL-LEGISLATION-REGIONAL LEADERSHIP SUMMIT: Following lunch, the Honorable Sonny Tarpley, Mayor, City of Salem, welcomed all attendees and advised that members of the Regional Leadership Summit have united in order to take cities, counties and towns into the future. He stated that the list of concerns which will be presented at today's session are not only needed for the future, but they are needed in order for localities to remain in the status quo position.

Mr. Strickland presented an overview of Regional Leadership Summit activities. He advised that the Regional Leadership Summit has been meeting for the past two years in the Allegheny Highlands, the Roanoke Valley, the New River Valley, the City of Lynchburg, Franklin and Bedford Counties; each Leadership Summit meeting has been held in a different locality which gives the host locality an opportunity to highlight programs and services provided to its citizens; and

meetings have also provided an opportunity for elected and administrative officials to get to know each other in an effort to build trust and comfort levels; and meetings have allowed elected officials to gain a better understanding of specific issues facing counties, cities and towns. He explained that issues facing rural areas may be different from those issues of the more urban areas, but there are numerous common concerns that all localities must address. He stated that the Leadership Summit has led to regular meetings of the Mayors and Chairs and the Chief Administrative officials to discuss issues that should be addressed at future Leadership Summit meetings. He noted that meetings have helped local officials to understand that they represent one economic region, and officials have gained a better appreciation for the idea that the economy is regional in nature and if several jurisdictions suffer economically, the entire region may suffer over time.

Mr. Strickland explained that key legislative issues will be presented, which have been approved by local elected officials working cooperatively to address broad issues of concern to the region; i.e.: Education, Taxing and Funding, Transportation and Local Authority.

TAXING AND FUNDING:

The Honorable Sunny Tarpley, Mayor, City of Salem, advised that the General Assembly should eliminate the distinction in taxing authority of Virginia's cities and counties; counties should possess the same authority as cities to levy taxes on tobacco products, lodging, meals and admissions; and the Tax Commission recommended the elimination of the distinction in taxing authority.

The Honorable Wayne Angell, Chair, Franklin County Board of Supervisors, advised that the General Assembly should not limit or restrict existing local revenue sources. He stated that there should be enhancements and a broadened taxing authority and funds should not be replaced from a source that localities presently depend on.

The Honorable Joe "Butch" Church, Chair, Roanoke County Board of Supervisors, advised that the General Assembly should require State agencies, such as the Virginia Department of Housing and Community Development, to use specific income data from towns when assessing grants-in-aid programs. He stated that currently, data for counties are used when towns apply for grants and often the economic conditions in a town differ significantly from the economic condition of the county in which they are located, which places the towns at a disadvantage when applying for competitive state grants.

He explained that he brought the matter forth on behalf of the Town of Vinton because Roanoke County demographic information is stronger in the Cities of Roanoke and Salem, but the Town of Vinton's population or land use patterns more accurately reflect those found in the two cities and not in Roanoke County. Therefore, he stated that by using the Town's demographic information and not Roanoke County's, the Town of Vinton would better compete for grants in aid programs.

EDUCATION:

The Honorable Linda F. Wyatt, Council Member, City of Roanoke, advised that the General Assembly should fully fund the Standards of Quality. She stated that the Commonwealth of Virginia has an obligation to fund the Standards of Quality on the basis of realistic costs – reflecting actual education practices to include capital, operating and maintenance costs.

She stated that some legislators have stood tall and taken the heat to adequately fund public education and the mandates that have been imposed, for which she expressed appreciation as a retired teacher, local public official, and on behalf of the children of the Commonwealth of Virginia. However, she added that other legislators have found every excuse in the book not to adequately fund public education. She advised that public education is a local responsibility and referred to a constitutional provision which clearly states that the responsibility belongs to the State legislature. She noted that the state legislature had 51 opportunities to vote and move toward adequately funding the Standards of Quality that it mandated, but on 51 occasions the legislature put greed over Virginia's children, and according to the Congressional Quarterly, Virginia ranks 49th in state aid per pupil, with only the State of Nevada ranking lower.

She asked that the General Assembly vote to raise taxes in order to adequately fund public education in the Commonwealth of Virginia, because the children of Virginia need for their legislators to act like statesmen and not politicians.

TRANSPORTATION:

The Honorable Steve Clinton, Chair, Botetourt County Board of Supervisors, advised that the General Assembly should require the Virginia Department of Transportation (VDOT) to find a funding mechanism that will expedite widening/improvements to Interstate 81. He stated that I-81 is the economic lifeblood of Western Virginia, improvements to the highway will enhance safety and promote the economy of this region; and the communities in western Virginia cannot wait another 40 - 50 years for widening of I-81 to take place.

He referred to statistics that approximately 1,000 people are killed every year on Virginia's highways and each fatality costs approximately $980,000.00, traffic crashes are the leading cause of death for Americans, ages 3 - 44, one in every eight traffic fatalities is the result of heavy trucks, and each $1 billion spent on road construction results in $2.05 billion in increased economic activity and approximately 16,000 jobs directly or indirectly.

The Honorable William D. Bestpitch, Member, Roanoke City Council, advised that the General Assembly should fund implementation of passenger rail service in the Roanoke to Bristol corridor. He stated that rail service will provide a good multi-modal addition to the highways and airports currently serving the region. He added that the General Assembly should fund implementation of passenger rail service in the Roanoke to Bristol corridor; and rail service will provide a good multi-modal addition to the highways and airports currently serving the region. He advised that at the Federal and State levels, most of the resources are going strictly for highway development, with very little allocated to rail service, the time has come to look at the effectiveness of building more highway lanes to move people about, and it is difficult to identify examples of locations where additional highway lanes have actually improved the traffic congestion that they were intended to improve. He asked that the General Assembly, particularly in these difficult budget times, look at the economic advantages and cost effectiveness when taking into consideration those improvements that can be realized as a result of spending dollars on passenger rail versus what can be accomplished by spending dollars elsewhere, because there is a need to achieve a better balance. He called attention to the need to invest in all other modes of transportation as well, in order to achieve a better balance.

The Honorable Joe McNamara, Member, Roanoke County Board of Supervisors, advised that the General Assembly should fund the Smart Road outside of the VDOT funds allocated to the Salem Transportation District. He stated that approximately 35 per cent of the funds allocated to the Salem District are going to pay for the Smart Road; the Smart Road represents an economic benefit for the entire Commonwealth of Virginia and the region, and as such, funds for the Smart Road should not come solely from this region's highway allocation.

He advised that VDOT's Six Year Plan, which was adopted in June 2002, included $7.3 billion, which is a 28 per cent reduction from the $10.1 billion previously allocated. He expressed concern specifically within the Salem District, and advised that he was not suggesting more funds for VDOT, but more money for the Salem District. He also advised that the Salem District presents a challenge

because of the length of Routes 220 and 460 which create a deficit position in highway funding in the Salem District. He stated that there was a reduction in the Salem District of 33 per cent and in addition, $36 million over the next six years will be funded out of the $99 million for the Smart Road. Although the Smart Road will continue to be a tremendous asset to economic development for the entire Commonwealth of Virginia, Virginia Tech and the United States, he challenged the fairness of the Salem District bearing the load to develop the Smart Road in its entirety. In comparing other districts, he advised that the reduction ranged anywhere from 5.73 per cent for northern Virginia down to the Salem District with a total reduction of 44.11 per cent. He stated that part of the problem can be solved by funding the Smart Road off the top and then look at reductions.

LOCAL AUTHORITY:

The Honorable Temple Kessinger, Mayor, City of Covington, advised that the General Assembly should not pass legislation that takes away local government authority over land use issues. For example, he stated that legislation will be considered in the 2003 Session of the General Assembly that will require manufactured housing to be permitted "by right" in all residential zoning districts, and such legislation would directly affect the power of local councils and boards of supervisors to control land use in their communities.

He advised that the City of Covington would like to keep double wide trailers out of the historic district.

CONCLUDING REMARKS:

The Honorable Don Davis, Mayor, Town of Vinton, advised that there is no need to place the blame on any one person or party in regard to budget problems because a series of events caused the current budget shortfall. He stated that the problems plaguing Virginia's budget were not created over night and they will not be solved over night, but localities and the legislature need to work together in order to get through these difficult budget times. He referred to the concerns of localities represented on the Leadership Summit in regard to budget cuts in State funding, and noted that when State funding was cut, funding for localities was also cut, and in most cases localities either had to cut services or raise taxes, and some localities had to do both. He stated that funds are being cut in all areas; however, he referred to specific areas that are important to the localities represented on the Regional Leadership Summit, the first being education because of the necessity to continue to educate our children and provide them with an opportunity to succeed in life. He

explained that in 2001, Virginia was ranked 32nd in education, while prisons ranked number one. He stated that the second area of concern is public safety, and law enforcement 599 funds are being cut which affects the amount of police protection provided for citizens. Lastly, he referred to State budget cuts in economic development and tourism, 19 persons will be laid off and out of the 19, 15 positions are in the Economic Development Department. He called attention to the need for new businesses locating in the localities to provide tax dollars for essential services and to offset some of the State's budget cuts. He advised that budget cuts have been made in most departments of the Commonwealth and in local government, and questioned when the decreases in State funding will stop. He stated that local government leaders cannot continue to provide essential services to citizens if local funding is cut, and localities cannot continue to function if General Assembly members and other leaders in Richmond do not do something to help the localities. He added that localities believe they have done all they can do and it is now up to the legislature; no locality wants to raise taxes, but the State has forced localities to do so in many instances in order to keep local government operating. He advised that it is hoped that the General Assembly would do the same if that is what it takes to get the Commonwealth of Virginia back to where it should be. He noted that the State's budget will be one of elected officials focusing on many different and sometimes unpleasant choices, and legislators will be forced to make difficult decisions to ensure that the needs of the citizens of Virginia are met. He explained that the local officials assembled today have joined together to help legislators meet the needs of all of Virginia's citizens, and encouraged that legislators do whatever is necessary to take the Commonwealth of Virginia back to where it was a few years ago, even if it means raising taxes or cutting the car tax. He stated that another possibility is relaxing the Dillon Rule and changing the priorities of the General Assembly.

Senator Trumbo expressed appreciation for the opportunity to discuss pertinent issues, and advised that the number one issue is the State's current financial position. He explained that the Governor has submitted $850 million worth of cuts to the existing budget in order to meet the constitutional requirement of balancing any shortfalls in the budget; over the next biennium, the figure could increase and the State is looking at a total shortfall of approximately $1.6 billion, so if one applies the Governor's cuts to that, we are only half way there. He stated that because of the Standards of Quality (SOQ) funding per student and an increase in K-12 population over the next several years, along with Medicaid costs, the State is looking at another $500 million expenditure, so there is the potential for a $2 billion shortfall over the next biennium, which will cause some problems inasmuch as the General Fund budget overall and aid to localities will take up 50 per cent of

expenditures in the General Fund budget. Therefore, he explained that there is no way the General Assembly can cut State agency budgets and reap the amount of money that is needed in order to match the budget shortfall. He advised that it is going to be difficult to prioritize when addressing SOQ funding, Medicaid funding, and community service boards. He stated that the budget shortfall can be balanced on any number of cuts – SOQ funding, Medicaid funding, but the question is, are we going to take the consequences of those cuts and therein lies the need to look to our constituency. He stated that legislators are going to take their role from what their constituencies advise which is a function of the upcoming election process; therefore, he is depending on his constituents coming together and informing him as to future direction. He added that we are currently at a crossroads where it is important to recognize the priorities as demonstrated by individual constituencies. He advised that there is no particular "appetite" on the part of the Senate Finance Committee, of which he is a member, to raise taxes and it is going to take some other type of movement to inform the Senate Finance Committee otherwise.

Senator Trumbo stated that towns and counties are now providing the same types of infrastructure needs as cities formerly provided and there should not be a difference. He advised that in an effort to maintain the ability for persons to function within the system, there must be uniformity, so the question becomes the method of implementation because the provision should be uniform statewide, as opposed to being different in each jurisdiction. He stated that existing local revenue sources should not be limited or restricted, and called attention to a State Commission charged with the responsibility of reviewing the total tax structure, which is a massive undertaking that needs to be done. He added that we are no longer an agrarian society as we were in the past, we have to recognize our differences and come together with not only a statewide approach, but also look at funding extremes. He advised that at this point, he did not believe that taxing should be further restricted, but by the same token there should be some assurance over the long term that there is a hold harmless for localities so that localities are not restricted when undertaking a restructuring of the entire tax structure. He agreed that the General Assembly should require State agencies, such as the Virginia Department of Housing and Community Development, to use specific income data from towns when assessing grants in aid programs, because the ability to use the towns' own data is extremely important in relation to needs, wants and desires of the specific community.

He advised that I-81 is in limbo because of the Public Private Transportation Act proposals, although there is no question that something needs to be done. He concurred in previous remarks regarding the Smart Road which is a Commonwealth of Virginia asset and not a Salem District asset.

He stated that the question needs to be answered as to whether there is a market for rail transportation, are the traveling patterns of people going to be changed, a considerable amount of money will be needed to upgrade rail track from freight hauler to passenger service, and the question is, where will the money come from. Therefore, he stated that it is important to look at total cost, as opposed to market value and return on revenue.

Senator Trumbo referenced what is referred to in the State of Maryland as "smart growth", which is nothing more than a state-wide land use pattern. He stated that money needs to be spent in those areas which need it most; however, most people in the State of Virginia, population-wise, would probably say that the transportation dollar should be spent in northern Virginia because more people use transportation in that area, but, by the same token, he questioned whether that should take money away from the ability to expand uses. He concurred in previous remarks that land use patterns should be done on a local basis and not on a state wide basis.

Senator Edwards expressed appreciation for the opportunity to meet with local elected and administrative officials. He advised that all of the issues addressed today deal with money which, like water, is currently a scarcity in Virginia. As stated by Senator Trumbo, he stated that the question becomes one of money or politics, and the money is there if the politics are there. He stated that last year the Senate, on two occasions, passed a bill for a statewide referendum to add one cent to the sales tax for education and on both occasions the bill was never considered by the full House of Representatives. He advised that the budget situation is getting worse, last year $3.8 billion was cut from the budget, plus cuts in the current biennial budget — $1 billion this year and $1 billion next year. He stated that the question is, how to solve the problem, and advised that there could continue to be cuts to the Division of Motor Vehicles, or some type of revenue enhancements; and there are a number of options on the table, although no one is specifically addressing any one option. He noted that citizens will speak out through the upcoming election process; however, during the 2003 Session of the General Assembly, there will have to be some proposals concerning revenue enhancements.

Senator Edwards discussed the bond issue which will be included on the election ballot on Tuesday, November 5, which will allow the citizens of the Commonwealth of Virginia to say something about the future of higher education and the future of parks and recreation facilities. He stated that taxes will not be affected, but the future of higher education is at stake because Virginia's colleges

and universities are having to cut back on the number of people attending, which means that fewer Virginians will have the opportunity for higher education unless the bonds are passed. He advised that passage of the bond referendum will enhance the economy and the future growth of the Commonwealth of Virginia.

Delegate A. Victor Thomas expressed concern with regard to funding for the Standards of Quality, because the State has not done its part, and legislators need to know the thinking of citizens of the Commonwealth of Virginia. He stated that the worst is yet to come in regard to Virginia's funding crisis and the Commonwealth of Virginia needs to take a close look at the way it conducts business. In regard to the request that the General Assembly should eliminate the distinction in taxing authority of Virginia's cities and counties, he called attention to the need for adjustments across the board, although he would have no problem in supporting the legislation. He also concurred in the statement that the General Assembly should not pass legislation that takes away local government authority over land use issues. He stated that it is critical that education bonds and park bonds be passed by the citizens of the Commonwealth on November 5 to provide much needed jobs.

Delegate Clifton A. Woodrum, III, advised that he appreciates the work of local government which is on the front lines of democracy every day. He stated that the problem rests in the fact that the Commonwealth of Virginia has a structure of government services that is not being supported by available revenue and the General Assembly must decide whether or not to downsize to match revenue or increase revenue to match services. He stated that the car tax relief is an appropriation of State revenues to open government; however, there is an inequity, geographically, when figures show that Loudon County receives $196.00 per year and Roanoke City receives $85.00 per year. He referred to his efforts last year to co-sponsor an amendment to the budget that would have taken the 70 per cent car tax back to 47.5 per cent, which failed both in Committee and on the floor of the House of Representatives. He called attention to the potential for further budget cuts at the 2003 Session of the General Assembly, and concurred in previous remarks regarding an increase in the tobacco tax and perhaps the alcohol tax.

Delegate Morgan Griffith advised that the current problems did not occur in the last two to three years, but came about over a period of decades. He stated that he did not believe that the General Assembly will cut funding for the Standards of Quality (SOQ), and the SOQ will be fully funded at some point in the future. He added that it is important to ensure that SOQ funding is not cut this year; whereupon, he referred to conversations with persons on the House of Representatives side who state that the SOQ is an area that will be taken off the table, which means that other items will be on the table in a larger percentage because the SOQ funding is expensive, especially with the increase in students and

escalating costs. With regard to eliminating the distinction in taxing authority between Virginia's cites and counties, he stated that there may need to be some compromise, but the counties who provide the service should be able to tax in the same manner as the cities. He noted that there may be some counties in Virginia that are not providing services and there should be some distinction, but specifically in regard to the cigarette tax, counties should be in the same position as cities. In regard to restricting local revenue sources, he stated that it is hoped that the General Assembly will take a hands off approach this year. He concurred in the suggestion that the General Assembly should require State agencies to use specific income data from towns when assessing grants in aid programs.

With regard to I-81, he stated that he supports a proposal which is currently on the table with regard to imposing tolls on trucks. He explained that it would be virtually impossible to obtain approval of a plan that will place a toll on all vehicles because of the necessity for toll booths and land for toll booths, which would call for expanding certain areas of I-81. Therefore, he stated that if there are to be tolls, trucks would be the practical way to go since they must be licenced by the State to be on the highways, and trucks could be equipped with a bar code attached to the vehicle to provide that when the vehicle passes underneath a scanner, the truck is scanned, thereby eliminating the need for a toll booth. He called attention to the importance of not delaying the timetable for review of proposals for Public Private Transportation Act funding on I-81, and advised that the Transportation Department has indicated a willingness to designate funding over and above the State's normal allotment for I-81 if there is a separate truck lane proposal, but the proposal must be selected by VDOT by mid February 2003, or as much as $1 billion could be lost to another state. He noted that he does not favor passenger rail service because Virginia does not have the population to support it, and although the Roanoke Valley is significant in size in this part of the state, it is not a large enough hub to attract sufficient ridership. In regard to the Smart Road, he advised that if the Salem District is going to pay for the road, it should get the benefits, and currently, not one vehicle that is driven by one of our constituents can travel on the Smart Road; therefore, how can the General Assembly justify the money coming out of Salem District funds. He expressed concern over land use issues, and called attention to certain localities that do not wish to consider the issue, although it is hoped that the matter can be worked out before it reaches the General Assembly level. He stated that while there is a need for manufactured housing, particularly the nicer types of such housing, there are localities that do not wish to consider the issue, and problems could be created, thus, there may be a need to work out a compromise.

He referred to the Administrative Rules Commission which is charged with the responsibility of reviewing administrative rules and regulations, and for the first time in history, the legislature will hold questionable legislation in abeyance pending review by the legislative branch. As an example, he referred to a new regulation by the Department of Health in regard to septic tanks which would greatly impact a number of areas, particularly growth and development in the Smith Mountain Lake area, and could add as much as $26,000.00 to the cost of a new home. He stated that local officials need to be aware of the Administrative Rules Commission in the event that there is specific legislation that local officials believe to be unreasonable.

The following general comments were made from the floor by local elected officials:

> The last thing localities want is for the State to mandate the use of local taxes, such as the State did with regard to the personal property tax and the car tax.
>
> There should not be a limit on the tobacco tax and counties should be allowed to tax in the same manner as cities.
>
> A money plan is needed. It has been stated that there will not be an increase in taxes, therefore, some other type of revenue enhancement is needed. It could be economic development, although when an industry locates in a locality that will generate more jobs and tax money, the amount of funds received from the Governor's Enterprise Fund is shameful.
>
> If the current financial intake, or cash flow, is not changed at the State level, nothing will change and the Commonwealth of Virginia will experience the same plight year after year.
>
> The General Assembly is encouraged to identify more funds. If it is not to be in the form of a tax stream, the General Assembly should reach a consensus on identifying funds, such as tax breaks which are provided in surrounding states to attract new industry.
>
> The car tax is failing, therefore, it should be eliminated.

On behalf of elected and administrative officials of the Regional Leadership Summit, Mr. Strickland expressed appreciation to Senator Trumbo and Senator Edwards and to Delegate Thomas, Delegate Woodrum and Delegate Griffith for taking time out of their busy schedules to meet with local elected and administrative officials.

There being no further business, the Roanoke City Council meeting was adjourned at 2:20 p.m.

APPROVED

ATTEST:

City Clerk | Mayor

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

November 4, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, November 4, 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 Vice-Mayor C. Nelson Harris 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, 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; and Mary F. Parker, City Clerk.

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

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

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

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

(Mayor Smith and Council Member Cutler were out of the Council Chamber when the vote was recorded.)

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Bestpitch moved that Council concur in the request of the Mayor to convene in Closed Session to consult with legal counsel on a matter of pending litigation, pursuant to Section 2.2-3711 (A)(7), Code of Virginia, (1950), as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

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

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

(Mayor Smith and Council Member Cutler were out of the Council Chamber when the vote was recorded.)

At 12:20 p.m., the Vice-Mayor declared the meeting in recess to be immediately reconvened in the Emergency Operations Center Conference Room, Room 159, for a briefing on technology.

At 12:25 p.m., the Council meeting reconvened in Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, for a briefing on technology-related issues, with Mayor Smith presiding, and all Members of the Council in attendance.

COUNCIL-CITY INFORMATION SYSTEMS: The City Manager advised that Council has been supportive of efforts to expand the use of technology by City departments, and several months ago, Council made a specific request that City staff present the City's master plan for technology. She called upon Joe D. Slone, Director of Technology, and Philip C. Schirmer, Chair, Technology Committee, for a presentation on pertinent technology- related issues.

Mr. Slone presented information on accomplishments to date, projects that are currently in progress, and future technology direction.

During a discussion of the matter, the importance of computer literacy by teachers and students in the Roanoke City Public Schools was emphasized; whereupon, the City Manager advised that technology is an area where the City and

the School system should more actively engage in dialogue, and suggested that the item be a topic of discussion by Council and the School Board at a future joint meeting of the two bodies. She stated that there are both administrative and support functions that can be accomplished jointly, and purchasing is another issue that should be explored which could lead to a possible joint venture by the City and the School system.

There was further discussion by Council with regard to the type of information that should be made available to the citizens via the City's web site; i.e.; information regarding the City's Comprehensive Plan in an effort to provide awareness, education, etc., and to provide a method for citizens to provide input electronically. It was pointed out that since technology changes at such a rapid pace, it is difficult to stay on the cutting edge, and emphasis was placed on the importance of ensuring adequate funds to upgrade and replace equipment.

At 1:25 p.m., the Council meeting was declared in recess to be immediately reconvened in Closed Session in the Council's Conference Room, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 1:50 p.m., the Council meeting reconvened in the City Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch 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. 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- PERSONNEL DEPARTMENT: The Mayor advised that there is a vacancy on the Personnel and Employment Practices Commission, for a term of office ending June 30, 2005, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Alma L. Lee.

There being no further nominations, Ms. Lee was appointed as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2005, by the following vote:

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

OATHS OF OFFICE-COMMITTEES-ROANOKE CIVIC CENTER: The Mayor advised that there is a vacancy on the Roanoke Civic Center Commission, for a term of office ending September 30, 2005, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Monica S. Prince.

There being no further nominations, Ms. Prince was appointed as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2005, by the following vote:

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

OATHS OF OFFICE-COMMITTEES-YOUTH: The Mayor called attention to vacancies on the Youth Services Citizen Board, created by the resignations of Jonathan Katz, John Lewis, and Duriel M . Wood, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the name of Amy R. Barger to fill the unexpired term of Jonathan Katz, ending May 31, 2004; Marissa Bannister to fill the unexpired term of John Lewis, ending May 31, 2003; and Ashley Johnson, to fill the unexpired term of Duriel M. Wood, ending May 31, 2003.

There being no further nominations, Ms. Barger was appointed for a term ending May 31, 2004, and Ms. Bannister and Ms. Johnson were appointed for terms ending May 31, 2003, as members of the Youth Services Citizen Board, by the following vote:

FOR MS. BARGER, MS. BANNISTER AND MS. JOHNSON: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith----------7.

OATHS OF OFFICE-COMMITTEES-TRANSPORTATION SAFETY-TRAFFIC: The Mayor called attention to vacancies on the City of Roanoke Transportation Safety Commission, created by expiration of the terms of office of John W. Brown, Jr., Kenneth King, Christopher Perkins and David Prince on October 31, 2002, and called for nominations to fill the vacancies.

Mr. Carder placed in nomination the names of John W. Brown, W. Kenneth King, and Rick Clark.

There being no further nominations, Messrs Brown and King were reappointed and Mr. Clark was appointed as members of the City of Roanoke Transportation Safety Commission, for terms ending October 31, 2006, by the following vote:

FOR MESSRS. BROWN, KING AND CLARK: Council Members Bestpitch, Carder, Cutler, Dowe, Harris, Wyatt, and Mayor Smith----------7.

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY: The Mayor advised that there is a vacancy on the Fair Housing Board created by the resignation of Robert J. Sparrow, for a term of office ending March 31, 2003, and called for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Tuan Reynolds .

There being no further nominations, Mr. Reynolds was appointed as a member of the Fair Housing Board, for a term ending March 31, 2003, by the following vote:

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

At 1:55 p.m., the Mayor declared the meeting in recess to be reconvened at 2:00 p.m. in the Council Chamber, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

At 2:00 p.m., on Monday, November 4, 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 Maurita J. Wiggins, Pastor, Valley Community Church.

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

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENT: The Mayor advised that some time ago, Council Member Carder recommended that the City of Roanoke recognize those citizens who go above and beyond the call of duty to be of service to their fellowman and to their community, which recommendation was concurred in by the Members of City Council. He further advised that on behalf of the Members of Council, he was pleased to recognize five "Shining Stars" in the City of Roanoke; i.e.:

Mr. Thomas Brock who donated a mint condition 1952 antique car to Center in the Square. Raffle tickets were sold and the winning ticket was announced at the recently held Affair in the Square. Mr. Brock's generous donation was in response to severe State budget cuts that negatively impacted the operating budget of Center in the Square.

Ms. Lillie Bryant, who is affectionately known as Ms. "Lillie" by her admirers and supporters, and serves as a role model for others. She gives positive information on her radio broadcast, "Manna From Heaven"; she helps the sick and disabled and volunteers her time at the Roanoke Rescue Mission.

Ms. Barbara N. Duerk, who has been an active supporter of the City of Roanoke for many years; a devoted champion of Roanoke's neighborhoods, having served eight years on the City Planning

Commission, and a staunch supporter of Roanoke's greenways. Her concerns for quality of life issues extend to the State level where she has served in various capacities.

Mrs. A. C. Johnson, who, prior to retiring, served as Manager of Lincoln Terrace. She has displayed a caring attitude and friendliness toward all residents of the Lincoln Terrace housing complex. She offers a helping hand to those in need and exemplifies the best in giving and moving the City forward as a community.

Mr. Edward Walker, who was highly instrumental in extraordinary and successful efforts to save and renovate Roanoke's Grandin Theatre. His contributions to the entire Roanoke community will be long remembered in saving the Grandin Theatre as a landmark and the hub for artistic films.

The Mayor presented each recipient with a "Shining Star" award.

PROCLAMATIONS-RECYCLING: The Mayor presented a proclamation declaring Friday, November 15, 2002, as America Recycles Day.

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.

MINUTES: Minutes of the regular meeting of City Council held on Monday, September 16, 2002, and recessed until Wednesday, September 18, 2002, were before the body.

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. 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.

AUDIT COMMITTEE: Minutes of a meeting of the City of Roanoke Audit Committee which was held on Tuesday, October 15, 2002, were before the body.

The following matters were considered by the Audit Committee.

INTERNAL AUDIT REPORTS:

Data Mining
Sheriff Canteen and Jail Inmate Fund
Police Department Cash Funds
Civic Center
Audit Findings Follow- Up

UNFINISHED BUSINESS:

Retirement Audit Report-Update from Director of Finance

Mr. Carder moved that the Minutes be received and filed. 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.

TAXES: A communication from the Honorable Clifford R. Weckstein, Judge, Twenty-Third Judicial Circuit of Virginia, transmitting the 2002 Report of the Board of Equalization, was before Council.

Judge Weckstein transmitted the original Report of the Board of Equalization for the taxable year July 1, 2002 to June 30, 2003, in which it was noted that the Board of Equalization considered 62 appeals (38 residential and 24 commercial and industrial), 18 fewer than were heard last year.

It was advised that the Board of Equalization unanimously requested and recommended that the Board's access to computer service continue, and that future Equalization Boards continue to have separate office space from that occupied by the Office of Real Estate Valuation.

It was further advised that Members of the Board of Equalization are appointed annually; the term for which they serve is limited by the order of appointment and by the statute and ordinance under which they are appointed (the law permits their

terms to be extended); and the Director of Real Estate Valuation has discussed with the Board of Equalization and with Judge Weckstein the idea that the Board might be more immediately responsive to the needs of citizens if Board of Equalization members were appointed for longer terms, which would enable the Board to convene at any time. Judge Weckstein noted that it is the unanimous opinion of the Judges of the Circuit Court that the proposal is not a judicial question, therefore, he passed the question on to Council without judicial comment.

Mr. Carder moved that the communication and report be received and filed. 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.

OATHS OF OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION-ARCHITECTURAL REVIEW BOARD-INDUSTRIES: The following reports of qualification were before Council:

> Stark H. Jones as a Director of the Industrial Development Authority of the City of Roanoke, for a term ending October 20, 2006.
>
> Betty Branch as a member of the Roanoke Arts Commission, for a term ending June 30, 2005; and
>
> Robert B. Manetta as a member of the Architectural Review Board, for a term ending October 1, 2006.

Mr. Carder moved that the reports of qualification be received and filed. 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.

REGULAR AGENDA

PUBLIC HEARINGS: NONE

PETITIONS AND COMMUNICATIONS: NONE

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE

ITEMS RECOMMENDED FOR ACTION:

PURCHASE/SALE OF PROPERTY-SEWERS AND STORM DRAINS: The City Manager submitted a communication advising that the homeowner at 2412 Florida Avenue, N. W., has experienced drainage problems with an undersized storm drain system for the past 40 years; in the past year, an adjoining church has extended the public storm drain close enough to Florida Avenue that City forces can now extend a new storm drain for the remaining distance to the problem area on Florida Avenue; and construction of the storm drainage project will require acquisition of drainage easements.

It was further advised that authorization is needed to move forward with procurement of title work and document preparation related to acquisition of the necessary property rights; it is anticipated that the necessary property rights will be donated; and funding of $3,000.00 for expenses related to property acquisition is available in Capital Project Account No. 008-530-9734-9050, Miscellaneous Storm Drains Part 2.

The City Manager recommended that she be authorized to acquire all necessary property rights, said property rights may be acquired following a satisfactory environmental site inspection by negotiation or eminent domain, and may include fee simple, permanent easements, temporary construction easements, rights-of-way, licenses or permits, etc.

Mr. Carder offered the following ordinance:

(#36112-110402) AN ORDINANCE providing for the acceptance of certain property rights needed by the City for the Florida Avenue Drainage Project, setting a limit on the consideration to be offered by the City; providing for the City's acquisition of such property rights; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, page 486.)

Mr. Carder moved the adoption of Ordinance No. 36112 -110402. 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.

Council Member Bestpitch inquired if there are other locations in this area of the City of Roanoke that are experiencing storm drainage problems.

CONSULTANTS REPORTS-WATER RESOURCES: The City Manager submitted a communication advising that in response to the attacks of September 11, 2001, the United States Environmental Protection Agency (EPA) received a supplemental appropriation from Congress to improve the safety and security of the nation's water supplies; grant money from EPA was made available for large systems that serve populations over 100,000, such as is the case with the City of Roanoke's water system; and in December, 2001, the U. S. House of Representatives passed legislation that will require all water utilities serving over 3,300 people to complete vulnerability assessments of their potable water systems.

It was further advised that in April 2002, the Water Division applied for a $115,000.00 grant from EPA to be used by the City Water Division in accordance with EPA requirements/guidelines to develop a vulnerability assessment (VA), emergency response/operating plan (EOP), security enhancement and design, or a combination of these efforts; Randall Funding and Development, the grant writing firm under contract with the City, assisted in the preparation of grant application materials, which assistance is offered to the City of Roanoke for 100 percent of all approved costs incurred up to, but not exceeding $115,000.00, and the City is under no obligation to provide matching funds; and on June 17, 2002, the City received notification from the Environmental Protection Agency that the $115,000.00 grant application was approved and Council accepted the grant and appropriated funds on August 5, 2002.

It was noted that on August 26, 2002, after proper advertisement, proposals for the above work were received from 11 engineering firms; three firms were short listed and interviewed; the firm of Tectonic Engineering Consultants P.C., was selected; and City staff has negotiated an acceptable agreement for the above referenced work in the form of a lump sum fee of $89,500.00.

The City Manager recommended that Council accept the proposal of Tectonic Engineering Consultants P.C., in the amount of $89,500.00, and that the City Manager be authorized to enter into a contract to be approved as to form by the City Attorney.

Mr. Carder offered the following resolution:

(#36113-110402) A RESOLUTION authoring a contract with Tectonic Engineering Consultants P. C. for the development of a vulnerability assessment, emergency response/operating plan, security enhancements and design or a combination of all of these items for the City of Roanoke's water system.

(For full text of Resolution, see Resolution Book No. 66, page 487.)

Mr. Carder moved the adoption of Resolution No. 36113 -110402. 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.

BUDGET-HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that as part of its ongoing efforts to improve public housing at the Lincoln Terrace Development, the City of Roanoke Redevelopment and Housing Authority (RRHA) applied for and was awarded a $15.1 million HOPE VI Revitalization Grant from the U. S. Department of Housing and Urban Development ("HUD"); in support of the Housing Authority HOPE VI application, the City committed to provide up to $3 million in financial assistance from Federal and local funding sources for (1) infrastructure costs ($2.1 million) of the Lincoln 2000/HOPE VI Project and (2) housing rehabilitation and construction funding ($900,000.00) in the Washington Park neighborhood ($900,000.00 for housing assistance is being handled through separate agreements with the Housing Authority); infrastructure funding to be provided by the City will support improvements in public rights-of-way and publicly dedicated easements, including,

but not limited to, construction and reconstruction of streets, curbs, gutters and sidewalks and water and sewer utilities; improvements are described in detail in the Comprehensive Development Plans approved by the City and incorporated by reference into the Agreement; pursuant to Budget Ordinance No. 35262-040201 and Resolution No. 35263-040201, Council approved execution of the original Agreement dated July 1, 2000, providing $600,000.00 from Federal and local funding sources; and Amendment No. 1 extended the Agreement period from September 30, 2001, to December 30, 2001, Amendment No. 2 extended the Agreement period to June 30, 2003, and increased funding by $750,000.00 for additional infrastructure improvements in the project area, for a total of $1.35 million allocated to the project under the Agreement.

It was further advised that the City will provide the Roanoke Redevelopment and Housing Authority with a total of $2.1 million for infrastructure improvements in three yearly installments, $600,000.00, $750,000.00, and $750,000.00; of the third installment of $750,000.00, Council authorized the appropriation of $100,000.00 of General Funds and $295,000.00 of CDBG funds in fiscal year 2002; a third amendment to the Agreement with the Housing Authority is necessary in order to provide additional funding for the Housing Authority to continue the infrastructure improvements associated with the Lincoln 2000 project, which allocation will fulfill the City's financial commitment to the Housing Authority in support of infrastructure improvements associated with the Lincoln 2000 project; and the remaining $355,000.00 is to be appropriated as follows:

Source	Account Name	Amount
Sewer Fund	Retained earnings	$ 266,000.00
Water Fund	Retained earnings	$ 89,000.00

The City Manager recommended that she be authorized to execute Amendment No. 3 to the 2000-01 CDBG Agreement with the Roanoke Redevelopment and Housing Authority; appropriate funding in the amount of $266,000.00 from the Sewer Fund retained earnings and $89,000.00 from the Water Fund retained earnings to accounts in each respective fund entitled, "Lincoln 2000/HOPE VI Infrastructure".

Mr. Carder offered the following budget ordinance:

(#36114-110402) AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water and Water Pollution Control Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 487.)

Mr. Carder moved the adoption of Ordinance No. 36114-110402. 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.

Mr. Carder offered the following resolution:

(#36115-110402) A RESOLUTION authorizing the appropriate City officials to execute Amendment No. 3 to the 2000-2001 Community Development Block Grant Funding Administration Agreement with the Roanoke Redevelopment and Housing Authority, providing the necessary funding to continue the infrastructure improvements associated with the Lincoln 2000/HOPE VI Community Revitalization Program Project.

(For full text of Resolution, see Resolution Book No. 66, page 489.)

Mr. Carder moved the adoption of Resolution No. 36115-110402. 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.

POLICE DEPARTMENT-TRAFFIC-BUDGET-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Motor Vehicles (DMV) is the administering agency for pass through funds provided by the United States Department of Transportation for highway safety projects in Virginia; and the DMV offers the funds to successful applicants for activities which improve highway safety in Virginia.

It was further advised that in October 2002, the DMV awarded the Roanoke Police Department with $15,000.00 to be used for overtime and related FICA expenditures associated with conducting selective enforcement activities which target Driving Under the Influence (DUI), speeding, and motor vehicle occupant safety; and this is the seventh year that the City of Roanoke has received funds under the program.

It was explained that there is a statistically proven proportional correlation between levels of motor vehicle law enforcement and traffic accidents in the City of Roanoke; historically, speed and alcohol are factors in 17 per cent of Roanoke's motor vehicle accidents; and the program allows police officers to concentrate on alcohol impaired drivers and speeders at those times when such violations are most likely to occur.

The City Manager recommended that Council establish a revenue estimate and appropriate $15,000.00 to Grant Fund accounts to be established by the Director of Finance; and that the City Manager be authorized to execute any required documents.

Mr. Carder offered the following budget ordinance:

(#36116-110402) 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.

(For full text of Ordinance, see Ordinance Book No. 66, page 490.)

Mr. Carder moved the adoption of Ordinance No. 36116-110402. 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. Harris offered the following resolution:

(#36117-110402) A RESOLUTION accepting the Driving Under the Influence Enforcement Grant offer made to the City by the Commonwealth of Virginia's Department of Motor Vehicles and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 66, page 491.)

Mr. Harris moved the adoption of Resolution No. 36117-110402. 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-PARKS AND RECREATION-WEED ABATEMENT PROGRAM: The City Manager submitted a communication advising that as authorized by State law, Council enacted a Weed Abatement Ordinance under Section 33-19 of the Code of the City of Roanoke (1979), as amended; the Weed Abatement Ordinance allows the City to inspect for weeds violations on private property; and a property is in violation of the ordinance if weeds or grass are 14 inches or higher, and violators are given ten days to comply with provisions of the ordinance.

It was further advised that the current Weed Abatement Ordinance requires that weeds or grass be at least 14 inches tall in order to be in violation; after initial inspection, the property owner is notified via certified mail to abate the violation within ten days following the mailing of the notice; if the property owner fails to comply within the ten-day period, the case is then turned over to a contractor who mows the property within five days; however, code enforcement records of the Department of Housing and Neighborhood Services indicate that generally by the time the overgrown property is inspected and mowed by the contractor, the weeds or grass has grown to nearly 20 inches high.

The City Manager recommended that Council adopt an ordinance amending Section 33-19 of the Code of the City of Roanoke, 1979, as amended, to reduce the height limit for weeds from 14 to ten inches, and the compliance timeframe from ten to seven days following mailing of the notice; and to issue one notice for similar violations during the period of April 1 until November 1 of the year in which the notice was sent (enabling legislation authorizing the latter provision was authorized by the General Assembly in 2001 at the request of the City); and the proposed amendment is a part of the City's efforts to enhance its code enforcement response time and to improve overall quality of life in residential neighborhoods.

Mr. Harris offered the following ordinance:

(#36118-110402) AN ORDINANCE amending and reordaining subsection (g) of §33-17, Definitions; subsections (a), (b) and (d) of §33-20, Notice of removal of weeds; preabatement hearing; and subsection (a) of §33-21, Abatement of public nuisance, of Chapter 33, Vegetation, of the Code of the City of Roanoke (1979), as

amended, to amend the definition of weed or weeds, and to amend the numbers of days allowed for abatement of a public nuisance; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 492.)

Mr. Harris moved the adoption of Ordinance No. 36118-110402. 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.

CITY MARKET-CONSULTANTS REPORTS: The City Manager submitted a communication advising that the City currently leases the City Market Building at 32 Market Square to Downtown Associates, LP; Downtown Associates has notified the City that it will not exercise options to renew the current agreement; therefore, Downtown Associates will vacate the facility on December 31, 2002; with approval by Council, the City advertised a Request For Proposal for "Operational Management for the historic City Market Building" on August 9, 2002; three proposals were received in response to the request and City staff reviewed each proposal and heard oral presentations from each firm.

It was further advised that as the RFPs were being reviewed, new information about the Market Building and its current conditions and operations was discovered and as staff continued to research the matter, better information regarding the management approach for similar facilities was identified.

It was explained that the Market Building is a focal point in the downtown area; therefore, it is extremely important that the management company hired be the best company to provide the services needed for management of the facility; all proposals which were received attempted to address all points contained in the RFP, however, as new information has become available, it is extremely important to receive proposals that respond to the new information and provide the City with the opportunity to make the most informed decision based on the firm that can best meet the complete needs of the facility.

The City Manager recommended that Council reject all proposals and authorize the City Manager to revise the RFP and re-advertise for proposals for a management company to operate the Market Building based on information received to date.

Mr. Carder offered the following resolution:

(#36119-110402) A RESOLUTION rejecting all bids in response to the Request for Proposal for the operational management of the historic City Market Building.

(For full text of Resolution, see Resolution Book No. 66, page 495.)

Mr. Carder moved the adoption of Resolution No. 36119-110402. The motion was seconded by Mr. Dowe.

There was discussion in regard to the status of the heating and cooling system in the City Market Building; the HVAC system in Center In The Square, which is in need of attention; the HVAC system in the proposed new art museum to be constructed behind Billy's Ritz; the feasibility of combining the utility systems serving all three buildings; and the question of whether or not the City is reviewing cutting edge technologies as a cost saving measure. The City Manager advised that the possibility of combining the HVAC systems for the three buildings has been brought to the City's attention and the matter is currently under discussion by engineers engaged in the project. She called attention to a temporary air conditioning solution that was installed by the current managers of the City Market Building, which is currently supplying adequate cooling on a temporary basis; the City has identified the need for a total rework of and improvements to the system, which will be an expensive replacement item that has not been submitted as a CMERP item, and a recommendation will be submitted to Council in the near future.

Council Member Carder called attention to a recent meeting in which the feasibility of an HVAC power plant for the three operations was discussed as a possible referral to American Electric Power for response.

Resolution No. 36119-110402 was adopted by the following vote:

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

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

POLICE DEPARTMENT-CITY INFORMATION SYSTEMS: The City Manager submitted a communication advising that in order to effectively take advantage of the Panasonic CF28 Mobile Computer Terminals (MCTs) which are in use in all 55 Police patrol vehicles and to streamline Police Department operations, the City of Roanoke solicited proposals from qualified vendors to provide software and services for the following:

- Virginia State Certified Incident Based Reporting software to be run on Panasonic CF-28 computers in the City's Police Patrol vehicles.

- Develop or assist in the development of both front and backend interfaces to the IBR client application.

- Assist in implementation of the system and create utilities that further the functionality of the system.

It was further advised that although Incident Based Reporting (IBR) as a whole requires far more data entry and takes much longer to complete than the previous police-reporting standard, Uniform Crime Reporting (UCR) in 1999, it was mandated that all Police Departments within the Commonwealth of Virginia must transition to Incident Based Reporting; the IBR standard is in compliance with national standards for crime reporting and categorization; the City of Roanoke Police Department estimates that there are 80 IBR (Incident Based Reports) arrests per day and that a single IBR report can take up to 45 minutes to complete; it is the goal of the City's Police Department to employ MCTs to increase Police Department and Patrol Officer efficiency; by enabling Patrol Officers to enter and validate reports directly on the MCT, redundant data entry is eliminated and information is entered into Police Records Systems in a more timely manner; the improved process offers greater benefits, including vastly improved crime analysis capacity and the availability of information to citizens, the City of Roanoke Police Department, and the media; evaluation of current practices, processes and objectives were set forth by members of the Police Department and the Department of Technology; and software vendors who were Virginia IBR Certified were invited to submit proposals in response to the RFP, which was released on March 1, 2002, and bids were opened on April 1, 2002.

It was further advised that three proposals were received and evaluated in a consistent manner; however, not all proposals met City specifications as described in the RFP; a team consisting of members of the City's Police Department and the Department of Technology evaluated proposals; evaluation of proposals, demonstrations of products, and site visits were performed; Southern Software, Inc., was determined to best meet the requirements of the City's Police Department and submitted the lowest priced proposal in the amount of $83,595.00; funding for the project is available in Account No. 035-640-3410-9067, Records System Improvement Grant; police records improvement is relevant to and in compliance with the Police Records System Improvement Grant that the City of Roanoke was awarded by the Virginia Department of Criminal Justice Services; acceptance of the

grant was approved by Council on January 22, 2002; and as part of the grant appropriation, $41,350.00 was transferred from the Department of Technology Contingency Account and $124,050.00 of State funding was appropriated into Account No. 035-640-3410-9067.

The City Manager recommended that she be authorized to enter into a contract with Southern Software Inc., such contract to be approved as to form by the City Attorney, for Mobile IBR, in the amount of $83,595.00.

Mr. Dowe offered the following resolution:

(#36120-110402) A RESOLUTION accepting the proposal of Southern Software, Inc., to provide incident based reporting software and services for the City of Roanoke's Police Department, upon certain terms and conditions; authorizing the proper City officials to execute the requisite contract for same; and rejecting all other proposals made to the City.

(For full text of Resolution, see Resolution Book No. 66, page 495.)

Mr. Dowe moved the adoption of Resolution No. 36120-110402. 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.

POLICE DEPARTMENT- FIRE DEPARTMENT - CITY INFORMATION SYSTEMS: The City Manager submitted a communication advising that in September, 1999, the City implemented Printrak's Computer Aided Dispatch (CAD) system due to technological advancements over what was the current CAD and also as a direct impact of the noted 'Y2K bug'; the City is utilizing Printrak's Premier CAD version 6.1.1, which is several releases behind the current version 6.5; the City of Roanoke should migrate to the current version in order to be compliant with State mandates regarding the handling of E-911 calls originating from wireless phones; and other benefits include efficiency of operations such as server consolidation and improved Police and Fire Dispatch functionality.

It was further advised that the CAD system represents the functional origination of E-911 calls for service and is a vital component in providing public safety services to citizens and visitors to the City of Roanoke; it is critical that the

City remain on a current version of the software in order to continue to receive support as offered by the software vendor, Printrak International; the Director of General Services has determined that Printrak International has developed and licensed the software, thus, Printrak International is the only source practicably available for the upgrade, at a cost of $129,966.00; and funding is available in Account No. 013-430-1601-2147, having previously been allocated to the City of Roanoke by the State Wireless Board and designated specifically for implementation of the Phase II wireless upgrade.

The City Manager recommended that Council determine that Printrak International is the only source practically available to provide the software and that the City Manager be authorized to enter into a contract with Printrak International for upgrade of the City's Computer Aided Dispatch application, in the amount of $129,966.00, said contract to be approved as to form by the City Attorney.

Mr. Carder offered the following resolution:

(#36121-110402) A RESOLUTION authorizing a contract with Printrak International for the upgrade of the City's Computer Aided Dispatch (CAD) Application System and concurring with the determination of the Director of General Services that such firm is the only source practicably available to perform such work.

(For full text of Resolution, see Resolution Book No. 66, page 496.)

Mr. Carder moved the adoption of Resolution No. 36121-110402. 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.

PURCHASE/SALE OF PROPERTY- CITY MANAGER-CITY COUNCIL: The City Manager submitted an oral request that Council convene in a closed session to discuss a matter with regard to acquisition of property where discussion in open session would adversely affect the bargaining position of the City of Roanoke, pursuant to Section 2.2-3711 (A)(3), Code of Virginia, (1950) as amended.

Mr. Bestpitch moved that Council concur in the request of the City Manager to convene in Closed Session to discuss a matter with regard to acquisition of property where discussion in open session would adversely affect the bargaining position of the City of Roanoke, pursuant to Section 2.2-3711 (A)(3), 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, 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 September, 2002.

Without objection by Council, the Mayor advised that the financial report would be received and filed.

REPORTS OF COMMITTEES:

BONDS/BOND ISSUES-INDUSTRIES: A communication from Samuel F. Vance, IV, Attorney, representing the Industrial Development Authority of the City of Roanoke, requesting adoption of a measure approving issuance of up to $26,500,000.00 in Revenue Bonds of the Industrial Development Authority of the City of Roanoke to finance or refinance all or a portion of the Authority's $22,875,000.00 Residential Care Facility Mortgage Revenue Refunding Bonds (Virginia Lutheran Homes), Series 1997; amounts required to fund a debt service reserve fund and pay costs of issuance and other expenses in connection with the issuance of the bonds; and the financing or the refinancing of approximately $3,500,000.00 for the recent acquisition and current renovation of a nursing home facility located at 3837 Brandon Avenue, S. W., was before Council.

Mr. Carder offered the following resolution:

(#36122-110402) A RESOLUTION approving the issuance of up to $26,500,000.00 in Revenue Bonds of the Industrial Development Authority of the City of Roanoke, Virginia (the "Authority") to finance or refinance (1) all or a portion of the Authority's $22,875,000.00 Residential Care Facility Mortgage Revenue

Refunding Bonds (Virginia Lutheran Homes), Series 1997, (2) amounts required to fund a debt service reserve fund and pay costs of issuance and other expenses in connection with the issuance of the Bonds, (3) the financing or the refinancing of approximately $3,500,000.00 for the recent acquisition and current renovation of a nursing home facility located at 3837 Brandon Avenue, Roanoke, Virginia 24018.

(For full text of Resolution, see Resolution Book No. 66, page 497.)

Mr. Carder moved the adoption of Resolution No. 36122-110402. 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.

UNFINISHED BUSINESS:

CITY CODE-ZONING: Council at its meeting on Monday, October 15, 2002, having tabled action on an ordinance providing standards for a new dwelling, new accessory building or expansion of an existing dwelling in the ND District; establishing the depth of front yards; and to provide parking in the ND District, Mr. Carder moved that the ordinance be removed from the table. The motion was seconded by Mr. Cutler and unanimously adopted.

Mr. Bestpitch offered the following ordinance:

(#36123-110402) AN ORDINANCE amending and reordaining §36.1-393, Standards for new construction, of Subdivision G, ND, Neighborhood Design District, of Division 5, Special District Regulations, of Article III, District Regulations; amending §36.1-403, Front yard requirements for infill developments, of Division 1, Generally, of Article IV, Supplementary Regulations; and amending and reordaining subsection (c) of §36.1-428, General standards of Division 2, Off -Street Parking and Loading Requirements, of Article IV, Supplementary Regulations, of the Code of the City of Roanoke (1979), as amended, to provide standards for a new dwelling, new accessory building or expansion of an existing dwelling in the ND district; establishing the depth of front yards; and to provide parking in the ND district; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 499.)

Mr. Bestpitch moved the adoption of Ordinance No. 36123-110402. The motion was seconded by Mr. Carder.

Mr. Joseph Miller, 2812 Longview Avenue, S. W., spoke in opposition to the proposed Neighborhood Design District guidelines, citing the issue of affordability. He stated that architectural aspects of the guidelines make it difficult in the 11 identified neighborhoods to construct new residential housing or additions to existing residential housing and still meet requirements of the guidelines. He expressed concern that there may not be any more new construction in the affected neighborhoods, and advised that new housing should be affordable to all citizens, no matter which neighborhood they choose to live in. He stated that if new housing is constructed, it will be built in what is referred to as a "Hollywood set", where the facades are constructed per the City's guidelines and the remainder of the structure will suffer due to the expense of building the facade. He called attention to existing housing in the neighborhoods that would not meet the ND guidelines as presently proposed.

Carl D. Cooper, 2001 Angus Road, N. W., Chair, Roanoke Neighborhood Partnership Steering Committee, advised that the Steering Committee supports the Neighborhood Design (ND) District ordinance and adoption of a Neighborhood Design District overlay for properties located within the Melrose/Rugby neighborhood. He also spoke in support of the guidelines inasmuch as Vision 2001-2020 supports implementation of the ND District, and called attention to the Design chapter of the Vision 2001-2020 document which establishes design principles for traditional neighborhoods and downtown neighborhoods. He stated that the Neighborhood Design District is an overlay that complements current zoning; the goal of the ND District is to retain the character of the neighborhood and to reflect the standards of existing homes and new and rebuilt homes, and not to make construction projects more difficult or costly, but in the long run, property values will be increased and those neighborhoods that adhere to the guidelines will be more aesthetically pleasing. He explained that the ND District is not a City-wide ordinance, but the ordinance can be applied to those neighborhoods that establish their own neighborhood design guidelines, which will ensure that new and rehab construction is compatible with existing housing in the neighborhood. He added that rehabilitation and infill projects will be considered on a case by case basis, and spoke in support of adoption of the ND District overlay for properties located within the Melrose/Rugby neighborhood because the Melrose/Rugby Neighborhood Plan was adopted by Council as a part of the Comprehensive Plan on June 18, 2001, and the Neighborhood Plan recommends that the City create a Neighborhood Design overlay zoning throughout the neighborhood. He added that the design of infill

housing is identified in the Neighborhood Plan as the top concern of residents and implementation of the ND District was a high priority of residents. He stated that Melrose/Rugby residents believe that compatible infill design is essential to maintaining property values, to attracting new residents and to encouraging long term neighborhood revitalization. He advised that both ordinances substantially embrace the Vision 2001-2020 Comprehensive Plan and allow citizens to participate in government and self-determine the future look and feel of their neighborhoods.

Mr. John Langan, 4515 Belford Street, S. W., advised that as a citizen of the City of Roanoke, he is concerned about the viability of Roanoke's neighborhoods and their impact on the City as a whole. Likewise, he stated that as a businessman in the City of Roanoke, he is concerned about the economic opportunities available for new home construction within the City. He presented a floor plan, typical of housing within the Melrose/Rugby neighborhood, which demonstrates that as a private builder, he would be unable to construct homes under the proposed guidelines and make a profit. He proposed that the blanket design standards be tabled and reviewed by neighborhoods on a specific case by case basis, which will provide more flexibility to design versus cost, while enabling economically priced new housing in the neighborhood.

Ms. Estelle H. McCadden, 2128 Mercer Avenue, N. W., advised that she is not a neighborhood activist, but a neighborhood advocate. She stated that new housing must be constructed pursuant to City Code standards, and requested that the word "guidelines" for the ND overlay be changed to "standards". She explained that not all established neighborhoods are in the business of constructing houses as is the Loudon/Northwest Neighborhood Environmental Organization, and housing standards and designs in those neighborhoods are completely different from the homes in the Melrose/Rugby neighborhood. She spoke in support of and requested that Council approve the two Neighborhood Design District ordinances.

Council Member Bestpitch advised that it appears that the developers and home builders who are concerned about the issue are not constructing homes in the affected neighborhoods at the present time. He stated that there are developers who are interested in developing property within the ND district guidelines who believe that the properties they develop will be protected and will not be threatened by incompatible housing. He added that he would prefer that local home builders and developers adopt that approach and take advantage of existing housing opportunities. He spoke in support of adoption of the ND district guidelines by Council.

Vice-Mayor Harris advised that he supports the Neighborhood Design District ordinance, which is consistent with the City's Comprehensive Plan and the Melrose/Rugby Neighborhood Plan, and which guided the City Planning Commission's discussion of the matter and should also guide Council's discussion of the matter as well. Secondly, he stated that it is compelling to note the incompatibility of recent infill housing in the particular neighborhoods under discussion which leads to the impression that to continue to do nothing will continue what is a very inconsistent architectural pattern in some of the neighborhoods; and the incompatibility of more recent housing in some of the older neighborhoods is compelling. Thirdly, he stated that Council has discussed, in a variety of settings and on a number of occasions and issues, how the Council can truly manage the future of Roanoke's neighborhoods and the NDD is both the City Administration's effort, as well as the Council's effort, to try and begin to better manage what Roanoke's neighborhoods will look like and be like, while not leaving that future up to chance. Fourthly, he added that he is struck by the inconsistency in the argument against the NDD, when in the wealthy subdivisions in Roanoke County, there are covenants for the sole purpose of maintaining the architectural integrity and the housing quality of those neighborhoods. He added that covenants and guidelines are not technically and legally the same, but he would suggest that the NDD has the same spirit in which the City is trying to manage, create and sustain its neighborhoods in much the same way as the wealthier neighborhoods in Roanoke County through covenants. Finally, he explained that the NDD proposal is not to be administered City-wide; the City is attempting to do something new and taking a risk, and if approved by Council, a pilot of the NDD will be created in the Melrose/Rugby neighborhood. He noted that if necessary, the guidelines can be amended and/or altered based on input by the neighborhood and builders if the guidelines do not have the desired effect. For the above referenced reasons, he advised that he will lend his support to both ordinances.

Council Member Carder concurred in the remarks of Vice-Mayor Harris. He advised that the Comprehensive Plan was a process that included home builders and from the process it was concluded that the Neighborhood Design District was needed. He called attention to ND Districts throughout the country that have been greeted with skepticism among various organizations, neighborhoods, and persons living in those neighborhoods; however, NDD standards have been successful in preserving the historic nature of the neighborhoods and in increasing property values. He stated that the wisdom that went into the City's Comprehensive Plan said that ND Districts in themselves have value, and called attention to persons who moved into Old Southwest Roanoke because of the design standards, and the value in the idea that a house cannot be constructed that is totally out of character with

the remainder of the neighborhood. He stated that in comparison with other areas of the country, Roanoke's design standards are very benign. He noted that the Melrose/Rugby neighborhood will serve as a pilot project, there will be room for negotiation, and it is hoped that realtors and home builders will work with the City throughout the process. He advised that in July 2001, Council established certain objectives and goals at its planning retreat, one of which was to create strong neighborhoods, and objective number five was to protect the integrity of neighborhood design and development standards for infill housing. He stated that he will support the ordinance, and requested that City Planning staff and the City Manager keep Council informed as the process proceeds.

Council Member Wyatt advised that she does not disagree with the concept of the Neighborhood Design District guidelines, but the guidelines should be done correctly and therein lies her quandary, because what is proposed does not address the problem. She stated that the proposed guidelines are to the point of being so restrictive that they will create a situation where there will be no infill housing, there will be no remodeling of existing homes, existing homes will continue to deteriorate and the standards will create a situation where more expensive houses cannot be constructed in the neighborhood. She advised that she is in favor of the standards, but there should be some assurance that the standards meet the goals of the neighborhood and the Council, which is to protect the neighborhood and to improve the quality of housing stock in the neighborhood. She stated that the bottom line is to do no harm and the proposed standards do not give any assurance that the cost of the housing stock will remain the same. For the above reasons, she advised that she could not support the two measures before Council.

Council Member Cutler advised that he will vote in support of the ordinance, thereby enforcing the position of the Melrose/Rugby neighborhood.

Council Member Dowe advised that there is much pride in the Melrose/Rugby neighborhood and he is encouraged by the focus and direction of the neighborhood. He stated that if necessary, the guidelines can be revisited, but the first step is the most critical step, which Council is attempting to take with passage of the two ordinances.

The Mayor expressed concern with regard to incompatible infill housing in the Melrose/Rugby neighborhood which can be solved with compromise. He stated that at the last Council meeting, Council heard from a number of reputable home builders who stated that they cannot work within the proposed guidelines in their present form; and Council also heard from a number of citizens who live in the

Melrose/Rugby area who are not in favor of the proposed guidelines. He advised that the question is how to set the terrain in the City of Roanoke so that reputable builders will want to locate and build in the neighborhoods; and the proposed guidelines will address the alleged "match box" type house, but the bigger concern is whether the guidelines guarantee that weeds will not continue to grow on vacant lots, thereby creating an eye sore. Therefore, he stated that he would support a compromise somewhere between what is proposed and what is currently in effect. He requested that City Planning staff and the City administration prepare a compromise proposal so that reputable builders will construct houses in these vital neighborhoods. He stated that while he supports the concept, he will vote against the two measures.

Ordinance No. 36123-110402 was adopted by the following vote:

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

NAYS: Council Member Wyatt and Mayor Smith----------2.

ZONING: Council at its meeting on Monday, October 15, 2002, having tabled action on a ordinance zoning properties located within the Melrose-Rugby neighborhood, generally bounded by Interstate 581, Lick Run and Andrews Road on the north, Melrose and Orange Avenues on the south, Tenth Street on the east, and Lafayette Boulevard on the west , as ND, Neighborhood Design District overlay, Mr. Carder moved that the ordinance be removed from the table. The motion was seconded by Mr. Cutler and unanimously adopted.

Mr. Harris offered the following ordinance:

(#36124-110402) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 212, 213, 222, 223, 224, 232, 234, 235, 236, 242, 243 and 245, Sectional 1976 Zone Map, City of Roanoke, to designate certain property within the City as ND, Neighborhood Design District, and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 66, page 506.)

Mr. Harris moved the adoption of Ordinance No. 36124-110402. 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.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

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

BUDGET-CITY TREASURER-HUMAN DEVELOPMENT-COMMISSIONER OF THE REVENUE-COMMONWEALTH'S ATTORNEY-LIBRARIES-FIRST CITIES COALITION: Council Member Bestpitch advised that on October 15, 2002, the Governor publicly announced the first half of expenditure reductions that will be implemented to address the structural imbalance in the Commonwealth of Virginia's budget; and the first half of the cuts amount to almost $858 million and the City of Roanoke's share of the first round of cuts is over $387,000.00; in addition, non-government agencies around the Roanoke Valley are receiving substantial reductions in State aid, as has been reported in the media since October 15 – agencies like Blue Ridge Behavioral Healthcare, Blue Ridge Public Television, Virginia CARES, and numerous cultural agencies like Center in the Square, the Harrison Museum of Africa-American Culture, and the Virginia Museum of Transportation.

He further advised that when the Governor releases his recommended budget to the General Assembly in December, it is expected to see even more reductions in State aid "passed on" to the City of Roanoke and to other localities around the State; the Virginia First Cities Coalition, of which Roanoke is an active member, has unanimously adopted the position that such reductions in State aid will be "passed on" to the affected agencies, because localities cannot afford to merely absorb the cuts and continue in a "business as usual" mode of operation; and today, the Members of Council, acting as the Budget and Planning Committee of Roanoke City Council, adopted the same position for the City of Roanoke.

Mr. Bestpitch explained that beginning today, affected government agencies will be notified of the fact that they will have to reduce their budgets to offset State revenue reductions; City departments and agencies to be affected include the Commissioner of the Revenue, Commonwealth's Attorney, Treasurer, Libraries and

Social Services, and citizens may likely see, as a result, changes in the level of services that are now provided; and while this is a regrettable situation, there is no doubt in the minds of Council Members that this is the fiscally responsible approach to take – increasing local taxes and fees to offset the loss of State revenue is not an option that the Council plans to pursue.

Mr. Bestpitch stated that these are difficult times for the nation, the Commonwealth of Virginia and the City of Roanoke; and in difficult times, difficult decisions have to be made; and while the City remains hopeful that the fiscal situation will improve soon, it must continue to "plan for the worse, and hope for the best."

Mr. Bestpitch moved that Council adopt the position of the Virginia First Cities Coalition that reductions in State aid will be passed on to the affected agencies; affected government agencies will be notified that they will have to reduce their budgets to offset revenue reductions; and City departments and agencies to be affected include the Commissioner of the Revenue, Commonwealth's Attorney, Treasurer, Library and Social Services. The motion was seconded by Mr. Carder.

The City Manager advised that the Governor has recommended reductions in the budget of the Commissioner of the Revenue, the City Treasurer, the Commonwealth's Attorney, state aid to libraries, reductions in expenses for administration of the Social Services departments, and the most significant dollar reduction of the six is the reduction in House Bill 599 funds, which are law enforcement funds, with smaller items totaling approximately $82,000.00 - $86,000.00 that were not specifically directed to individual activities that the City, as an organization, will absorb. She stated that in accepting these reductions, the City of Roanoke is taking the position that if the Governor, in his wisdom, thought these were good areas for reductions, the City should stand aside and allow the reductions to occur and not try to identify reductions in other activities in order to accommodate the reductions.

Vice-Mayor Harris expressed reservations about the reduction in House Bill 599 funds which will affect the Police Department. He stated that he will support the motion offered by Mr. Bestpitch because the spirit of the motion is to communicate to Roanoke's citizens that the reason these reductions are occurring is because the State is making reductions in services, which is the right message at the right time to communicate to the citizens of the City of Roanoke, but he would like for the record to reflect that he does not support any cuts in law enforcement funding and he will re-enforce his position during 2003-04 budget discussions.

Council Member Dowe requested that the record reflect that no Member of Council is comfortable with any of the budget cuts, and the position taken by Council is intended to educate the citizens of Roanoke on the severity of the funding crisis.

Council Member Wyatt expressed frustration that budget cuts equal a reduction in services, and it should be abundantly clear that when revenues are cut, services to citizens will be cut. She stated that it is not the goal of Council to cut services, because services have been streamlined in every possible area in an effort to prevent service reduction. She advised that citizens should call their legislators because they created the cuts, City Council has held the bar in the City of Roanoke for as long as it can and made up for the State's deficits for as long as it can, and citizens need to understand that it is not the City of Roanoke cutting the services that citizens want and need.

The motion was unanimously adopted.

TRAFFIC-CITY COUNCIL-DISABLED PERSONS: Council Member Bestpitch suggested that four parking spaces designated for City Council parking in the Second Street parking lot be made available for handicapped and disabled parking, on a temporary basis, during the time that the Noel C. Taylor Municipal Building roof replacement project is underway.

TAXES: Council Member Bestpitch referred to a communication from the Honorable Clifford R. Weckstein, Judge, Twenty-Third Judicial Circuit of Virginia, transmitting the 2002 Report of the Board of Equalization dated October 29, 2002, with regard to terms of office of the Board of Equalization; whereupon, he requested that the matter be referred to the City Attorney for report to Council. (See Consent Agenda Item C-3.)

ROANOKE CIVIC CENTER-SPORTS ACTIVITIES: Council Member Dowe encouraged citizens of the Roanoke Valley to support the NBA and the Roanoke Dazzle basketball team.

ROANOKE CIVIC CENTER-SPORTS ACTIVITIES: Council Member Wyatt encouraged citizens of the Roanoke Valley to support the Roanoke Express hockey team.

VIRGINIA MUNICIPAL LEAGUE: Council Member Carder advised that the City of Roanoke will host the Virginia Municipal League Annual Conference in 2003. He reviewed a power point presentation which was made to the VML delegation in October 2002 when the City extended its invitation that outlines the accomplishments of the City of Roanoke:

Parenting named Roanoke one of the ten best places in America to raise a family.

The University of Kentucky ranked Roanoke's quality of life among the top 20 in the nation.

Money ranked Roanoke as the third best small southern city in which to live.

Roanoke was rated as one of the top ten healthiest places in the nation by Kiplinger's Personal Finance.

ZPG, Inc., cited Roanoke as one of the ten least stressful areas in the nation.

Retirement Places Rated ranked Roanoke as the second best metro area in the country in which to retire.

Money magazine called Roanoke one of the top eight places in America in which to retire.

Roanoke is a diverse garden, blooming with residents from more than 73 countries, who speak more than 28 languages.

Roanoke's Sister Cities include: Florianopolis, Brazil; Kisumu, Kenya; Lijiang, China; Opole, Poland; Pskov, Russia; St. Lo, France; and Wonju, Korea.

The U. S. Department of Education has recognized the Roanoke City Public Schools as among the nation's best.

Roanoke is the only City in the nation to operate nationally accredited Sheriff, Police, and Fire-EMS Services.

Inc. called Roanoke one of the top 100 hot spots for business development.

Sales and Marketing Management ranked Roanoke as the tenth hottest business development area in America.

Expansion Management included Roanoke in its 50 hottest cities for business relocation and expansion of manufacturing.

The Government Finance Officers Association cited Roanoke for "excellence in financial reporting" and "distinguished budget presentation."

The Center for Digital Government named Roanoke the top digital City in America.

Roanoke Citizen is recognized as among the best citizen publications in America.

The Virginia Economic Development Partnership ranked Roanoke 14th in the nation for telecom equipment and service jobs in emerging firms.

Roanoke's investment in its downtown over the last decade has topped $500,000,000.00.

Urban Initiatives included the Roanoke City Farmers Market as one of its 63 "America's Great Public Places."

The International Downtown Association cited Center in the Square as the top downtown economic development project in the world.

Old Dominion University cited Roanoke as first in Virginia and 11th in the nation in real per capita personal income.

The National Association of Home Builders called Roanoke the most affordable housing market in Virginia.

Roanoke and Cleveland are the only communities in America to win the prestigious All-America City award five times (1952, 1979, 1982, 1988 and 1996).

ROANOKE CIVIC CENTER-NEWSPAPERS: The Mayor referred to a recent newspaper article quoting his remarks which might have been perceived as anti-NBDL, in which he criticized certain issues regarding the Roanoke Civic Center. He stated that he previously expressed concern regarding expenditures for new office space and locker rooms for the NBDL, which are quite possibly better than locker rooms provided for students in Roanoke's public school system. He advised that he would like to apologize to the NBDL for any remarks that might have been perceived as a criticism, and advised that he has been supportive of the NBDL which is a part of the City of Roanoke. He stated that Council and the City administration will do all they can to help the NBDL fill civic center seats which are so vital to the success of the basketball team, but the City looks to the NBDL to lead the way to fill the seats and to honor its pledge to bring a certain number of events to the Roanoke Civic Center. He advised that he looks to the NBDL with the expectation that it will fulfill its contract with the City of Roanoke in the future.

AIRPORT: The Mayor called attention to a recent announcement by U. S. Air and Colgan Airlines, Inc., in connection with a $175.00 round trip fare from Roanoke to New York.

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 response, report and recommendation to Council.

COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES-DOWNTOWN ROANOKE, INCORPORATED: Mr. Robert Gravely, 617 Hanover Avenue, N. W., expressed concern that housing standards in the City of Roanoke are set so high that the average citizen cannot afford to purchase a house; the low pay scale for City employees; inadequate living conditions for elderly persons on a fixed income; and the high quality of infrastructure improvements in downtown Roanoke, while the remainder of the City's infrastructure is in poor condition.

TAXES: Glenn Bowe, representing Layman Candy Co., requested that Council consider reinstatement of the dealer's discount on the cigarette tax.

COMPLAINTS-CITY GOVERNMENTS-CITY EMPLOYEES: Ms. Angela Norman, 1731 Michael Street, N. W., advised that as a citizen and a taxpayer, she requests a higher level of accountability with regard to the expenditures of tax dollars by the City administration. She stated that based on findings by the Municipal Auditor, numerous improper payroll payments and public expenditures have occurred in

violation of City and State laws; i.e.: employees in the City's payroll department improperly received $28,500.00, with the approval of the Director of Finance, the City Manager and the Director of Human Resources; $1,303.00 was paid for catering for a retirement party for a retirement administrator, which was a clear violation of a City Administrative Procedure; procurement of certain services by Civic Center management that were not in compliance with local or state laws; written bid requests were not advertised or posted for public notice; a written contract was not prepared and a questionable vendor was paid $178,727.00; and payments of $480,000.00 were authorized which exceeded the $75,000.00 threshold requiring City Council's approval. She advised that the Director of the Roanoke Civic Center could not and did not single handedly obtain and process these illegal and improper transactions; and all of the above actions have quickly been swept under the rug that keeps piling internal corruption higher and higher, with more exposure forthcoming; therefore, she requested a full blown investigation by the FBI. She expressed concern that the least amount of information is being presented to the public and that the guilty participants are being protected and may still be employed by the City; and too much autonomy and power has been given with too little accountability. She stated that she has appeared before Council over the past five years to address concerns regarding discrimination, with proof, within City government, but it now appears that the wheels of discrimination are targeting the senior in age and the senior in service employees, which information has been addressed, through the proper chain of command, and with the City Manager. She advised that accountability is necessary for the City of Roanoke to continue to be the best place to live and to work, and suggested that Council revisit its hands off policy related to the day-to-day operation of the City administration, or more closely monitor internal expenditures.

POLICE DEPARTMENT-TRAFFIC-REFUSE COLLECTION-DISABLED PERSONS-PARKING FACILITIES: Mr. E. Duane Howard , 508 Walnut Avenue, S. W., commended Council Member Bestpitch on his suggestion to use four City Council parking spaces in the Second Street parking lot, on a temporary basis, for handicapped and disabled parking; however, he suggested that the arrangement be made permanent for better and more convenient parking accommodations for the handicapped and disabled.

Given today's difficult financial times, Mr. Howard suggested that the City give consideration to eliminating the program of loose leaf collection and require citizens to bag leaves for City pick up.

He expressed concern with regard to any decrease in the budget of the Police Department, and suggested that the horse mounted patrol unit be eliminated and that those officers be assigned to bicycle safety patrol.

CITY MANAGER COMMENTS: NONE.

At 4:25 p.m., the Mayor declared the meeting in recess for one Closed Session.

The Council meeting reconvened at 4:50 p.m., with all Members of the Council in attendance, Mayor Smith presiding.

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

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

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

There being no further business, at 4:55 p.m., the Mayor declared the meeting in recess to be reconvened on Thursday, November 7, 2002, at 8:30 a.m., for a tour of the Roanoke Regional Firing Range Shoot House, located at Interstate 581 South, Exit 132, off Twine Hollow Road.

The City Council meeting reconvened on Thursday, November 7, 2002, at 8:30 a.m., for a tour of the Roanoke Regional Firing Range Shoot House.

PRESENT: Council Members M. Rupert Cutler, Linda F. Wyatt and Mayor Ralph K. Smith----------3.

ABSENT: Council Members William D. Bestpitch, William H. Carder, Alfred T. Dowe, Jr., and C. Nelson Harris----------4.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; and Mary F. Parker, City Clerk.

Also in attendance were members of the Roanoke County Board of Supervisors and Roanoke County administrative officials.

POLICE DEPARTMENT: Following breakfast and a tour of the Roanoke Regional Firing Range Shoot House, the Mayor declared the City Council meeting adjourned at 10:55 a.m.

A P P R O V E D

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

December 16, 2002

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

H:\Agenda.02\Closed Session on Vacancies.wpd

CITY OF ROANOKE

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

RALPH K. SMITH
Mayor

Council Members:
William D. Bestpitch
William H. Carder
M. Rupert Cutler
Alfred T. Dowe, Jr.
C. Nelson Harris
Linda F. Wyatt

December 16, 2002

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

Dear Mayor Smith and Members of Council:

I wish to request a Closed Meeting to discuss the performance of three Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

C. Nelson Harris

C. Nelson Harris, Chair
City Council Personnel Committee

CNH:sm

H:\Agenda.02\Closed Session on Performance Evaluations.wpd

C-4 The communication was not received in time to be included in the agenda packet.

COMMONWEALTH OF VIRGINIA

DONALD S. CALDWELL
COMMONWEALTH'S ATTORNEY

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

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

December 16, 2002

Honorable, Mayor Ralph 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: Virginia Exile Grant

Background:

The Department of Criminal Justice Services (DCJS) has awarded the City of Roanoke a Virginia Exile Grant (02-C3527PX02) for calendar years 2002 and 2003 in the amount of $156,613. Associated with this grant, the City appropriated a required match in the amount of $17,401. The local match equaled ten percent of the total available funding of $174,014.

During the 2002 General Assembly, the budget was restructured to provide that the two year grant was terminated June 30, 2002, after only six months of funding, and a one fiscal year grant (03-D3527PX03) was approved in the amount of $58,177. This grant did not require a local match. However, due to further budget restructuring, grant #03-D3527PX03 is also being terminated effective December 31, 2002, allowing only half of the original state grant funding totaling $29,089. This grant has not yet been accepted by City Council nor appropriated in the Grant Fund.

The continued funding of the Exile Grant will allow the continued utilization of a prosecutor to focus on convicted felons who possess weapons, weapons and drugs, and weapons on school property. This program has had great success during its existence and should be continued while the state is willing to provide the majority of funding.

Recommendation:

City Council amend the CY2002-2003 Exile Grant (02-C3527PX02) previously approved by decreasing state funding from $156,613 to $33,818 and the local funding from $17,401 to $3,758 in account #035-150-5142. This adjusts the grant funding to an amount equal the total expenditures incurred by the City through June 30, 2002, related to the Exile Grant. This funding is allocated between the State and City at the same ratio initially authorized; ninety percent and ten percent respectively. Therefore, the unused local match of $13,643 may be transferred back to the General Fund. In the General Fund, this can be used to decrease the current year Transfer to Grant Fund and increase City Manager's Contingency.

Related to the new Exile Grant (03-D3527PX03), City Council accept the 2003 State funding of $29,089 to be appropriated to revenue and expenditure accounts in the Grant Fund.

Respectfully submitted,

Donald S. Caldwell
Roanoke City Commonwealth Attorney

DSC:mh

Attachment

pc: Honorable Darlene L. Burcham, City Manager
Honorable William M. Hackworth, City Attorney
Honorable Jesse A. Hall, Director of Finance

Attachment 1

Program Accounts

1002	Regular Employee Salaries	$20,681
1105	City Retirement	$ 00
1115	ICMA - Match	$ 00
1120	FICA	$ 116
1125	Medical Insurance	$ 00
1126	Dental Insurance	$ 00
1130	Life Insurance	$ 00
1131	Disability Insurance	$ 00
2015	Advertising	$ 00
2030	Administrative Supplies	$ 8,292
2046	Local Mileage	$ 00
3075	Other Rental	$ 00
	TOTAL	$29,089

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

December 16 2002

Honorable Ralph K. Smith, Mayor
Honorable C. Nelson Harris, Vice Mayor
Honorable W. D. "Bill" Bestpitch, Council Member
Honorable William H. Carder, Vice Mayor
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: Virginia Exile Grant

I concur with the recommendation from Donald S. Caldwell, Commonwealth's Attorney, for the City of Roanoke, with respect to the subject reference above and recommend that City Council accept the 2003 State funding to be appropriated to revenue and expenditure accounts in the Grant Fund.

Sincerely,

Darlene L. Burcham
City Manager

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

Nondepartmental	$ 74,909,766
Transfer to Grant Fund (1)	71,919,548
Contingency (2)	1,459,194

Grant Fund

Appropriations

Judicial Administration	$ 1,107,587
DCJS Exile Grant CY 02 (3-14)	37,576
DCJS Exile Grant FY 03 (15-17)	29,089

Revenues

Judicial Administration	$ 1,107,587
DCJS Exile Grant CY 02 (18-19)	37,576
DCJS Exile Grant FY 03 (20)	29,089

1)	Transfer to Grant Fund	(001-250-9310-9535)	$ (13,643)
2)	Contingency	(001-300-9410-2199)	13,643
3)	Regular Employee Salaries	(035-150-5142-1002)	(89,317)
4)	City Retirement	(035-150-5142-1105)	(5,328)
5)	ICMA Match	(035-150-5142-1116)	(1,560)
6)	FICA	(035-150-5142-1120)	(6,526)
7)	Medical Insurance	(035-150-5142-1125)	(4,362)
8)	Dental Insurance	(035-150-5142-1126)	(302)
9)	Life Insurance	(035-150-5142-1130)	(777)

10)	Disability Insurance	(035-150-5142-1131)	$ (234)
11)	Advertising	(035-150-5142-2015)	(8,200)
12)	Administrative Supplies	(035-150-5142-2030)	(2,182)
13)	Local Mileage	(035-150-5142-2046)	(8,650)
14)	Other Rentals	(035-150-5142-3075)	(9,000)
15)	Regular Employee Salaries	(035-150-5143-1002)	20,681
16)	FICA	(035-150-5143-1120)	116
17)	Administrative Supplies	(035-150-5143-2030)	8,292
18)	State Grant Receipts	(035-150-5142-5143)	(122,795)
19)	Local Match	(035-150-5142-5144)	(13,643)
20)	State Grant Receipts	(035-150-5143-5146)	29,089

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 amending the previously approved 2002-2003 Exile Grant (02-C3527PX02) and accepting the 2003 Virginia Exile Grant offer (03-D3527PX03) made to the City by the Department of Criminal Justice Services 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 of Roanoke amends its previous acceptance and approval of the 2002-2003 Exile Grant (02-C3527PX02) from a total of $174,014, inclusive of a local matching amount of $17,401, to a total of $37,576, inclusive of a local matching amount of $3,758, for the reasons set forth in the letter of the City Manager dated December 16, 2002.

2. The City of Roanoke does hereby accept the offer made to the City by the Department of Criminal Justice Services of the 2003 Virginia Exile Grant (03-D3527PX03) in the amount of $29,089, such grant being more particularly described in the letter of the City Manager, dated December 16, 2002, upon all the terms, provisions and conditions relating to the receipt of such funds.

3. The City Manager and the City Clerk, are hereby authorized to execute, seal and attest, respectively, the grant agreement (03-D3527PX03) and all necessary documents required to accept the grant, including any documents providing for indemnification by the City that may be required for the City's acceptance of this grant, all such documents to be approved as to form by the City Attorney.

4. The City Manager is further directed to furnish such additional information as may be required by the Department of Criminal Justice in connection with the City's acceptance of this grant (03-D3527PX03).

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

December 16, 2002

The Honorable Mayor
and Members of City Council
Roanoke, Virginia

Dear Mayor and Members of Council:

I would like to sponsor a request from Hunter Roberts, Executive Office Administrator of Blue Ridge Behavioral Healthcare in which he is requesting a board member to brief City Council about the services that were provided to City of Roanoke residents in fiscal year 2002 at the regular meeting of City Council on Monday, December 16, 2002.

Sincerely,

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
Director of Finance
City Clerk

Blue Ridge Behavioral Healthcare

William L. Lee *Chairman*
Rita J. Gliniecki *Vice Chairman*
John M. Hudgins, Jr. *Treasurer*
Meredith B. Waid *Secretary*

Executive Director
S. James Sikkema, LCSW

RECEIVED
CITY CLERKS OFFICE

'02 NOV 12 P5:00

November 8, 2002

Ms. Darlene L. Burcham
City Manager
City of Roanoke
215 Church Avenue, SW
Roanoke, VA 24011

Dear Ms. Burcham:

Blue Ridge Behavioral Healthcare would like to request a few minutes on the agenda of the Roanoke City Council meeting on Monday, December 16, 2002, to give a brief report about the services we provided to Roanoke City residents in fiscal year 2002.

A board member representing the City of Roanoke will deliver our report, and our Executive Director, Mr. Jim Sikkema, will also be present to answer questions.

We appreciate this annual opportunity to share information about our services and to say 'thank you'.

Sincerely,

Hunter B. Roberts
Executive Office Administrator

C: The Honorable Ralph K. Smith, Mayor
Mary F. Parker, CMC, City Clerk
S. James Sikkema

Executive Offices 301 Elm Avenue SW Roanoke, Virginia 24016-4001 (540) 345-9841 Fax (540) 345-6891

CITY OF ROANOKE

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

RALPH K. SMITH
Mayor

Council Members:
William D. Bestpitch
William H. Carder
M. Rupert Cutler
Alfred T. Dowe, Jr.
C. Nelson Harris
Linda F. Wyatt

December 10, 2002

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

Dear Mayor Smith and Members of Council:

We jointly sponsor a request of the Roanoke Fire Fighters Association to present a model of Roanoke's Fallen Fire Fighter Memorial at the regular meeting of City Council on Monday, December 16, 2002, at 2:00 p.m.

Sincerely,

C. Nelson Harris

C. Nelson Harris
Vice-Mayor

Linda F. Wyatt

Linda F. Wyatt
Council Member

CNH:LFW:sm

pc: Darlene L. Burcham, City Manager

5.c.

Roanoke Fire Fighters Association

1115 PATTERSON AVENUE, S W
LOCAL 1132 IAFF
POST OFFICE BOX 1132
ROANOKE, VIRGINIA 24006
540-344-2041
FAX 540-344-3018
WWW LOCAL1132.ORG

RECEIVED
CITY CLERK'S OFFICE
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RODNEY A JORDAN
PRESIDENT
MICHAEL W. HANKS
SECRETARY-TREASURER

December 6, 2002

Ms. Mary Parker
Roanoke City Clerk
Fax: 853-1145

Ms. Parker,

The Roanoke Fire Fighters Association would like to present City Council with a model of Roanoke's Fallen Fire Fighter Memorial. If possible, we request that this presentation be at the December 16th Council meeting. I have contacted both Vice Mayor Nelson Harris and Councilwoman Linda Wyatt and both have agreed to sponsor this presentation. Ms. Wyatt said that she would stop by your office to fill out the necessary paperwork and if you would, please fax Reverend Harris a copy of the form.

If you have any questions or I may be of assistance in any way, please do not hesitate to call. My telephone number is 890-1394 or cell 580-4265.

Sincerely,

Mike Hanks
Secretary-Treasurer
Roanoke Fire Fighters Association

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

December 16, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Roanoke Passenger Station Renovation Project

Background:

The Western Virginia Foundation for the Arts and Sciences (WVFAS) received notification in July, 2002 that its application for Transportation Enhancement funds through the Transportation Equity Act for the 21st Century (TEA-21) for the Roanoke Passenger Station Renovation Project was approved in the amount of $500,000. This is in addition to the $488,000 in Enhancement funds approved in 2001, bringing the total to $988,000. Other State-provided funding of $500,000 has also been committed to this project which currently totals almost $1.9 million, considering both State and local funding. The City of Roanoke must enter into separate supplemental agreements with the WVFAS and the Virginia Department of Transportation (VDOT), which define the responsibilities of each party. Authority for the VDOT agreement was previously authorized by City Council action on January 22, 2002 (Resolution No. 35734-012202). Authority for the WVFAS agreement is needed from City Council. The WVFAS would be responsible for the match requirement of $125,000. The $500,000 of TEA-21 Enhancement funds need to be appropriated (to be reimbursed by VDOT) to the project account #008-530-9900-9007 for disbursement to the WVFAS.

Recommended Action:

Authorize the City Manager to execute, on behalf of the City of Roanoke, all necessary and appropriate agreements with the WVFAS in such form as approved by the City

Attorney. Appropriate $500,000 of TEA-21 Enhancement funds (to be reimbursed by VDOT) to project account #008-530-9900-9007 for disbursement to the WVFAS.

Establish a revenue estimate of the same for State reimbursement through the TEA-21 program.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/RKB/gpe

C: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Robert K. Bengtson, P.E., Director of Public Works

CM02-00267

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

Community Development	$ 7,351,643
Roanoke Passenger Station Renovation (1)	2,363,000

Revenues

Intergovernmental	$ 3,736,141
Roanoke Passenger Station TEA-21 FY03 (2).....	500,000

1) Appropriated from State Grant Funds	(008-530-9900-9007)	$ 500,000
2) Roanoke Passenger Station TEA-21 FY03	(008-530-9900-9910)	500,000

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,

AN ORDINANCE authorizing the City Manager to enter into an Agreement between the City of Roanoke and the Western Virginia Foundation for the Arts and Sciences ("WVFAS"), 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 the City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, all necessary and appropriate agreements with the WVFAS, upon such terms and conditions as are more particularly described in the City Manager's letter dated December 16, 2002, to this Council in connection with the Roanoke Passenger Station Renovation Project.

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

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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

December 16, 2002

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

Dear Mayor Smith and Members of Council:

Subject: Procurement Ordinance
CM02-0268

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

WMK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by repealing Chapter 23. 1, Procurement, and adopting a new Chapter 23.2, Procurement, in order to revise and update the City's regulations pertaining to procurement and to conform them to State law; 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. Chapter 23.1, Procurement, of the Code of the City of Roanoke (1979), as amended, is hereby REPEALED.

2. The Code of the City of Roanoke (1979), as amended, is hereby amended and reordained by the adoption of a new Chapter 23.2, Procurement, which shall read and provide as follows:

CHAPTER 23.2
PROCUREMENT

§23.2-1. Legislative purpose.

The underlying purposes and policies of this chapter are as follows:

(a) To provide for increased public confidence in the procedures followed in public procurement;

(b) To ensure the fair and equitable treatment of all persons who deal with the procurement system of the city;

(c) To provide increased economy in city procurement activities and to maximize to the fullest extent practicable the purchasing value of public funds of the city;

(d) To foster effective broad-based competition within the free enterprise system;

(e) To provide safeguards for the maintenance of a procurement system of quality and integrity; and

(f) To promote uniformity of procurement policies and procedures among the various departments, offices and agencies of the city.

§23.2-2. Applicability.

(a) All city purchases shall conform to the provisions of the Charter and this chapter. This chapter shall be applicable to all council-appointed officers, constitutional officers, divisions, departments, offices, boards, agencies and commissions of the city except the school board and school division.

(b) The provisions of the Virginia Public Procurement Act, §§2.2-4300, et seq., (hereinafter in this chapter, the Act) shall apply to all city purchases, except those instances where alternative policies and procedures have been adopted and set out in this chapter pursuant to the provisions of §2.2-4343.A.12, Code of Virginia.

§23.2-3. Procurement authority.

(a) The City Manager shall have the right to accept or reject any bids or proposals.

(b) The City Manager shall execute all contracts entered into by the City, unless the City Manager shall have delegated such responsibility, in writing, to a designee. Such delegation may be for specific contracts, or specific types of contracts.

(c) The City Manager is authorized to promulgate procedures for the orderly administration of the Virginia Public Procurement Act, including procedures for small purchases, as defined in §2.2-4303 of the Act, provided that such small purchase procedures shall provide for competition whenever practical.

(d) Upon a determination made in advance by the City Manager and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation.

(e) The City Manager shall establish, in writing a procedure by which prospective contractors may be barred from contracting for the provision of particular types of supplies, services, insurance or construction, on the basis of unsatisfactory performance, or violation of federal, state or local laws or ordinances pertaining to procurement.

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

ATTEST:

City Clerk.

I:\Clerk\December 16\O-AMPROCUREMENT23.2.1.doc

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

December 16, 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, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Adoption Of Budget For Operation Of City Market Building, And Appropriation Of Funds For Market Building Capital Improvements

Background:

On December 31, 2002, the current lease agreement with Downtown Associates for the Market Building expires. As the City prepares to assume operation of the building January 1, 2003, a budget must be adopted and the appropriate revenue and expenditure accounts established. A copy of the proposed budget for this facility for the remainder of the fiscal year is attached for your review. This will enable the City to continue the operation of this facility until fiscal year end when a complete budget may be drafted and adopted for the next fiscal year.

Spectrum Design completed a Conditions Assessment Study of the Roanoke City Market Building on October 2, 2002. In this study, Spectrum identified numerous deficiencies and other needed repairs to enhance the usability of the facility. A list of necessary building improvements is attached for your review.

Considerations:

The attached budget accounts for the monthly rental deposits and monthly expenditures associated with the operation of the Market Building. These accounts must be established prior to January 1, 2003, when the first rent payments are due to be mailed to the City.

The total repairs currently needed to address the most critical concerns are estimated to cost $295,000. This amount only begins to address the many repairs needed. Funds can be appropriated from Capital Projects Fund account 008-052-9575-9173.

Recommended Action:

Authorize the Director of Finance to establish a new fund, the Market Building Operations Fund, and adopt the attached operating budget. Also, authorize the appropriation of $295,000 from account 008-052-9575-9173 to a capital account to be established by the Director of Finance in the Market Building Operations Fund for repairs to the Market Building.

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
Scott L. Motley, Economic Development Specialist

CM02-00262

Market Building Operations Budget
January 1 – June 30, 2003

Revenue:

Total Rents Collected		$140,000

Expenditures:

Utility Payments	($57,500)	
Telephone Service	($1,100)	
Exterminating Service	($2,500)	
Janitorial Service	($30,000)	
Repairs	($25,000)	
Insurance	($3,000)	
Management Fee	($20,000)	
Capital Improvements	($900)	
Total Expenditures		($140,000)

Market Building Capital Expenditure Request

Repair Item Needed	Amount
Upgrade individual store entrances to ADA compliance	$12,420
ADA compliant food service counters	$28,750
ADA compliant handrails at ramp entrances	$2,875
ADA compliant handrails at fire stair towers	$10,350
Install new fire alarm system	$33,350
Various material cost for ADA upgrades that will be Completed by Facilities Management	$39,480
Install new electrical service and equipment	$144,000
Add receptacles throughout	$14,000
Carpet replacement on mezzanine level	$8,750
Total	**$293,975**

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE establishing the Market Building Fund effective January 1, 2003 and adopting the annual Market Building Fund Appropriation of the City of Roanoke for fiscal year 2003 for the period beginning January 1, 2003, and ending June 30, 2003; 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. That all money paid into the City Treasury for the Market Building Fund in fiscal year 2003 for the period beginning January 1, 2003, and ending June 30, 2003, shall constitute a Market Building Fund and that as much of the same as may be necessary be, and the same is hereby appropriated to the following uses and purposes, to-wit:

Revenues

Operating	$	140,000
Non-Operating		295,000

Appropriations

Operating	$	140,000
Capital Outlay		295,000

2. That this Ordinance shall be known and cited as the 2002-03 Market Building Appropriation Ordinance.

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.

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

Nondepartmental	$	1,295,000
Transfers to Other Funds (1)		295,000
Capital Improvement Reserve	$	7,021,816
Capital Improvement Reserve (2)		1,015,269

1)	Transfer to Market Building Fund	(008-530-9712-9504)	$ 295,000
2)	Buildings and Structures	(008-052-9575-9173)	(295,000)

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

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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

December 16, 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: Transfer of Funds

Background:

In 1999, the City of Roanoke issued general obligation bonds to finance various capital improvement projects. Among those projects were repairs and improvements to the park system. In August of 2000, $3,688,369.00 of the bond funds were appropriated to twelve (12) different capital accounts, each account dealing with a different category of park improvement or repair.

Considerations:

Among the twelve capital accounts, one (008-620-9738) was established for Athletic Field Lighting and Improvements, while another (008-620-9742) was established for Comfort Station Replacement. All projects originally identified for account 008-620-9738 have been completed, and there are funds remaining in the account. Account 008-620-9742 is lacking sufficient funding, as prices for replacement of the five (5) restrooms are greater than originally anticipated. Unused funds from account 008-620-9738 may be transferred to account 008-620-9742 so that the planned five (5) restroom replacements can be completed.

Recommended Action:

Approve the transfer of $143,126.00 from account 008-620-9738 to capital account 008-620-9742.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:kaj

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Steven C. Buschor, Director of Parks and Recreation
Rolanda A. Johnson, Assistant City Manager of Community Development

#CM02-00269

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

Recreation	$ 28,632,537
Soccer - Football Improvements and Lighting (1)	16,905
Comfort Station Replacement (2).....	458,152

Revenues

1)	Appropriated from Series 1999 Bond Issue	(008-620-9738-9001)	$ (143,126)
2)	Appropriated from Series 1999 Bond Issue	(008-620-9742-9001)	143,126

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.

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OFFICE OF THE CITY MANAGER

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December 16, 2002

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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: Contract Award
Summit Hills Storm Drain Project – Phase II
Bid No. 02-10-02

Drainage problems have existed for many years along Summit Drive within the Edgewood-Morwanda Summit Hills Neighborhood. These problems have included some flooding of residences along Summit Drive. This project received a high priority rating and funding was established in the 1997 Bond Referendum.

Phase I, completed last year, installed storm drain and curbing eastward along Summit Drive from the intersection with Glenn Ridge Road to its end at a cul-de-sac. Phase II continues installation of storm pipe and curbing westward from Glenn Ridge Road to the western end of Summit Drive.

After proper advertisement, eight bids were received on Monday, November 18, 2002, with S.C. Rossi & Company, Inc., 1410 Sixteenth Street, S.E., Roanoke, Virginia 24014, submitting the low bid in the amount of $158,000.00.

The construction time was specified as 180 consecutive calendar days. Construction is scheduled to begin in early February 2003.

Funding in the amount of $181,700 is needed for the project. The additional funds that exceed the contract amount will be used for miscellaneous project expenses including advertising, printing and unforeseen project expenses. Funding is available from Public Improvement Bonds – Series 1999, account no. 008-052-9709-9176.

Recommended Action:

Accept the above bid and authorize the City Manger to execute a contract for the above work with S.C. Rossi & Company, Inc., in the amount of $158,000 with 180 consecutive calendar days to construct the project, and reject all other bids.

Transfer $181,700.00 from Public Improvement Bond Series 1999, account number 008-052-9709-9176 to an account to be established by the Director of Finance entitled, Summit Hills Storm Drain Project – Phase II.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:KDK:na

Attachment

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

#CM02-00263

TABULATION OF BIDS

SUMMIT HILLS DRAINAGE PROJECT
PHASE II
BID NO. 02-10-02

Bids were opened by Robert H. Bird, Acting Manager, Purchasing Division, on Monday, November 18, 2002, at 2:00 p.m.

CONTRACTOR	BASE BID
S.C. Rossi & Company, Inc.	$158,000.00
Virginia Infrastructure, Inc.	$177,282.50
Carnell Construction Corporation	$182,465.00
Jack St. Clair, Inc.	$196,737.00
L & S Plumbing and Excavating, Inc.	$211,000.00
Allegheny Construction Co., Inc.	$218,205.00
Charles W. Barger & Son Construction Co., Inc.	$219,107.00
Aaron J. Conner, General Contractor, Inc.	$249,835.00

Office of the City Engineer
Roanoke, Virginia
November 18, 2002

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

Storm Drains	$ 3,543,831
Summit Hills Storm Drain Project – Phase II (1)	181,700
Capital Improvement Reserve	$ 7,418,846
Series 1999 Bonds (2)	1,908,217

1) Appropriated from Series 1999 Bond Issue	(008-530-9795-9001)	$ 181,700
2) Storm Drains	(008-052-9709-9176)	(181,700)

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.

J.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting the bid of S. C. Rossi & Company, Inc., for installation of storm pipe and curbing westward from Glenn Ridge Road to the western end of Summit Drive, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; 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 bid of S. C. Rossi & Company, Inc., in the amount of $158,000.00 for installation of storm pipe and curbing westward from Glenn Ridge Road to the western end of Summit Drive, as is more particularly set forth in the City Manager's letter dated December 16, 2002, to this Council, such bid being in full compliance with the City's plans and specifications made therefor and as provided in the contract documents offered the bidder, which bid is on file in the Purchasing Division, be and is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively, the requisite contract with the successful bidder, based on its proposal made therefor and the City's specifications made therefor, the contract to be in such form as is approved by the City Attorney, and the cost of the work to be paid for out of funds heretofore or simultaneously appropriated by Council.

3. Any and all other bids made to the City for the above work are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

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

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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December 16, 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: Contract Award
New Concrete Sidewalks, Entrances and Curb – Phase VII Old Southwest
Bid No. 02-10-05

City Council was recently briefed on the categories toward which curb and sidewalk projects are being focused using the $5 million in bond funds generated for this purpose. New construction of curbs and sidewalks based upon neighborhood plans and their priorities was one such category. Old Southwest is one of the first such neighborhoods for which these funds have been identified. This project consists of installing approximately 7,000 square feet of sidewalk, 6,760 linear feet of curb and 2,500 square feet of entrances on various streets within the Old Southwest section of the City as shown on Attachment #2.

After proper advertisement, three bids were received on Tuesday, November 19, 2002, with S. C. Rossi & Company, Inc., 1410 16th Street, S. E., Roanoke, Virginia 24014, submitting the low bid in the amount of $203,065. See attached bid tabulation. The construction time was specified as 240 consecutive calendar days.

Funding in the amount of $223,370 is needed for the project. The additional funds that exceed the contract amount will be used for miscellaneous project expenses including advertising, prints, test services, minor variations in bid quantities and unforeseen project expenses. Funding in the amount of $223,370 is available in Public Improvement Bonds - Series 2002, Streets and Sidewalks, account number 008-530-9711-9195.

Recommended Action:

Accept the above bid and authorize the City Manager to execute a contract for the above work with S. C. Rossi & Company, Inc., in the amount of $203,065 with 240 consecutive calendar days, and reject all other bids. Transfer $223,370 from Public Improvement Bonds - Series 2002, account number 008-530-9711-9195, to an account to be established by the Director of Finance entitled Curb, Gutter and Sidewalk – Phase VII. Transfer $223,370 from Public Improvement Bonds - Series 2002, account number 008-530-9711-9195, to an account to be established by the Director of Finance entitled Curb, Gutter and Sidewalk – Phase VII.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:JGB:na

Attachments

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

#CM02-00272

TABULATION OF BIDS

NEW CONCRETE SIDEWALKS, ENTRANCES AND CURB PHASE VII ROANOKE, VIRGINIA BID NO. 02-10-05

Bids were opened by the Purchasing Department, on Tuesday, November 19, 2002, at 2:00 p.m.

BIDDER	AMOUNT
S. C. Rossi & Company, Inc.	$203,065.00
H. & S. Construction Company	$204,040.00
S. R. Draper Paving Company	$226,560.00

Office of the City Engineer
Roanoke, Virginia
November 19, 2002

SECTION 1B-1
PROJECT LOCATIONS

6th Street	
Curb	Walnut to Allison, new to Allison East side
Curb	Allison to Woods, East & West sides
Curb	Woods to King George, East & West sides
Sidewalk	Woods to King George, alley to Woods West side
Sidewalk and Curb	King George to Janette, West side
Curb	Alley to King George East side

Janette Avenue	
Sidewalk	520 - 536 Janette
Curb	Vacant lot next to 504 - 508

Woods Avenue	
Curb Replacement	366 to Franklin Road
Sidewalk Replacement	366 to Franklin Road (as needed)
Curb	200 & 300 Block Fill-In North and South Sides
Sidewalk	200 Block Fill-In
Curb	Clark to Maple North and South Sides
Curb & Sidewalk Replacement	5th Street to 426

Highland Avenue	
Curb	700 Block along Park

4th Street	
Curb	Washington to Elm both sides
Curb	Elm to Day, Fill-Ins (leave tree)

Elm Avenue	
300 Block	Existing to 4th Street, North Side

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

Streets and Bridges	$	26,554,410
Curb, Gutter, and Sidewalk - Phase VII (1)		223,370
Capital Improvement Reserve	$	7,316,816
Public Improvement Bonds - Series 2002 (2)		3,916,630

1)	Appropriated from Series 2002 Bond Issue	(008-530-9796-9076)	$ 223,370
2)	Curb, Gutter, and Sidewalk Improvements	(008-530-9711-9195)	(223,370)

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.

M.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE accepting the bid of S. C. Rossi & Company, Inc., for installing approximately 7,000 square feet of sidewalk, 6,760 linear feet of curb and 2,500 square feet of entrances on various streets within the Old Southwest section of the City, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; 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 bid of S. C. Rossi & Company, Inc., in the amount of $203,065.00 for installing approximately 7,000 square feet of sidewalk, 6,760 linear feet of curb and 2,500 square feet of entrances on various streets within the Old Southwest section of the City, as is more particularly set forth in the City Manager's letter dated December 16, 2002, to this Council, such bid being in full compliance with the City's plans and specifications made therefor and as provided in the contract documents offered the bidder, which bid is on file in the Purchasing Division, be and is hereby ACCEPTED.

2. The City Manager and the City Clerk are hereby authorized, on behalf of the City, to execute and attest, respectively, the requisite contract with the successful bidder, based on its proposal made therefor and the City's specifications made therefor, the contract to be in such form as is approved by the City Attorney, and the cost of the work to be paid for out of funds heretofore or simultaneously appropriated by Council.

3. Any and all other bids made to the City for the above work are hereby REJECTED, and the City Clerk is directed to notify each such bidder and to express to each the City's appreciation for such bid.

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

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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December 16, 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: Comprehensive Services Act (CSA) Application Software

Background:

The Comprehensive Services Act was legislated by the Commonwealth of Virginia in 1992. It was designed to create a collaborative system of services and funding for troubled and at-risk children. The Act covers children who are in foster care, who have special education needs, children appointed by the courts for certain services, and children with emotional or behavioral problems that require extensive services beyond the capacity of one agency.

Each locality is responsible for funding a share of the costs of services provided under the Comprehensive Services Act. The proportion was initially set based on historic spending on similar services prior to enactment of the Act. The City of Roanoke is currently responsible for approximately 31% of the expenses incurred under the Act. Localities can apply and receive supplemental allocations from

the State when service costs exceed those budgeted, however, the localities must cover their proportion of those additional costs.

In 1998, due to the continuing escalation in costs for services, the State issued additional guidelines requiring localities to adopt a utilization management program. This requires cases to be reviewed individually and collectively to evaluate quality of services and cost savings opportunities. Localities may contract with utilization management services, follow the state model, or design their own model to meet state guidelines.

The case management process is paper intensive and time consuming. Many of the forms for case management are completed on a weekly, monthly, quarterly, or annual basis, depending on the severity of the case. Forms are hand written, which requires the caseworker to rewrite the entire form each time. Case files for long-term cases become very thick and difficult to manage. Compiling, searching, and analyzing the data from individual cases or cases collectively is much harder, and in some cases, impossible when the data is hand written rather than in electronic format.

Among the recommendations made by the City Auditors Office was that an application software system be implemented for case management, fiscal management, and utilization management. A system that integrates the service and fiscal data for all cases is necessary before effective utilization management can be undertaken. Such a system would significantly improve the documentation process for case workers and capture case data in an electronic format that can be easily managed, searched, and analyzed. Based on the research completed by the Department of Social Services, systems are available and have been successfully implemented in other localities. The Department of Social Services should seek technical support from the City's Department of Technology and develop a recommendation for the Interagency Council to consider.

Considerations

The staff of the City's Social Services, Purchasing and Technology departments performed their due diligence in researching possible software solutions to effectively support CSA requirements. It was determined that HarmonyIS is the sole source for this application software. HarmonyIS was also determined to be the sole source vendor of CSA software by Hanover, Henrico and Fairfax counties.

The City developed a requirements document that encompassed the functional requirements from Social Services Administration, Family Assessment and Planning Teams, City of Roanoke Schools as well as the technical requirements per the Department of Technology standards. HarmonyIS responded to the requirements document and was determined to be able to provide the CSA applications software that would enable the City to effectively manage its CSA case load.

Reference calls were made to several Virginia local governments, including Charlottesville, Hanover, and Chesterfield counties. All representatives contacted indicated that HarmonyIS is a vendor in good standing.

The cost of the software and services to be provided by HarmonyIS for the implementation of the Harmony CSA application software in the City of Roanoke's Social Services Department is $125,718.75. Funds have been appropriated for this project in account 013-430-9853-9015.

Recommended Action:

Authorize the City Manager to enter into a contract with Harmony Information Systems, Inc. of Alexandria, Virginia, such contract to be approved as to form by the City Attorney, for the Harmony CSA application software in the amount of $125,718.75. Funding for the project is available from account 013-430-9853-9015.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB: jds

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Joe D. Slone, Director, DoT
Barry L. Key, Director, DMB
Robert H. Bird, Acting Manager, Purchasing

#CM02-00279

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing a contract with Harmony Information Systems, Inc. of Alexandria, Virginia, for software and services in connection with the Comprehensive Services Act ("CSA"), and concurring with the determination of the Director of General Services that such firm is the only source practicably available to perform such work.

WHEREAS, the Director of General Services, upon the request of the Department of Technology, has determined that Harmony Information Systems, Inc. of Alexandria, Virginia, is the only source practicably available to provide software and services in connection with the CSA; and

WHEREAS, Council concurs in the determination of the Director of General Services on the sole source issue.

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

1. Council does hereby concur in the determination of the Director of General Services that Harmony Information Systems, Inc. of Alexandria, Virginia, is the only source practicably available to provide software and services in connection with the CSA for the reasons set forth in the City Manager's letter to Council dated December 16, 2002.

2. The City Manager and the City Clerk are authorized to execute and attest, respectively, for and on behalf of the City, upon form approved by the City Attorney, a contract with Harmony Information Systems, Inc. of Alexandria, Virginia, for software and services in connection with the CSA in the amount of $125,718.75, all as more fully set forth in the above mentioned report.

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
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December 16, 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: Shaffer's Crossing Community Development Project

Background:

On August 12, 1985, the Board of Commissioners of the Roanoke Redevelopment and Housing Authority ("RRHA") approved the Redevelopment Plan for the Shaffer's Crossing Community Development Project dated July 1985, as amended by Amendment No. 1 dated March 1988 ("the Plan"). On August 26, 1985, City Council approved and adopted the Plan. As part of the Plan, approximately eighteen (18) parcels were acquired and disposed to desirous owners within seven (7) years of the Plan being approved. Five lots were designated not to be acquired and two (2) lots met land use standards, therefore, property owners were not approached for acquisition purposes. In order to complete the Plan, twenty-two (22) lots were identified as lots to be acquired and disposed of in the area. An estimate of $1,237,000 is required to complete property acquisition and disposition in this particular redevelopment area.

Considerations:

The RRHA has undertaken and completed a thorough and extensive review of the Plan including the Plan objectives, actions taken, and the results accomplished pursuant to the terms of the Plan, including the acquisition and disposition of real property pursuant to the Plan. The RRHA has determined that continued existence of the Plan is no longer necessary and that the property owners within the boundaries of the Plan will not be adversely affected by the termination of the Plan.

On June 10, 2002, the Board of Commissioners of the Roanoke Redevelopment and Housing Authority approved a resolution terminating the Redevelopment Plan for the Shaffer's Crossing Community Development Project and recommending that City Council consider and approve this action. The RRHA has given appropriate Notice of Termination of the Plan to all land owners within the boundaries of the Plan. There have been no objections to the Plan termination.

Recommendation:

Approve the deletion of the portion of the July 19, 1985, Redevelopment Plan, as amended, pertaining to the Shaffer's Crossing Community Development Project.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/vst

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mike Etienne, Acting Director, Housing and Neighborhood Services
Barry L. Key, Director of Management and Budget

#CM02-00273

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION concurring in the deletion of the portion of the July 19, 1985, Redevelopment Plan, as amended, pertaining to Shaffer's Crossing Community Development Project.

WHEREAS, on August 12, 1985, the Board of Commissioners of the Roanoke Redevelopment and Housing Authority ("RRHA") approved the Redevelopment Plan for the Shaffer's Crossing Community Development Project dated July, 1985, as amended by Amendment No. 1 dated March, 1988 ("the Plan"); and

WHEREAS, on August 26, 1985, City Council approved and adopted the Plan; and

WHEREAS, as part of the Plan, approximately eighteen (18) parcels were acquired and disposed of to desirous owners within seven (7) years of the Plan being approved; and

WHEREAS, in order to complete the Plan, twenty-two (22) lots were identified as lots to be acquired and disposed of in the area; and

WHEREAS, approximately $1,237,000.00 is required to complete property acquisition and disposition; and

WHEREAS, due to budget constraints, total funding is not available to complete the necessary activities in the redevelopment area; and

WHEREAS, RRHA has completed a review of the Plan and determined that continued existence of the Plan is no longer necessary and that property owners within the boundaries

of the Plan will not be adversely affected by termination of the Plan; and

WHEREAS, on June 10, 2002, the Board of Commissioners of the RRHA approved a resolution terminating the Plan and recommending that City Council consider and approve this action.

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

1. This Council concurs in the RRHA's deletion of the portion of the July 19, 1985, Redevelopment Plan, as amended, pertaining to the Shaffer's Crossing Community Development Project.

2. The City Clerk is directed to forthwith transmit attested copies of this resolution to the Board of Commissioners of the Roanoke Redevelopment and Housing Authority.

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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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

Subject: Rejection of all Proposal Received in Response to RFP #02-09-06 Colonial Avenue Development Project

Dear Mayor Smith and Members of City Council:

Background:

The City currently owns a 29.2 acre tract of land situated at the edge of the city limits on Colonial Avenue – adjacent to the Carilion Medical Center. On October 20, 2002, the City advertised a Request For Proposal (RFP #02-09-06) entitled "Colonial Avenue Development project" requesting proposals for the development of an upscale, mixed-use community. In response to this request, the City received two proposals, one of which was submitted after the deadline, while the other was not responsive because it failed to provide all of the required information.

Considerations:

According to the Comprehensive Plan, Vision 2001-2020, the City will have a balanced, sustainable range of housing choices in all price ranges and design options throughout the City that encourage social and economic diversity. Neighborhoods will function as villages, offering opportunities to live, work, shop, play and interact in a neighborhood setting.

Analysis of the site revealed that the property is ideal for the development of an upscale, "traditional neighborhood development" that includes residential single-family, multi-family, retail and live/work space. The City expects this project to reflect state of the art construction methods for apartments, town homes and single-family houses,

while at the same time, providing alternative residential options within the context of the Comprehensive Plan.

Recommended Action:

Reject all proposals received in response to RFP #02-09-06, and authorize the City Manager to revise and re-advertise the RFP to secure a development team to develop a first-class, mixed-use community.

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
Robert H. Bird, Acting Purchasing Manager
Mike Etienne, Acting Director of Housing and Neighborhood Services

#CM02-00278

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION rejecting all proposals received in response to the Request for Proposals for the development for an upscale, mixed-use community for a 29.2 acre tract of land situated at the edge of the city limits on Colonial Avenue and adjacent to the Carilion Medical Center.

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

1. All proposals received by the City in response to the Request for Proposals (RFP #02-09-06) entitled "Development Proposals for an upscale, mixed-use community" are hereby REJECTED.

2. The City Clerk is directed to notify all responding parties and to express to each the City's appreciation for said proposals.

3. The City Manager is authorized to make any revisions to the procurement documents deemed advisable and to cause the revised Request for Proposals to be readvertised.

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

December 16, 2002

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

Dear Mayor Smith and Members of Council:

Subject: LifeNet Greenway Adoption
CM02-0276

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

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

Appropriations

Public Works	$	24,967,685
Parks (1)		2,934,772

Revenues

Miscellaneous	$	315,045
Miscellaneous (2)		160,545

1)	Construction and Development Supplies	(001-620-4340-3011)	$ 5,000
2)	Donation-Lifenet	(001-110-1234-0847)	5,000

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.

JT 12/16/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into an Agreement between the City of Roanoke and LifeNet Donor Memorial Foundation, Inc. ("LifeNet"), for sponsorship of a small portion of the Roanoke River Greenway located along Wiley Drive, accepting a one-time donation of $5,000.00, and dispensing with the second reading of this ordinance by title.

WHEREAS, LifeNet desires to sponsor an area approximately 200 feet by 18 feet along a small portion of the Roanoke River Greenway, located along Wiley Drive, to provide an enhanced recreational experience area for greenway users; and

WHEREAS, LifeNet proposes to donate $5,000.00 to the City for site amenities and maintenance costs.

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

1. The City Manager and the City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, an Agreement with LifeNet, upon such terms and conditions as are more particularly described in the City Manager's letter dated December 16, 2002, to this Council.

2. This Council hereby accepts a donation of $5,000.00 to the City to use for site amenities and maintenance costs.

3. This Council wishes to express its appreciation and that of the citizens of the City of Roanoke to LifeNet for its donation to the City for the sponsorship of a portion of the Roanoke River Greenway.

4. The City Clerk is directed to transmit a copy of this resolution to LifeNet, expressing the City's appreciation for their donation.

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

ATTEST:

City Clerk.

CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

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Roanoke, Virginia 24011-1591
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CityWeb: www.roanokegov.com

December 16, 2002

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

Dear Mayor Smith and Members of Council:

Subject: Easter Seals Concert Series
CM02-0275

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

SJT 12/4/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into an Agreement between the City of Roanoke and Easter Seals of Virginia for use of a portion of certain City-owned property known as Elmwood Park, to operate a series of musical concerts, 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 the City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, an Agreement with Easter Seals of Virginia, for use of a portion of certain City-owned property known as Elmwood Park, such Agreement beginning May 1, 2003, and terminating December 31, 2005, upon such terms and conditions as are more particularly described in the City Manager's letter dated December 16, 2002, to this Council.

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.

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

December 16, 2002

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 December 10 meeting, the Board respectfully requests City Council to approve the following appropriations:

- $34,961.00 from the Capital Maintenance and Equipment Replacement Fund for food service equipment.
- $46,213.00 for the FY2001-02 Title I Local Delinquent Children Grant to provide transition services to youth exiting the Juvenile Detention Center and youth entering Youth Haven. This continuing program is one hundred percent reimbursed by federal funds.
- $55,252.00 for the FY2002-03 Title I Local Delinquent Children Grant to provide transition services to youth exiting the Juvenile Detention Center and youth entering Youth Haven. This continuing program is one hundred percent reimbursed by federal funds.
- $763,520.00 for the Title I Winter program to provide remedial reading, language arts and mathematics instruction for students in targeted schools. This continuing program is one hundred percent reimbursed by federal funds.
- $281,628.00 for the Title II, Part A program to provide funds for the placement of classroom teachers in grades one through three to reduce class size and provide funds for teacher and principal training. This continuing program will be reimbursed by federal funds.

- $10,559.00 for the Title II program to provide services to students with limited English proficiency and to immigrant children. This continuing program will be funded with federal funds.
- $421,144.00 for the Flow Through program to provide aid for the education and guidance of handicapped students. This continuing program will be one hundred percent reimbursed by federal funds.
- $90.00 for the Preschool Incentive program to provide orientation and evaluation for handicapped students who will be entering the public school system for the first time during the fall. This continuing program will be reimbursed one hundred percent by federal funds.
- $42,165.00 for the Special Education Capacity Building (Sliver) program to provide funds to assist the division in providing direct services and in making systemic change to improve results for children with disabilities. This continuing program will be reimbursed one hundred percent by federal funds.
- $30,000.00 for the Blue Ridge Technical Academy Bio-Medical Career Laboratory program. The funds will provide for the installation and operation of a bio-medical career laboratory at the Academy. A corporate donation has been received.
- $37,642.00 for the Adult Basic Education program to provide funds for the education of adults who have not completed high school. This continuing program will be funded with federal funds.
- $62,173.00 for the Regional Adult Literacy program to provide funds for the administration of adult literacy programs. This continuing program will be funded with federal funds.
- $98,494.00 for the Drug Free Schools program to provide funding for one student assistance counselor at the secondary level to work with substance abuse issues. This continuing program will be reimbursed one hundred percent by federal funds.
- $121,695.00 for the Enhancing Education Through Technology grant to provide materials and training to implement mobile wireless laboratories at six elementary schools. This new program will be reimbursed by federal funds.

- $2,640.00 for the PASS Initiative for Roanoke Academy for Mathematics and Science to provide funds for contracted technical assistance at the school. This new program will be one hundred percent reimbursed by State funds.

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
Mrs. Ann H. Shawver (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

December 16, 2002

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:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

$34,961 from School Food Services fund balance available for appropriation for food service equipment.

$46,213 for the FY2001-02 Title I Local Delinquent Children Grant to provide transition services to youth exiting the Juvenile Detention Center and youth entering Youth Haven. This continuing program is one hundred percent reimbursed by federal funds.

$55,252 for the FY2002-03 Title I Local Delinquent Children Grant to provide transition services to youth exiting the Juvenile Detention Center and youth entering Youth Haven. This continuing program is one hundred percent reimbursed by federal funds.

$763,520 for the Title I Winter program to provide remedial reading, language arts and mathematics instruction for students in targeted schools. This continuing program is one hundred percent reimbursed by federal funds.

$281,628 for the Title II, Part A program to provide funds for the placement of classroom teachers in grades one through three to reduce class size and provide funds for teacher and principal training. This continuing program will be reimbursed by federal funds.

$10,559 for the Title II program to provide services to students with limited English proficiency and to immigrant children. This continuing program will be funded with federal funds.

$421,144 for the Flow Through program to provide aid for the education and guidance of handicapped students. This continuing program will be one hundred percent reimbursed by federal funds.

$90 for the Preschool Incentive program to provide orientation and evaluation for handicapped students who will be entering the public school system for the first time during the fall. This continuing program will be reimbursed one hundred percent by federal funds.

$42,165 for the Special Education Capacity Building (Sliver) program to provide funds to assist the division in providing direct services and in making systemic change to improve results for children with disabilities. This continuing program will be reimbursed one hundred percent by federal funds.

$30,000 for the Blue Ridge Technical Academy Bio-Medical Career Laboratory program. The funds will provide for the installation and operation of a bio-medical career laboratory at the Academy. A corporate donation has been received.

$37,642 for the Adult Basic Education program to provide funds for the education of adults who have not completed high school. This continuing program will be funded with federal funds.

$62,173 for the Regional Adult Literacy program to provide funds for the administration of adult literacy programs. This continuing program will be funded with federal funds.

$98,494 for the Drug Free Schools program to provide funding for one student assistance counselor at the secondary level to work with substance abuse issues. This continuing program will be reimbursed one hundred percent by federal funds.

$121,695 for the Enhancing Education Through Technology grant to provide materials and training to implement mobile wireless laboratories at six elementary schools. This new program will be reimbursed by federal funds.

Honorable Mayor and Members
of City Council
December 16, 2002

$2,640 for the PASS Initiative for Roanoke Academy for Mathematics and Science to provide funds for contracted technical assistance at the school. This new program will be reimbursed one hundred percent by State funds.

I recommend that you concur with this report of the School Board.

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 School and School Food Services 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 School and School Food Services Funds Appropriations be, and the same are hereby, amended and reordained to read as follows, in part:

School Fund

Appropriations

Education	$149,123,164
Title I Local Delinquent Children Grant 2001-02 (1-10)	46,213
Title I Local Delinquent Children Grant 2002-03 (11-14)	55,252
PASS Initiative – Roanoke Academy for Mathematics and Science 02-03 (15)	2,640
Title I Winter, 124-03-1 (16-36)	4,156,759
Title III Grant 2002-03 (37-48)	48,124
Flow Through 2002-03 (49)	2,334,815
Preschool Incentive 2002-03 (50)	136,069
Special Education Capacity Building (Sliver) Grant 2002-03 (51-53)	42,165
Adult Basic Education 2002-03 (54-68)	201,246
Regional Adult Literacy 2002-03 (69-71)	212,271
Enhancing Education Through Technology 2002-03 (72-77)	121,695
Drug Free Schools 2002-03 (78-87)	138,724
Title II, Part A 2002-03 (88-98)	1,042,150
Bio-Medical Career Lab 2001-02 (99-101)	72,500

Revenues

Education	$147,179,787
Title I Local Delinquent Children Grant 2001-02 (102)	46,213
Title I Local Delinquent Children Grant 2002-03 (103)	55,252
PASS Initiative – Roanoke Academy for Mathematics and Science 02-03 (104)	2,640
Title I Winter, 124-03-1 (105)	4,156,759
Title III Grant 2002-03 (106)	48,124

Flow Through 2002-03 (107)	$ 2,334,815
Preschool Incentive 2002-03 (108)	136,069
Special Education Capacity Building (Sliver) Grant 2002-03 (109)	42,165
Adult Basic Education 2002-03 (110)	201,246
Regional Adult Literacy 2002-03 (111)	212,271
Enhancing Education Through Technology 2002-03 (112)	121,695
Drug Free Schools 2002-03 (113)	138,724
Title II, Part A 2002-03 (114)	1,042,150
Bio-Medical Career Lab 2001-02 (115)	72,500

School Food Services Fund

Appropriations

Education	$ 4,574,898
Facilities (116)	49,407

Fund Balance

Fund Balance - Unappropriated (117)	$ 242,997

1) Transition Instructors	(030-061-6103-6554-0121)	$ 24,983
2) Social Security	(030-061-6103-6554-0201)	1,911
3) Retirement	(030-061-6103-6554-0202)	2,358
4) Health Insurance	(030-061-6103-6554-0204)	1,961
5) Maintenance Services	(030-061-6103-6554-0332)	2,000
6) Staff Travel	(030-061-6103-6554-0551)	2,000
7) Pupil Transportation	(030-061-6103-6554-0583)	4,000
8) Evaluation Services	(030-061-6103-6554-0584)	500
9) Parental Involvement	(030-061-6103-6554-0585)	3,500
10) Instructional Materials	(030-061-6103-6554-0614)	3,000
11) Transition Instructors	(030-061-6104-6554-0121)	44,556
12) Social Security	(030-061-6104-6554-0201)	3,409
13) Retirement	(030-061-6104-6554-0202)	4,206
14) Health Insurance	(030-061-6104-6554-0204)	3,081
15) Professional Services	(030-061-6847-6002-0313)	2,640
16) Teachers	(030-062-6195-6000-0121)	883,696
17) Coordinators	(030-062-6195-6000-0124)	(961)
18) Extended Instruction Supplements	(030-062-6195-6000-0129)	14,036
19) Teacher Aides	(030-062-6195-6000-0141)	12,495
20) Social Security	(030-062-6195-6000-0201)	33,693
21) Supplemental Education Services	(030-062-6195-6000-0311)	(205,145)
22) Food	(030-062-6195-6000-0602)	(6,025)
23) Instructional Supplies	(030-062-6195-6000-0614)	4,397
24) Instructional Equipment	(030-062-6195-6000-0821)	15,000
25) Teacher	(030-062-6195-6200-0121)	(970)
26) Staff Development	(030-062-6195-6200-0129)	4,806
27) Evaluation Specialist	(030-062-6195-6200-0138)	(4,315)
28) Parent Involvement Aide	(030-062-6195-6200-0141)	(29)

29)	Clerical	(030-062-6195-6200-0151)	$ (52)
30)	Indirect Costs	(030-062-6195-6200-0212)	614
31)	Transportation Services	(030-062-6195-6200-0583)	(205,145)
32)	Parent Involvement	(030-062-6195-6200-0585)	37,252
33)	Food	(030-062-6195-6200-0602)	2,550
34)	Teachers	(030-062-6195-6449-0121)	162,684
35)	Preschool Program	(030-062-6195-6449-0129)	2,316
36)	Social Security	(030-062-6195-6449-0201)	12,623
37)	Instructor	(030-062-6263-6005-0121)	(4,970)
38)	Social Security	(030-062-6263-6005-0201)	(379)
39)	Retirement	(030-062-6263-6005-0202)	(1,246)
40)	Health Insurance	(030-062-6263-6005-0204)	(1,162)
41)	Purchased Services	(030-062-6263-6005-0313)	1,000
42)	Instructional Supplies	(030-062-6263-6005-0614)	14,000
43)	Retirement	(030-062-6263-6105-0202)	(643)
44)	Health Insurance	(032-062-6263-6105-0204)	(600)
45)	Purchased Services	(030-062-6263-6105-0313)	1,000
46)	Travel	(030-062-6263-6105-0554)	2,250
47)	Field Trips	(030-062-6263-6105-0583)	500
48)	Instructional Supplies	(030-062-6263-6105-0614)	809
49)	Teachers	(030-062-6580-6453-0121)	421,144
50)	Summer Diagnostic Services	(030-062-6584-6553-0129)	90
51)	Purchased Services	(030-062-6586-6029-0313)	31,165
52)	Inservice Workshop Costs	(030-062-6586-6029-0587)	10,000
53)	Materials and Supplies	(030-062-6586-6029-0617)	1,000
54)	Teachers	(030-062-6750-6450-0121)	13,114
55)	Counselor	(030-062-6750-6450-0123)	424
56)	Data Management	(030-062-6750-6450-0124)	8,400
57)	Aides	(030-062-6750-6450-0141)	408
58)	Social Security	(030-062-6750-6450-0201)	403
59)	State Retirement	(030-062-6750-6450-0202)	(202)
60)	Health Insurance	(030-062-6750-6450-0204)	305
61)	Life Insurance	(030-062-6750-6450-0205)	(456)
62)	Instructional Travel	(030-062-6750-6450-0551)	3,500
63)	Instructional Supplies	(030-062-6750-6450-0614)	9,026
64)	Clerical	(030-062-6750-6550-0151)	448
65)	Social Security	(030-062-6750-6550-0201)	557
66)	State Retirement	(030-062-6750-6550-0202)	612
67)	Health Insurance	(030-062-6750-6550-0204)	1,227
68)	Life Insurance	(030-062-6750-6550-0205)	(124)
69)	Data Management	(030-062-6755-6550-0124)	7,938
70)	Social Security	(030-062-6755-6550-0201)	607
71)	Contracted Services	(030-062-6755-6550-0313)	53,628
72)	Professional Development	(030-062-6846-6102-0129)	11,538
73)	Social Security	(030-062-6846-6102-0201)	882
74)	Travel	(030-062-6846-6102-0554)	2,100
75)	Summer Institute Training	(030-062-6846-6102-0586)	15,298
76)	Supplies	(030-062-6846-6102-0614)	7,877
77)	Mobile Wireless Laboratories	(030-062-6846-6102-0826)	84,000

78)	Counselor	(030-063-6844-6306-0123)	$ 62,000
79)	Social Security	(030-063-6844-6306-0201	4,743
80)	Retirement	(030-063-6844-6306-0202)	5,845
81)	Health Insurance	(030-063-6844-6306-0204)	182
82)	Contracted Services	(030-063-6844-6306-0313)	5,000
83)	Travel	(030-063-6844-6306-0551)	2,000
84)	Field Trips	(030-063-6844-6306-0583)	10,000
85)	Parental Involvement	(030-063-6844-6306-0585)	4,724
86)	Food Services	(030-063-6844-6306-0602)	2,000
87)	Supplies	(030-063-6844-6306-0614)	2,000
88)	Teachers	(030-064-6262-6000-0121)	117,107
89)	Substitute Teachers	(030-064-6262-6000-0021)	5,000
90)	Specialists	(030-064-6262-6000-0124)	100,000
91)	Staff Development	(030-064-6262-6000-0129)	(51,957)
92)	Social Security	(030-064-6262-6000-0201)	(8,528)
93)	Retirement	(030-064-6262-6000-0202)	1,004
94)	Health Insurance	(030-064-6262-6000-0204)	(83,878)
95)	Purchased Services	(030-064-6262-6000-0313)	107,230
96)	Travel	(030-064-6262-6000-0554)	49,500
97)	Food Services	(030-064-6262-6000-0602)	2,100
98)	Instructional Materials	(030-064-6262-6000-0614)	44,050
99)	Contracted Training Services	(030-065-6609-6102-0129)	18,580
100)	Social Security	(030-065-6609-6102-0201)	1,420
101)	Materials and Supplies	(032-065-6609-6102-0614)	10,000
102)	Federal Grant Receipts	(030-061-6103-1102)	46,213
103)	Federal Grant Receipts	(030-061-6104-1102)	55,252
104)	State Grant Receipts	(030-061-6847-1100)	2,640
105)	Federal Grant Receipts	(030-062-6195-1102)	763,520
106)	Federal Grant Receipts	(030-062-6263-1102)	10,559
107)	Federal Grant Receipts	(030-062-6580-1102)	421,144
108)	Federal Grant Receipts	(030-062-6584-1102)	90
109)	Federal Grant Receipts	(030-062-6586-1102)	42,165
110)	Federal Grant Receipts	(030-062-6750-1102)	37,642
111)	Federal Grant Receipts	(030-062-6755-1102)	62,173
112)	Federal Grant Receipts	(030-062-6846-1102)	121,695
113)	Federal Grant Receipts	(030-063-6844-1102)	98,494
114)	Federal Grant Receipts	(030-064-6262-1102)	281,628
115)	Donations	(030-065-6609-1103)	30,000
116)	Food Service Equipment	(032-065-6006-6788-0821)	34,961
117)	Fund Balance - Unappropriated	(032-3325)	(34,961)

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

December 16, 2002

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

Dear Mayor Smith and Members of Council:

Subject: Certain Traffic Calming Proposals

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

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

December 16, 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, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Dudley Automotive Corporation, represented by Roy V. Creasy, Attorney, that an alley lying between parcels bearing Official Tax Nos. 1220415 and 1220416, be permanently vacated, discontinued and closed.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. By a vote of 7-0, the Commission recommended approval.

Background:

This petition is concurrent with the petitioner's request to rezone Official Tax Map Number 1220415 from RM-2, Residential Multi Family, to C-2, General Commercial District. The petitioner intends to add the alley to his site where he operates an automotive repair shop.

The Planning Commission discussed this request with the Petitioner's rezoning request, which was the previous item on the agenda. The specifics of the rezoning petition were discussed at length with proffers being agreed upon during the hearing. Staff did not present a report on this request; rather staff informed the Commission that the conditions for closure had been altered in the staff report to require that the petitioner combine Official Tax Map Numbers 1220415 and 1220416 with the subject alley into one parcel upon vacation.

Mr. Creasy, counsel for the Petitioner, requested a moment to confer with his client before the Commission motioned to vote. Mr. Creasy then stated that his client agreed to the terms.

Considerations:

The paper alley requested for closure lies between Official Tax Map Numbers 1220416 and 1220415. The alley is approximately 150' long and 12' wide and "dead-ends" at tax parcel 1220419. The former is zoned C-2, General Commercial District. The latter is zoned RM-2, Residential Multifamily, which the petitioner has filed a petition to rezone to C-2.

The petitioner's property is adjoined by commercial parcels to its north and south. To the east and west are residential uses. Mountain View, a City Parks and Recreation facility, is southeast of the petitioner's property on 13th Street.

Staff received comments from AEP, Roanoke Gas, and Verizon, all of which stated they have no facilities in the alley and no opposition to the request.

Staff received comments from the Manager of Streets and Traffic who advised that the closure would not have a discernible impact on traffic in the area.

Staff did not receive any comments in support of or in opposition to the requested closure.

Staff advised the petitioner that as a condition of closure, if Official Tax Map Number 1220415 is rezoned to C-2 and the subject alley is vacated, Official Tax Map Numbers 1220415 and 1220416 must be combined with the alley into one parcel. Combining the parcels and the alley into one parcel will allow the petitioner to expand his operation and at the same time will require that the petitioner abide by the proffers set out in the rezoning petition for Official Tax Map Number 1220415. The proffers set out in that petition will require screening of Official Tax Map Number 1220415, with no outdoor storage of inoperable vehicles.

Recommendation:

Planning Commission recommends approval of the petitioner's request to close, vacate and discontinue this alley, subject to the conditions listed below. Planning Commission does not recommend that the petitioner be charged for the alley due to additional proffers accepted by the Planning Commission regarding the fencing and landscaping of the adjacent property to be rezoned.

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 Official Tax Map Numbers 1220415 and 1220416 and 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
PGT

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

attachments
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
Roy Creasy, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:	)	
	)	
Application of Dudley Automotive Corp. for Vacation of Alley	)	Application for Vacating, Discontinuing and Closing of Alley
	)	
	)	

MEMBERS OF COUNCIL:

Dudley Automotive Corp., applies to have a "paper" alley located on sheet 122 of the zoning map, and more particularly identified on Exhibit "A" attached hereto and made a part hereof in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant Virginia Code Section 15.1-364 and Section 30-14, Code of the City of Roanoke (1979), as amended. This alley is more particularly described on the Exhibit "A" attached and as follows:

That alley shown in red on Exhibit "A" between Official Tax Number 1220415 and official Tax Number 1220416 on Campbell Avenue.

Dudley Automotive Corp. states that the grounds for this application are as follows:

1). All landowners whose property adjoins the property to be vacated are being notified and it is not anticipated that there will be objection to this application. The names and addresses of all adjoining landowners are attached as Exhibit "B"

2). The property to be vacated lies between the above two parcels owned by the Petitioner and is presently being used as a part of Official Tax Number 1220415 and the applicant desires to use the property to be vacated conditional upon the rezoning of Official Tax Number 1220415 filed simultaneously with this Application. Your applicant intends to use said lot in connection with his automotive repair business.

3). City Planning Staff has advised Petitioner there will be no recommendation to the Planning Commission on the sale of the property being vacated.

4). This alley upon being vacated shall be split in two and become part of official Tax Numbers 1220415 and 1220416.

WHEREFORE, Dudley Automotive Corp. respectfully requests that the above described alley be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.1-364 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted,

DUDLEY AUTOMOTIVE CORP.

By: Michael F. Dudley
President

Roy V. Creasy, Esquire
213 S. Jefferson Street
Suite 915
Roanoke, VA 24011-1735

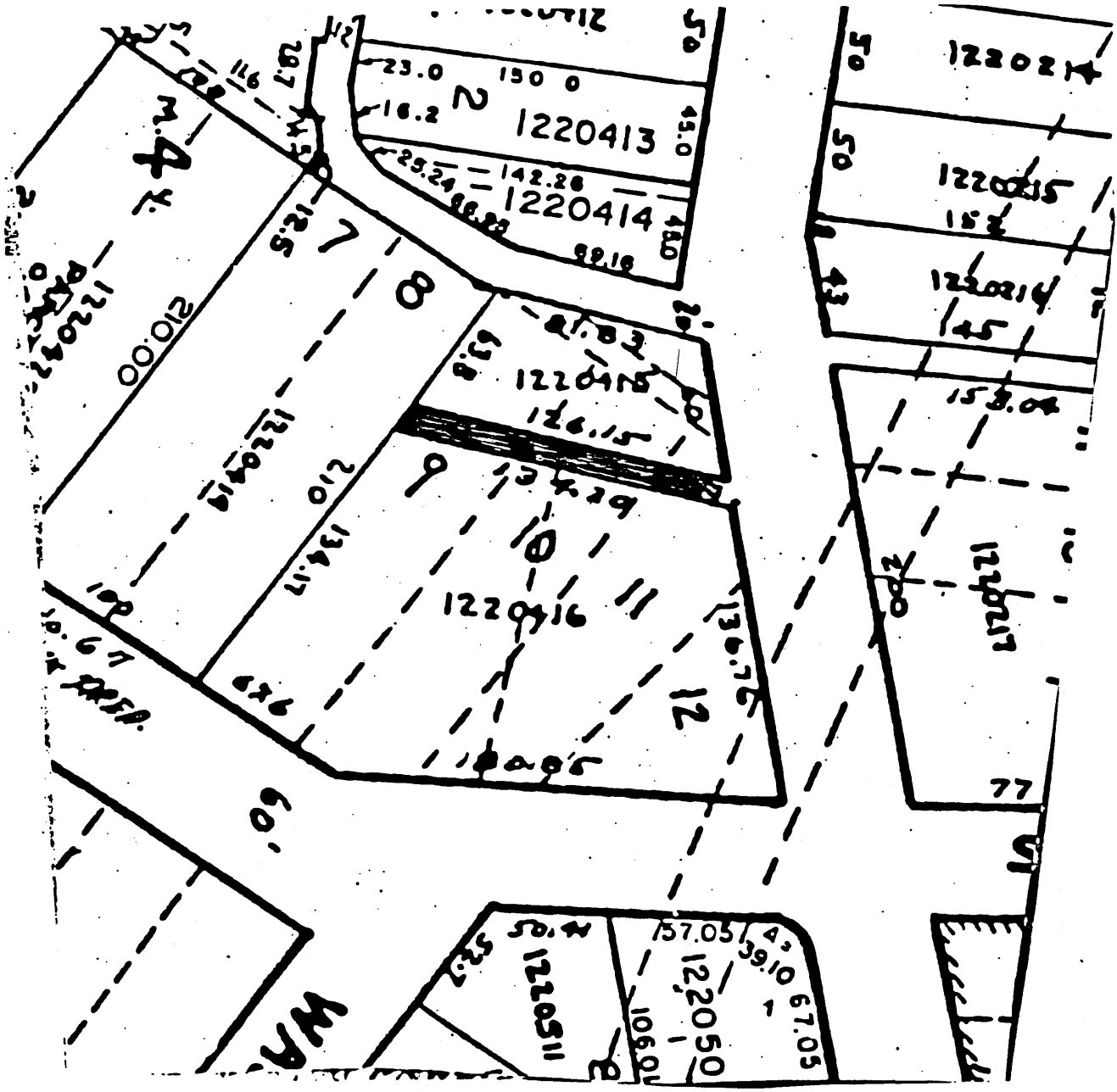
Cavitt B. and Laura E. Bartley
515 Thirteenth Street, SW
Roanoke, VA 24016
Tax Map #1220217

John L. Gibson
1320 Campbell Ave. SW
Roanoke, VA 24016
Tax Map #1220414

Timothy and Teri Ramsuer
3909 Virginia Ave SW
Roanoke, VA

Straight Street Roanoke
P.O. Box 11411
Roanoke, VA 24022

EXHIBIT "A"


1220413
1220414
1220415
1220416
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1220511
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1220419
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210.00
134.11
142.26
150.0
23.0
16.2
25.24
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98.19
126.15
153.04
157.05
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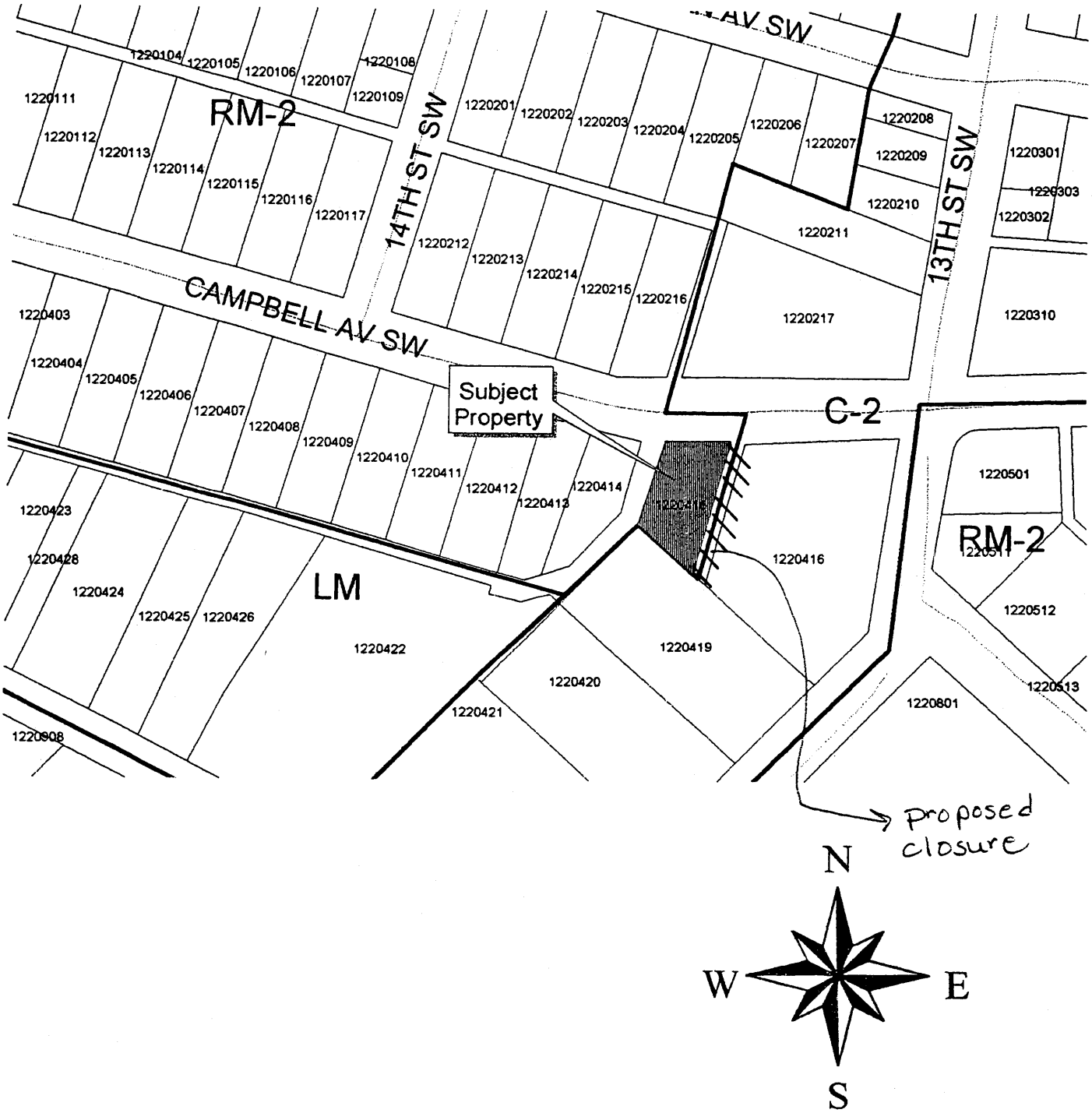
60

701 13th Street, SW



SJ 4/25/02

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, Dudley Automotive Corporation, filed an application dated October 1, 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 December 16, 2002, 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:

> That certain portion of an alley lying between parcels bearing Official Tax Nos. 1220415 and 1220416

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 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 Official Tax Map Numbers 1220415 and 1220416 and the right-of-way vacated in a matter consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located with the right of way, including the right of ingress and egress.

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

December 16, 2002

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: A request from Dudley Automotive Corporation, to rezone a tract land lying and fronting on Campbell Avenue, Tax Number 1220415 from RM-2, Residential Multifamily, Medium Density District to C-2, General Commercial District, such rezoning to be subject to certain conditions.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. The petitioner's attorney agreed to amend the proffered conditions to include limited access to the subject property, installation of a vinyl fence, and setback of the fence from the property lines on the western and northern boundaries, ten feet and five feet respectively, with landscaping buffers installed on the outside of the fencing in those areas. By a vote of 7-0, the Commission voted to recommend approval of the rezoning request, with amended proffers.

Background:

A Petition to Rezone, with conditions, was filed on September 5, 2002. The Planning Commission heard the request on November 21, 2002, and recommended approval, subject to certain amended proffers. An Amended Petition, with conditions, was filed on November 26, 2002, with the following proffered conditions:

a) That the subject property shall be used for the temporary parking and storage of vehicles waiting for service or repairs at the Petitioner's garage located on existing Tax Map Number 1220416.

b) That there will be no outdoor storage of inoperable vehicles, vehicle parts, or other related materials and that there is no salvaging or dismantling of any vehicles stored on the property.

c) That all exterior lighting installed shall not illuminate any adjoining property or public streets.

d) There shall be no access to the rezoned property from Campbell Avenue or the existing alley on the west side of the property. The only access shall be from the east side of the re-zoned property from Roanoke City, Tax Parcel No. 220416.

e) An eight foot high solid vinyl fence shall be installed and maintained around this re-zoned property with the following conditions:
    a. On the western boundary of the rezoned property, a vegetative, non-grass landscaping buffer ten-feet in depth, as measured from the property line to the outside of the fence, shall be installed and maintained with plantings three-feet in height and placed four-feet on center.
    b. On Campbell Avenue, a vegetative, non-grass landscaping buffer five-feet in depth, as measured from the property line to the outside of the fence, shall be installed and maintained with plantings three-feet in height and placed four-feet on center.

The subject property is a vacant 5,871 square foot parcel with 57 feet of frontage on Campbell Avenue near the intersection of 13th Street.

Planning Commission held a public hearing on the rezoning request on November 21, 2002. Mr. Roy Creasy, counsel for the petitioner, presented the request, agreeing to amend proffered conditions to address concerns related to accessibility to the site, landscaping and setback of the fence, and the type of fence. Mrs. Nancy Snodgrass, City Planner, presented the staff report. Staff recommended approval, provided the petition is amended as noted by the counsel for the petitioner, citing the following:

- Given the subject property's location and the alignment of the existing zoning district boundaries, and the proffered conditions to protect the integrity of the adjacent residential neighborhood, the application of the C-2, General Commercial District, to the subject property is appropriate.

The Planning Commission opened the meeting for public comment. Ms. Rose Overington of 1328 Campbell Avenue inquired about references to closure of an alley. She lives three houses from the subject property and expressed concern over the closure of the alley on the western boundary of the subject property. Mrs. Snodgrass explained that the alley that Ms. Overington described will remain open. The alley that is the subject of a petition to close and vacate is a

paper alley that is located between the subject property and the property on which Dudley Automotive is currently located.

Planning Commission discussion centered on amended proffered conditions submitted at the hearing by Mr. Creasy and reviewed by Mr. Steven Talevi, Assistant City Attorney. Mr. Creasy agreed to file an amended petition incorporating the amended proffers as agreed upon in the hearing, including limiting accessibility to the site, installing a solid vinyl fence, and installing designated landscaping buffers outside the fencing on the western and northern boundaries of the subject property.

Considerations:

The subject parcel is currently zoned RM-2, Residential Multifamily, Medium Density. Properties to the east, north, and south are zoned C-2, General Commercial. Tracts to the west of the subject property are zoned RM-2, Residential Multifamily, Medium Density.

Surrounding land uses include a residential neighborhood to the west, a used car dealership to the north, and a "carry-out only" eating establishment to the south. The property to the east is owned by the petitioner and is the site of the petitioner's gas station and auto repair business.

The petitioner plans to use the subject property for the temporary parking and storage of cars before they are repaired at the petitioner's existing garage located on the southwest corner of the intersection of 13th Street and Campbell Avenue (Tax Map Number 1220416). An alley to the east of the subject property separates said property from the parcel on which the petitioner's existing garage is located. The petitioner has filed a petition requesting that right-of-way be closed and vacated.

The City's Transportation Division Manager foresees no traffic issues, provided the adjoining property owners are not impacted. The proposed rezoning of said property will not increase traffic along the 13th Street corridor due to a proposed use that is associated with an existing business. However, if accessibility to the subject property is not limited, traffic may increase on Campbell Avenue, thereby adversely affecting the residential properties to the west.

Vision 2001-2020 encourages the City, businesses, and neighborhood non-profits to identify gateways, key intersections, and corridors for physical improvement in order to promote neighborhood identity and pride (p. 42, NH A17). This area along 13th Street between Rorer and the Memorial Bridge is a major corridor for the Hurt Park and Mountain View neighborhoods. Screening of the stored vehicles is desired to improve the aesthetic appearance of the streetscapes along 13th Street and Campbell Avenue.

Given the subject property's location and the alignment of the existing zoning district boundaries, the application of the C-2, General Commercial District, to the subject property is appropriate, provided certain site development issues are addressed that protect the integrity of the existing residential neighborhood to the west. As for its existing RM-2 zoning, the subject property is an unlikely residential infill opportunity because of its smaller lot size and proximity to high intensity commercial uses. With the rezoning of the subject property to C-2, General Commercial, the district line separating the C-2 commercial district and the RM-2 residential district would be more consistently aligned in terms of the depth of the C-2 district as measured from 13th Street. The proposed rezoning would make the land use patterns more consistent with the zoning districts. The residential zoning district would begin at approximately the same location where the residential land use pattern currently exists.

While C-2, General Commercial, is an appropriate designation for the subject property, development of the site should be consistent with the following statements and policies of **Vision 2001-2020** in order to sustain the viability of the established adjoining residential neighborhood:

- A continued comprehensive emphasis on city design will improve Roanoke's attractiveness for new commercial and residential development and strengthen individual neighborhoods. (p. 4, Foreword, 2)
- Improving Streetscapes: Creating great streets will improve both Roanoke's image and its function, providing not only a safe but also an attractive environment for pedestrians, bicyclists, and transit riders, as well as for automobile drivers. (p. 5, Foreword, Improving Streetscapes)
- Roanoke's neighborhoods are the basic building blocks in the City. (p. 39, Housing and Neighborhoods, Policy Approach)
- Good design is not optional. The quality of the physical environment – attractive streets, buildings, parks, and open space – has a direct impact on Roanoke's economy, the sustainability of its neighborhoods. The community expects the highest level of excellence in building design, streetscapes, pedestrian amenities, preservation of special places, and enhancement of community distinctiveness. (p. 88, City Design)

Because of the proposed use and the property's proximity to the residential neighborhood, staff suggested that the petitioner address the following site development issues that relate to protecting the adjacent residential neighborhood and the streetscape of a major corridor for the neighborhood.

- To minimize traffic and accessibility issues for residents of the 1300 block of Campbell Avenue, staff recommended that the only point of access to the proposed fence-enclosed area be via the eastern boundary of the subject property, utilizing access from the site on which the petitioner's existing garage is located. There should be no access to the subject property from Campbell Avenue or from the existing alley located to the west along the residential boundary.

- A buffer for the residential area would be best created if the fence along the western boundary of the subject property is set back ten feet from the property line with the ten foot setback area landscaped on the outside of the fence, providing greater public benefit with the landscaping being viewable from the street. This landscaped buffer would be in addition to the existing alley on the western end of the subject property.

- The fencing along the Campbell Avenue frontage should be set back from the property line, and a landscaped buffer area, no less than five (5) feet in depth, should be installed on the outside of the fencing.

- A six-foot high, solid vinyl fence (similar in scale to a "privacy fence"), rather than an eight-foot high chain-link fence with blinders, is a more appropriate design solution in a primarily residential context (along the western boundary of the subject property and along Campbell Avenue) and within the streetscape improvement concepts as outlined in **Vision 2001-2020** (along the eastern boundary of the subject property as viewable from 13th Street).

No one has contacted the planning staff in opposition to this petition.

Recommendation:

By a vote of 7-0, the Commission recommends that City Council approve the rezoning request, with amended proffers. Given the adjacent land uses and zoning patterns, the requested C-2, General Commercial District, is appropriate, provided the integrity of the adjacent residential neighborhood is protected. The amended proffers provide a reasonable approach to buffering the residential neighborhood from the proposed use.

Respectfully submitted,

Robert B. Manetta
RBT

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
Roy V. Creasy, Attorney for the Petitioner

AMENDED PETITION TO REZONE

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of a tract of land lying and fronting on Campbell Avenue, tax ticket number 1220415 from RM-2, Residential Multifamily, Medium Density District to C-2, General Commercial District such rezoning to be subject to certain conditions

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

The Petitioner, Dudley Automotive Corporation, owns land in the City of Roanoke, tax number 1220416, located on 701 13th Street S.W. as shown on Exhibit "A" and made a part hereof. Said petitioner has purchased additional property, tax number 1220415, as shown on attached Exhibit "A" which is contiguous to tax number 1220416. Said tax number 1220415 is currently zoned RM-2 Residential Multi-Family, Medium Density District. A map of the property to be rezoned is attached as Exhibit "A" as aforesaid.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, the Petitioner requests that the said property, tax number 1220415, be re-zoned from RM-2 Residential Multi-Family, Medium Density, to C-2, General Commercial District, subject to certain proffers and conditions for the purpose of temporary parking storage of cars before they are repaired at the Petitioner's garage.

The Petitioner believes this amendment and rezoning 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 render said tract a part of the larger C-2 (General Commercial District) property which it adjoins and for which purpose it is best suited.

The Petitioner voluntarily submits the following proffers to be included as part of this

Roy V. Creasy
Attorney At Law
Roanoke, Virginia

zoning request:

(a) That the subject property shall be used for the temporary parking and storage of vehicles waiting for service or repairs at the Petitioner's garage located on existing Tax Map Number 1220416.

(b) That there will be no outdoor storage of inoperable vehicles, vehicle parts, or other related materials and that there is no salvaging or dismantling of any vehicles stored on the property.

(c) That all exterior lighting installed shall not illuminate any adjoining property or public streets.

(d) There shall be no access to the rezoned property from Campbell Avenue or the existing alley on the west side of the property. The only access shall be from the east side of the re-zoned property from Roanoke City, Tax Parcel No. 220416

(e) An eight foot high solid vinyl fence shall be installed and maintained around this re-zoned property with the following conditions:

a. On the western boundary of the rezoned property, a vegetative, non-grass landscaping buffer ten-feet in depth, as measured from the property line to the outside of the fence, shall be installed and maintained with plantings three-feet in height and placed four-feet on center.

b. On Campbell Avenue, a vegetative, non-grass landscaping buffer five-feet in depth, as measured from the property line to the outside of the fence, shall be installed and maintained with plantings three-feet in height and placed four-feet on center.

Attached as Exhibit "B" are the names, addresses and tax numbers of the owner(s) of all lots or property immediately adjacent or immediately across a street or road from the said tract of

oy V. Creasy
ttorney At Law
oanoke, Virginia

property to be rezoned.

WHEREFORE, the Petitioner requests that subject to the above proffers the above described property be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 26th day of November, 2002.

Respectfully Submitted,

Dudley Automotive Corporation

By: Michael I Dudley
President

Roy V. Creasy, Esq.
213 S. Jefferson Street Suite 915
Roanoke, VA 24011
(540) 342-0729
VSB No. 015064

EXHIBIT A

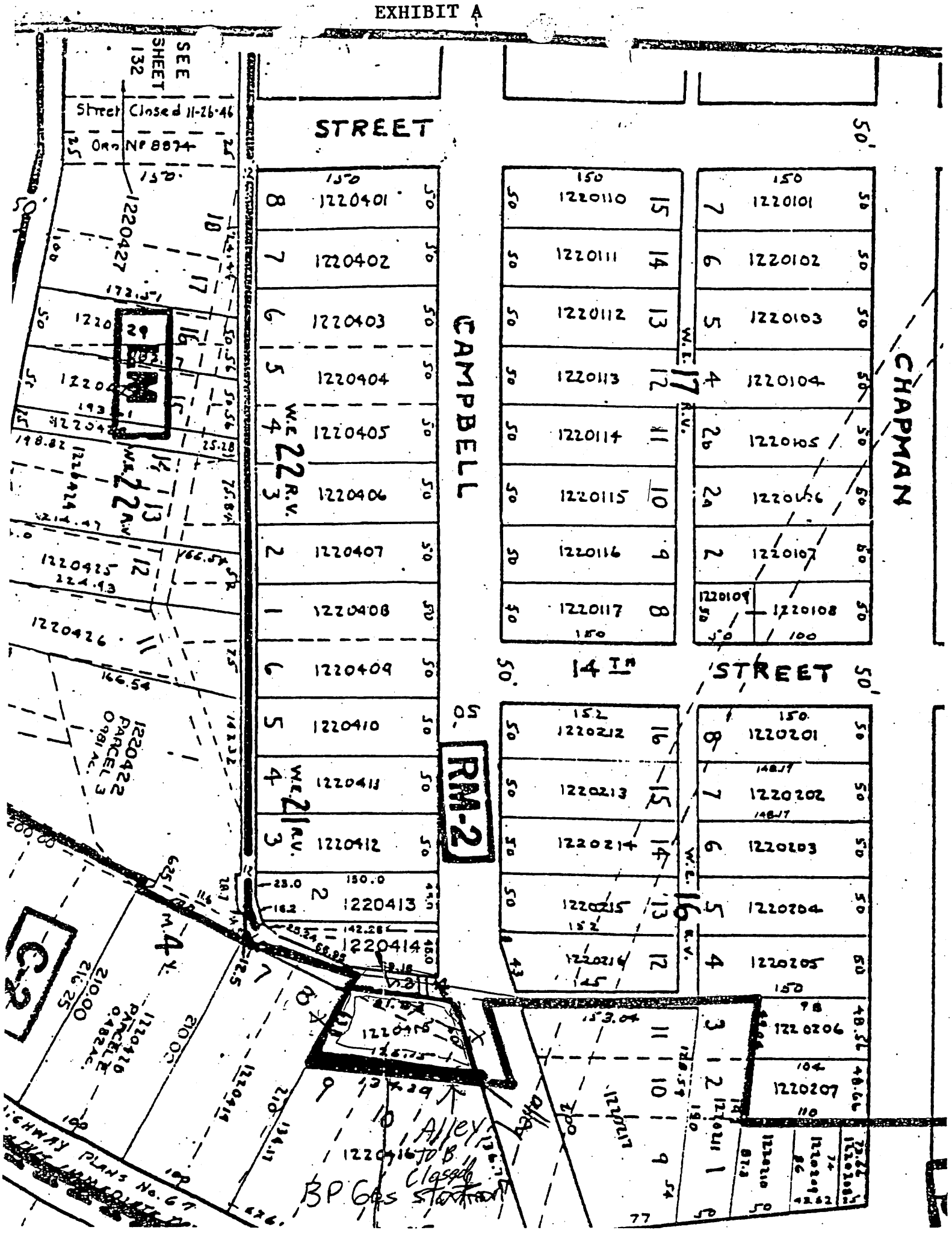

SEE SHEET 132
Street Closed 11-26-46
Ord No 8874
STREET
CAMPBELL
CHAPMAN
14TH STREET
RM-2
C-2
Alley
BP Gas Station
HIGHWAY PLANS No. 67

EXHIBIT B

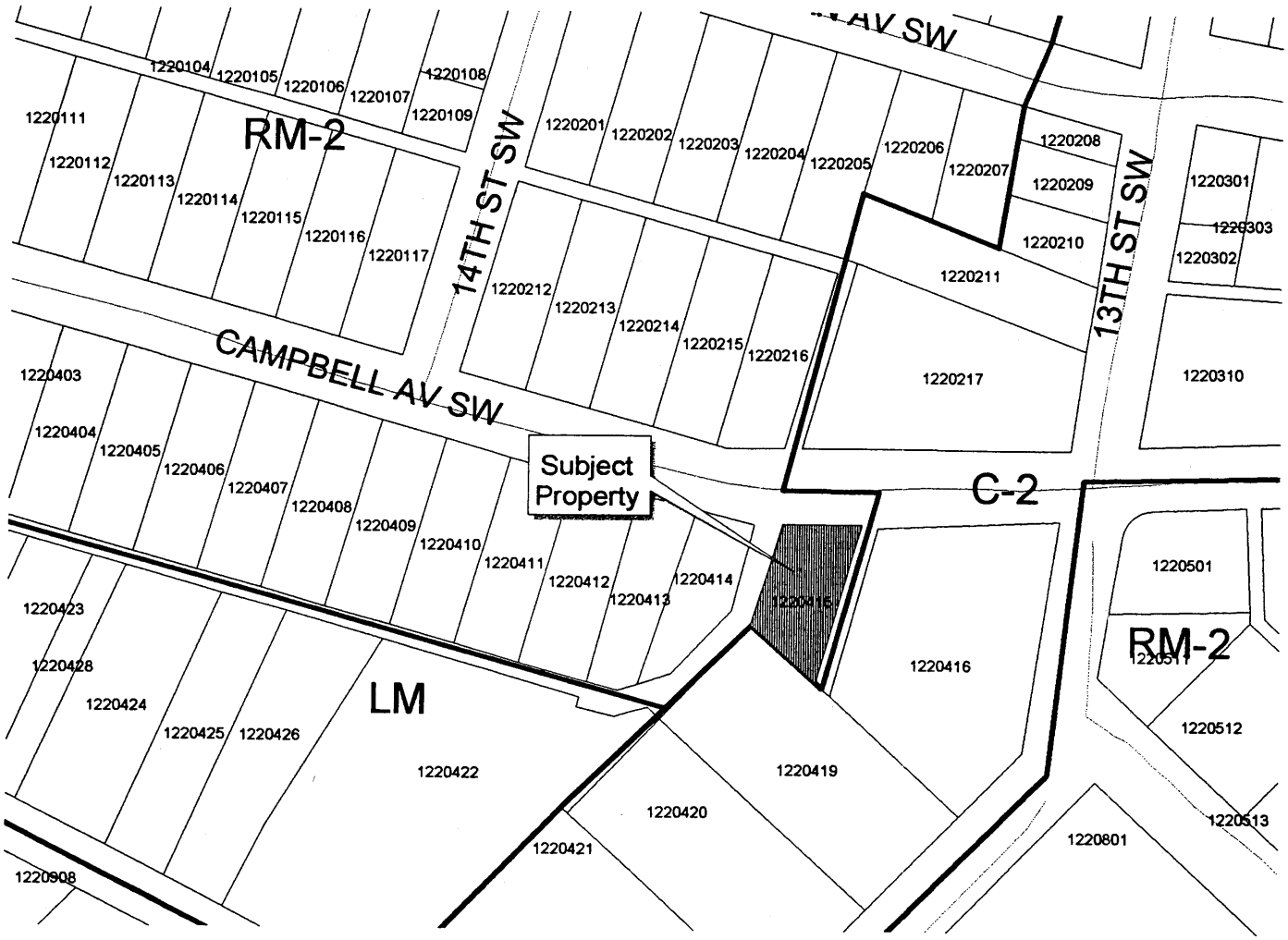
Timothy & Teri Ramsuer
1701 Cleveland Ave SW
Roanoke, VA 24016

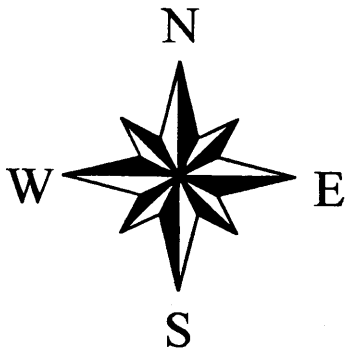
Straight Street Roanoke
P.O. Box 11411
Roanoke, VA 24022

Cavitt B and Laura E. Bartley
501 13th Street SW
Roanoke, VA 24016

John L. Gibson
PO Box 47524 Tax Dept 6021
San Antonio, TX 78265

701 13th Street, SW





JT 11/26/02

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. 112, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Dudley Automotive Corporation, has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-2, Residential Multifamily, Medium Density District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; 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 December 16, 2002, 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. 122 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

A tract of land lying on Campbell Avenue, S.W., bearing Official Tax No. 1220415 be, and is hereby rezoned from RM-2, Residential Multifamily, Medium Density District, to C-2, General Commercial District, subject to the proffers contained in the First Amended Petition filed in the Office of the City Clerk on November 26, 2002, and that Sheet No. 122 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

December 16, 2002

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 WS Associates of Virginia, L.L.C., represented by Maryellen F. Goodlatte, attorney, that two tracts located at the intersection of 1261 Riverland Road, S.E. and Garden City Boulevard, S.E., identified as official Tax Map Numbers 4360104 and 4360103, be rezoned from RM-1, Residential Multi-Family, Low-Density District, to C-2, General Commercial District, such rezoning to be subject to certain conditions.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. By a vote of 7-0, the Commission voted to recommend approval of the rezoning request.

Background:

A Petition to Rezone the two subject properties, with conditions, was filed on September 3, 2002. A First Amended Petition, with conditions, was filed on October 17, 2002. Following a public hearing on the amended petition on October 17, 2002, the Planning Commission tabled consideration until the November 21, 2002, meeting of the Commission, in order for staff and the petitioner to resolve site development issues that pertain to off-street parking and signage. A Second Amended Petition, with conditions, was filed on November 13, 2002.

Conditions proffered by the petitioner are as follows:

1. The property will be developed in substantial conformity with the Development Plan made by Lumsden Associates, dated May 10, 2001, and attached to this amended petition as Exhibit B, subject to the following changes:

   a. any changes required by the City during the Comprehensive Site Plan review;

   b. 28 parking spaces shall be provided;

2. The building will be constructed in substantial conformity with the elevations prepared by T. A. Graham, Architect, dated January 22, 2002, a copy of which is attached to this amended petition as Exhibit C.

3. A board-on-board privacy fence, six feet high from grade, shall be erected between the property and the adjoining residence on Garden City Boulevard, except that the fence shall be stepped down to a finished point that allows for the minimum sight triangle at the point of vehicular access on Garden City Boulevard.

4. All lighting on the property shall consist of fixtures with shields designed to minimize illumination of any off-site property.

5. This property shall be used only as a highway convenience store and fast food restaurant, if a special exception for it is granted.

6. Any canopy over the gas pump islands shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and maximum overall height not to exceed sixteen (16) feet six (6) inches; there shall be no illumination of any portion of the fascia of the canopy; the vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site.

7. Freestanding signs on the subject property shall be limited in number to one (1) which sign shall be located either on the Riverland Road

frontage or the northeast corner of the property at the intersection of Riverland Road and Garden City Boulevard. Said sign shall be no more than 20 feet in height with a sign surface area, per side, not to exceed 100 square feet.

The area to be rezoned totals 2.11 acres. Both subject parcels are vacant.

Planning Commission held a public hearing on the rezoning request on November 21, 2002. Mrs. Maryellen Goodlatte, counsel for the petitioner, presented the request, noting that the Second Amended Petition addressed the signage and off-street parking issues previously raised by staff. Furthermore, Mrs. Goodlatte pointed out that the proffered condition regarding the gas pump island canopy complies with the text amendment currently under consideration. Mrs. Nancy Snodgrass, City Planner presented the staff report. Staff recommended approval of the rezoning request citing the following reasons:

- Given the proffered uses and the subject property's location at an arterial street intersection, the request is consistent with the "Automobile-Oriented Village Center" concept outlined in **Vision 2001-2020**; and
- The proffered conditions, particularly those regarding off-street parking, signage, and the gas pump island canopy, are consistent with site development guidelines and principles for an "Automobile-Oriented Village Center" as outlined in **Vision 2001-2020**.

The Planning Commission opened the meeting for public comment. No one spoke in support of or in opposition to the petition.

Considerations:

The subject property is located at the intersection of Riverland Road and Garden City Boulevard, S.E., and is currently zoned RM-1, Residential Multi-Family, Low Density. Surrounding zoning is residential, commercial, and manufacturing. Tracts south of the subject properties are zoned RM-1, Residential Multi-Family, Low Density, and are developed residentially. Tracts to the east and west of the subject site are zoned RM-1, Residential Multi-Family, Low Density, are vacant, and have significant topographical constraints. Tracts directly to the north, on the other side of Riverland Road, are zoned LM, Light Manufacturing, while the area to the northeast area of the intersection is zoned CN, Neighborhood Commercial.

Surrounding land uses include the residential neighborhood to the south and vacant City-owned land to the east. A small commercial area that includes a grocery store is located to the northeast of the intersection. An American Electric Power substation is located to the northwest, and there are high voltage transmission lines to the west of the subject properties.

The petitioner plans to construct a "country-store style" neighborhood convenience store, with gasoline sales, and incorporate a fast food restaurant

tenant. The fast food restaurant requires a special exception from the Board of Zoning Appeals.

Because a majority of the site is located in the 100-year floodplain, staff met with the City Engineer's Office to discuss floodplain development issues. The proffered site plan and elevations satisfactorily address the new model for this area for floodplain development. Details regarding floodplain development would be considered during comprehensive site plan review.

The petitioner's proffered site plan includes the addition of two turn lanes on Riverland Road – one east-bound and one west-bound – to be constructed at the property owner's expense and dedicated to the City. The City's Transportation Division Manager has determined that the roadway improvements would adequately serve the vehicular traffic created by this new development.

An "automobile-oriented village center" in this location is consistent with the general location of a village center delineated in **Vision 2001-2020**. A drug store is located directly across from the subject property on Riverland Road. A CN, Neighborhood Commercial District, has already been established on the northeast corner of the intersection along the north side of Riverland Road. Immediately adjacent to the east of that Neighborhood Commercial district is an existing commercial node that includes a community shopping center anchored by a grocery store (zoned C-2, General Commercial), a convenience store (zoned LM, Light Manufacturing), a medical clinic (zoned C-1, Office District), and a fire station (zoned LM, Light Manufacturing).

The subject property would give definition to the western extremity of an automobile-oriented village center.

- It is located at a key intersection of two arterial streets that carry local and commuter traffic.

- With the addition of this subject property to the village center, the village center area would be well-defined:

    - The existing community shopping center (C-2, General Commercial), fire station, and medical clinic would anchor the eastern end of the village center.

    - The tract on the northeast corner of the Riverland Road/Garden City Boulevard intersection represents opportunity for reuse and redevelopment of an older commercial center.

    - The western end of the village center would be anchored by commercial development at the Riverland Road and Garden City

Boulevard intersection with that boundary being well defined by both existing land use and topography.

- The AEP substation, substantial in size and located to the west of the drug store and northwest of the subject property, is a long-term use that helps define the western boundary of the village center.
- The parcel directly to the west of the subject property is also owned by AEP and contains high voltage transmission lines. The parcel's steep grade and elevation above the roadway further define and constrain the potential automobile-oriented village center's western boundary.

Development of the site as proposed is consistent with the following policies of **Vision 2001-2020**:

1. An Automobile-Oriented Village Center "is located on a major corridor that carries local and commuter traffic. The center may contain larger scale commercial uses such as a drug store, grocery store, or fast food restaurants". (p. 100, Automobile-Oriented Village Center: Function)

2. "Village centers vary in size and scale depending on the nature of uses and size of the surrounding neighborhood." (p. 40, Strategic Initiative: Village Centers)

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. "Village Centers: Village centers will be pursued as an economic development strategy to strengthen neighborhoods and the City's economy." (p. 59, ED P8)

Given the proffered uses in this petition and the subject property's location at an arterial street intersection, the application of the C-2, General Commercial District, to the subject properties is appropriate and is not inconsistent with the "Automobile-Oriented Village Center" concept discussed in **Vision 2001-2020**. The proposed development on the subject properties could, in fact, help to solidify the definition of the scale of this village center. The "country store style", with proffered elevations, is in keeping with the character of a more rural neighborhood commercial establishment. Potential residential development of the subject property has been compromised by the existence of incompatible uses such as the substation as well as by the volume of traffic along Riverland Road.

The uses of the property as limited by proffer are consistent with "neighborhood commercial" and the "automobile-oriented village center" concept, provided the

site is developed in accordance with **Vision 2001-2020's** principles for an "Automobile-Oriented Village Center." Those principles include:

1. "An area identity is created by careful use of plant materials, lighting, street furniture, and signage." (p. 100, Automobile-Oriented Village Center: Streetscape)

2. "Off-street parking is located on the side and at the rear of buildings shielded from the street by landscaping or low walls." (p. 100, Automobile-Oriented Village Center: Parking)

3. "Parking. Roanoke will encourage on-street parking wherever possible and discourage excessive surface parking lots." (p. 72, IN P4)

4. "Buildings should not be set back..." (p. 100, Automobile-Oriented Village Center: Buildings)

Because the specific design 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** concepts for village centers is currently dependent on the proffers of a petitioner. In order to provide site development, parking, and signage in a manner consistent with the village center concept as outlined in **Vision 2001-2020**, staff worked with the petitioner to address certain site development issues.

The options for placement of the building are limited due to the majority of the subject site being located in the 100-year floodplain. The building cannot be oriented toward Riverland Road and be pulled to the street. Although the building could possibly be turned perpendicular to Riverland Road and the side of the building pulled to the street, this would orient the use to Garden City Boulevard. The use is best oriented to the Riverland Road corridor.

The Second Amended Petition proffers restrictions on any canopy over the gas pump island, including maximums for clearance and overall heights, the non-illumination of the fascia and signs on the fascia, and standards for recessed lighting in the ceiling of the canopy. This proffered condition is consistent with the standards of a proposed text amendment currently under consideration by City Council.

Because of the limitation on the siting of the building and its effect on the location of parking on site, the reduction of parking spaces best minimizes the impact of the off-street parking. Excessive off-street parking is addressed in this petition by applying the grouped parking section of the Zoning Ordinance, allowing a reduction of off-street parking to seventy (70) percent of that otherwise required. The Second Amended Petition caps the on-site parking at 28 spaces (70% of 40).

To provide a streetscape consistent with the village center concept, the Second Amended Petition limits freestanding signs in number, height, and sign surface area relative to that allowed under the Zoning Ordinance. Furthermore, the proffered conditions address concerns about the orientation of the development to Riverland Road, by restricting the freestanding sign's location to the Riverland Road frontage or the corner of the property at the intersection of Riverland Road and Garden City Boulevard.

No one has contacted the planning staff in opposition to this petition. Mr. Charles Hancock, president of the Garden City Civic League, reported to the petitioner that no objections to the rezoning request were raised at a meeting of the neighborhood organization. Letters in support of the rezoning request have been received from Ms. Jennie McGregor of the neighborhood Development Review Team and the Garden City Civic League, Ms. Kathy Hill, president of Riverland Alert Neighbors, and Ms. Vivian Thierry of 2237 Garden City Boulevard, the residential parcel that abuts the subject property to the south.

Recommendation:

By a vote of 7-0, the Commission recommends that City Council approve the rezoning request. Given the proffered uses, the consistency of the location with the "Automobile-Oriented Village Center" concept, and the proffered conditions that address the development issues of off-street parking, signage, and the gas pump island canopy, the request for rezoning to C-2, General Commercial, with proffered conditions, is an appropriate use of this property.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
Roanoke City Planning Commission

attachments
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
Maryellen F. Goodlatte, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of two tracts of land located at the intersection of 1261 Riverland Road, S.E. and Garden City Boulevard, S.E., identified as official Tax Map Numbers 4360104 and 4360103, from RM-1, Residential Multi-Family, Low-Density District, to C-2, General Commercial District, such rezoning to be subject to certain conditions.

SECOND AMENDED PETITION

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

Petitioner WS ASSOCIATES OF VIRGINIA, L.L.C. owns real property in the City of Roanoke, Virginia, containing 2 acres, more or less, located at the intersection of Riverland Road and Garden City Boulevard and being Tax Map Numbers 4360104 and 4360103. The property is currently zoned RM-1 Residential Multi-Family Low-Density District. A map of the property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, Petitioner requests that the said property be rezoned from RM-1, Residential Multi-Family, Low-Density District, to C-2, General Commercial District, subject to certain conditions set forth below, for the purpose of permitting a highway convenience store and fast food restaurant on the property. The conceptual development plan prepared by Lumsden Associates, dated May 10, 2001, is attached hereto as Exhibit B ("Development Plan").

Your petitioner believes the rezoning of the property will further the intent and purposes of the City's Zoning Ordinance and Vision 2001-2020 Comprehensive Plan. This property is located along and would be oriented toward Riverland Road. This project will promote quality development and good use along the Riverland Road corridor. Landscaping and buffering is intended to protect the residential neighborhood on Garden City Boulevard.

Your petitioner hereby proffers and agrees that if the said tract is rezoned as requested, that the rezoning will be subject to, and that it will abide by, the following conditions:

1. The property will be developed in substantial conformity with the Development Plan made by Lumsden Associates, dated May 10, 2001, and attached to this amended petition as Exhibit B, subject to the following changes:

(a) any changes required by the City during the Comprehensive Site Plan review;

(b) 28 parking spaces shall be provided;

2. The building will be constructed in substantial conformity with the elevations prepared by T. A. Graham, Architect, dated January 22, 2002, a copy of which is attached to this amended petition as Exhibit C.

3. A board-on-board privacy fence, six feet high from grade, shall be erected between the property and the adjoining residence on Garden City Boulevard, except that

the fence shall be stepped down to a finished point that allows for the minimum sight triangle at the point of vehicular access on Garden City Boulevard.

4. All lighting on the property shall consist of fixtures with shields designed to minimize illumination of any off-site property.

5. This property shall be used only as a highway convenience store and fast food restaurant, if a special exception for it is granted.

6. Any canopy over the gas pump islands shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and maximum overall height not to exceed sixteen (16) feet six (6) inches; there shall be no illumination of any portion of the fascia of the canopy; the vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site.

7. Freestanding signs on the subject property shall be limited in number to one (1) which sign shall be located either on the Riverland Road frontage or the northeast corner of the property at the intersection of Riverland Road and Garden City Boulevard.

Said sign shall be no more than 20 feet in height with a sign surface area, per side, not to exceed 100 square feet.

Attached as Exhibit D 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, your 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.

This Second Amended Petition is respectfully submitted this 13th day of November, 2002.

WS ASSOCIATES OF VIRGINIA, L.L.C.,
a Virginia limited liability company

By: Maryellen F. Goodlatte
Of Counsel

Maryellen F. Goodlatte, Esq.
Glenn, Feldmann, Darby & Goodlatte
210 1st Street, S.W., Suite 200
P. O. Box 2887
Roanoke, Virginia 24001-2887

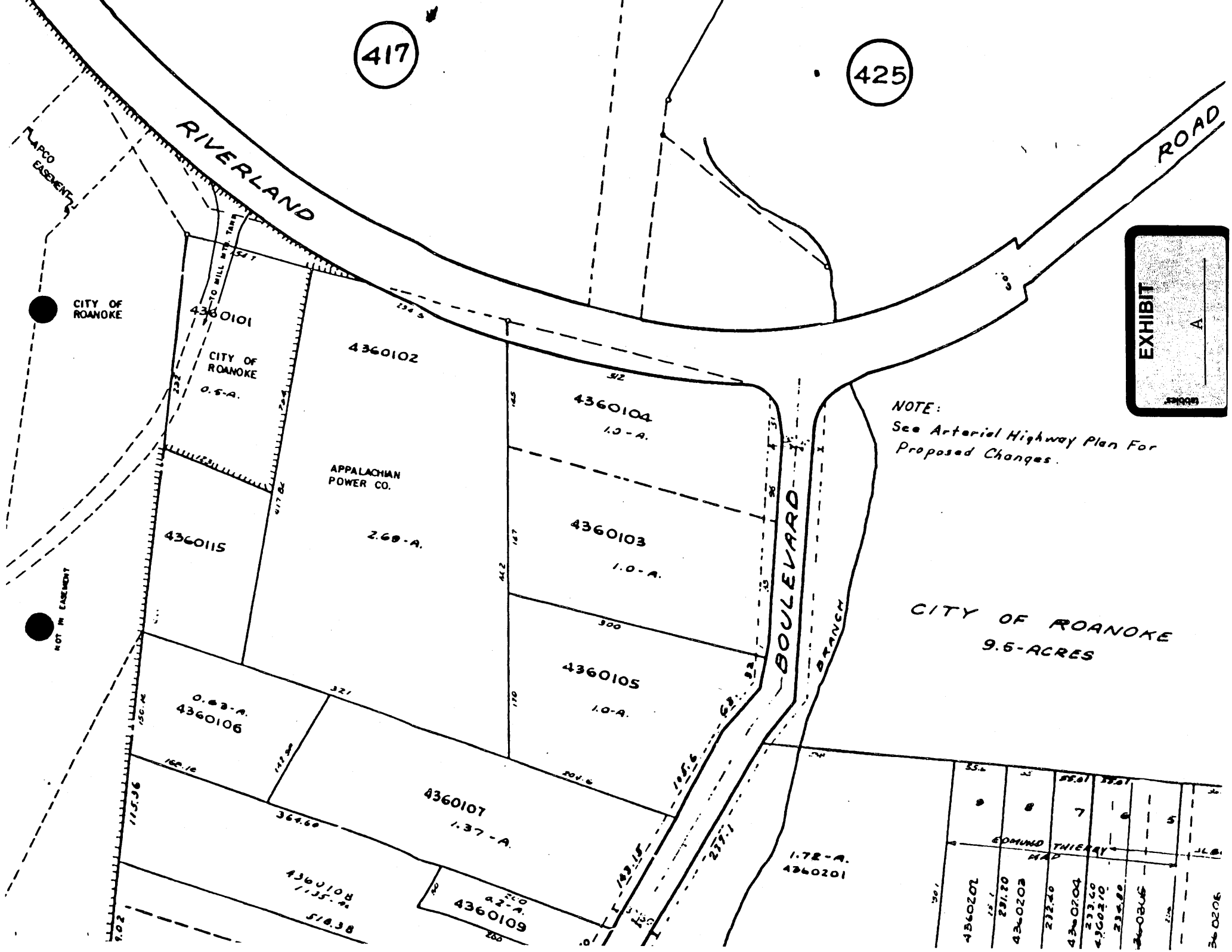
(540) 224-8018 - Telephone
(540) 224-8050 – Facsimile
mgoodlatte@gfdg.com

WS Associates of Virginia L.L.C., a Virginia limited liability company, owner of the property subject to this second amended petition, hereby consents to this rezoning including the voluntary proffers contained herein.

WS ASSOCIATES OF VIRGINIA, L.L.C.

By: _____

its: Managing Partner


417
425
RIVERLAND
ROAD
APCO EASEMENT
CITY OF ROANOKE
4360101
CITY OF ROANOKE
0.5-A.
4360102
APPALACHIAN POWER CO.
2.69-A.
4360104
1.0-A.
4360103
1.0-A.
4360115
4360105
1.0-A.
0.63-A.
4360106
4360107
1.37-A.
4360108
1.35-A.
4360109
.42-A.
BOULEVARD
BRANCH
1.72-A.
4360201
CITY OF ROANOKE
9.6-ACRES
NOTE:
See Arterial Highway Plan For Proposed Changes.
EXHIBIT
A
EDMUND THIERAY
MAP

NOTES:

1. CURRENT ZONING: RM-1
2. PROPOSED ZONING: C-2
3. PROPOSED USE: HIGHWAY CONVENIENCE STORE AND FAST FOOD RESTAURANT
4. FAST FOOD RESTAURANT WILL REQUIRE SPECIAL USE PERMIT BY THE BOARD OF ZONING APPEALS.
5. REQUIRED PARKING
   HIGHWAY CONVENIENCE STORE
   1 SPACE/200 S.F. NET FLOOR AREA
   FAST FOOD RESTAURANT
   1 SPACE/200 S.F. NET FLOOR AREA
   + 1 SPACE PER EMPLOYEE ON DUTY
   = (9750 x 0.80)/200 + 1 SPACE/EMPLOYEE
   = 39 SPACES + 1 SPACE/EMPLOYEE
6. PARKING PROVIDED = 40 SPACES

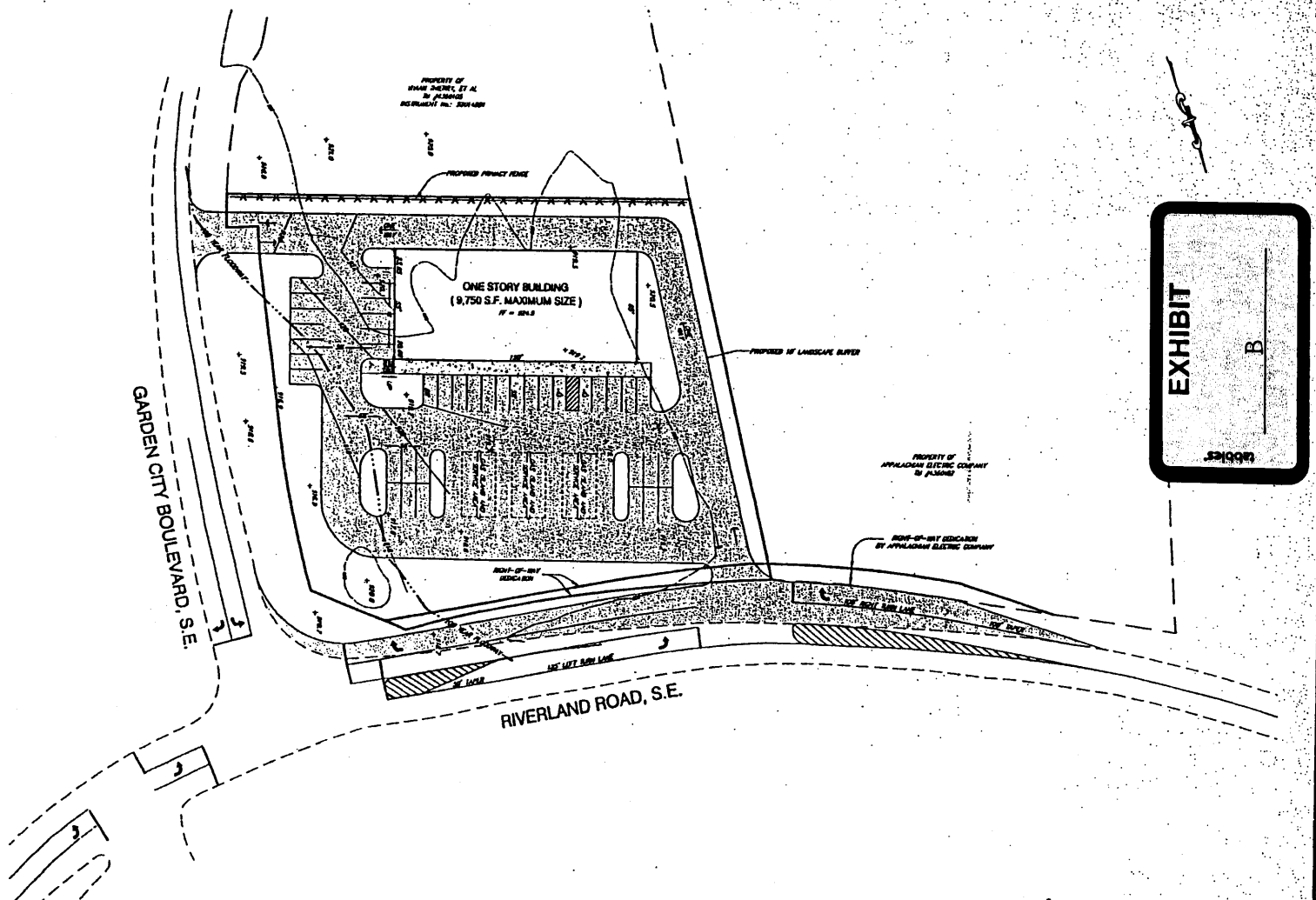
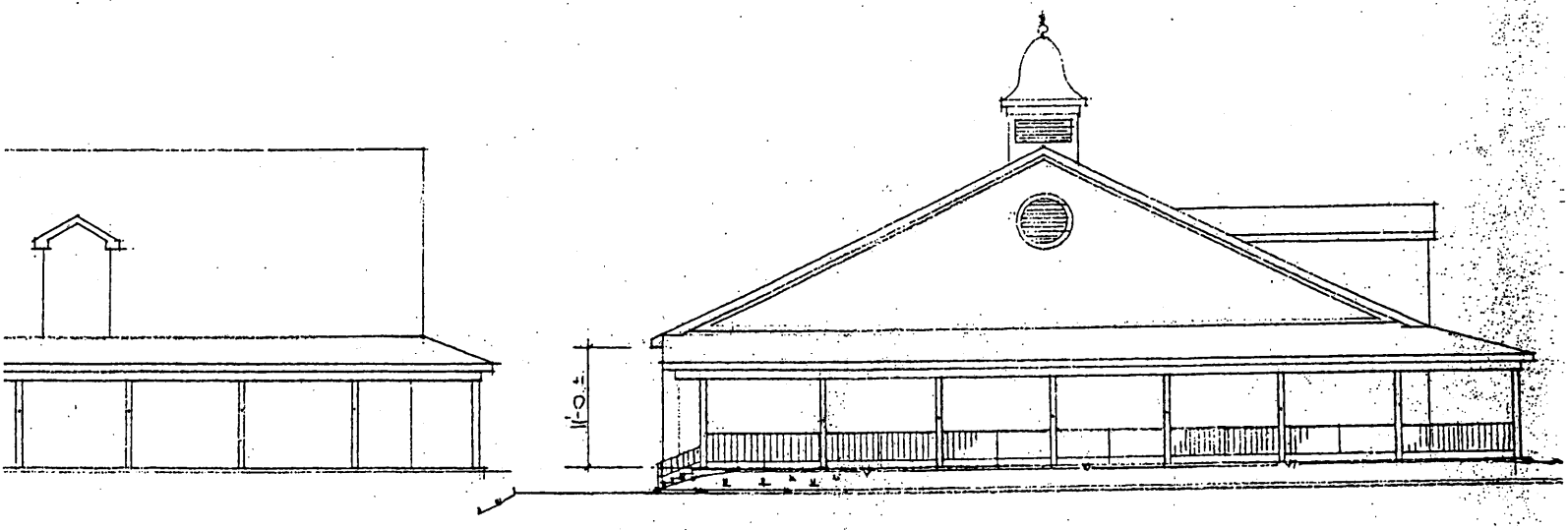


EXHIBIT
B
labbies

PRELIMINARY PLAN
FOR PROPERTY SITUATED ON
RIVERLAND ROAD, S.E. &
GARDEN CITY BOULEVARD, S.E.
LOCATED IN
CITY OF ROANOKE, VIRGINIA

LUMSDEN ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
ROANOKE, VIRGINIA
4564 BRAMBLETON AVENUE, S.W.
P.O. BOX 20569
ROANOKE, VIRGINIA 24018
PHONE: (540)774-4411
FAX: (540)772-3443
E-MAIL: MAIL@LUMSDENPC.COM

DATE: MAY 10, 2001
COMM. NO.: 1999-276
SCALE: 1" = 30'
DWG. FILE: FAIRVIEW TYPH BLDNG



T.A. GRAHAM, ARCHITECT
PRELIMINARY
NOT FOR CONSTRUCTION
OR FABRICATION PURPOSES

JAN 22 2002

LEFT END BLOCKOUT
1/8"=1'-0 (from GARDEN CITY BVD.)

EXHIBIT
C

ADJACENT PROPERTY OWNERS

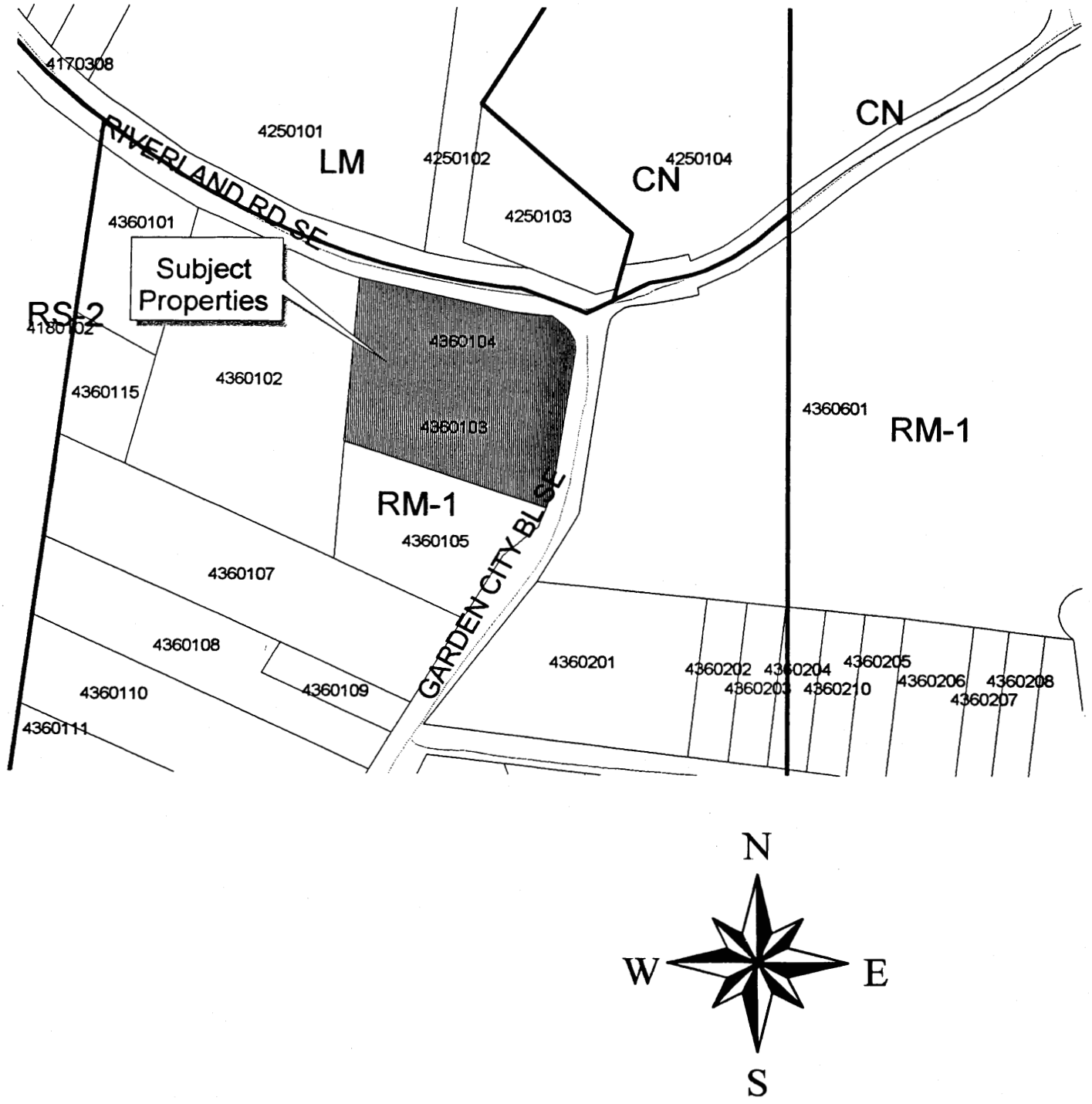
WS ASSOCIATES OF VIRGINIA, LLC
TAX MAP PARCELS 4360104 and 4360103

Tax Map Number	Owner(s)
4250101	Appalachian Electric Power 215 Church Avenue, SW Room 250 Roanoke, Virginia 24011
4250102	Appalachian Electric Power 215 Church Avenue, SW Room 250 Roanoke, Virginia 24011
4250103	Robert Wayne. Kennedy Tracy H. Kennedy 1270 Riverland Road, SE Roanoke, Virginia 24014
4360601	City of Roanoke 215 Church Avenue, SW Room 250 Roanoke, Virginia 24011
4360105	Vivian L. Thierry, etals 2237 Garden City Blvd., SE Roanoke, Virginia 24014
4360102	Appalachian Electric Company 215 Church Avenue, SW Room 250 Roanoke, Virginia 24011

EXHIBIT

D

Garden City Boulevard and Riverland Road, SE



SJT 12/2/02

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. 436, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

WHEREAS, WS Associates of Virginia, L.L.C., has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from to RM-1, Residential Multi-Family, Low-Density District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; 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 December 16, 2002, 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. 436 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

Those two tracts of land located at the intersection of 1261 Riverland Road, S.E., and Garden City Boulevard, S.E., identified as Official Tax Map Numbers 4360104 and 4360103, and designated on Sheet No. 436 of the Sectional 1976 Zone Map, City of Roanoke, be, and are hereby rezoned from RM-1, Residential Multi-Family, Low-Density District, to C-2, General Commercial District, subject to the proffers contained in the Second Amended Petition filed in the Clerk's Office on November 13, 2002, and that Sheet No. 436 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.

H:\ORDINANCES\O-REZO-WS ASSOC OF VA 121602.DOC

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

December 16, 2002

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

Dear Mayor Smith and Members of Council:

Subject: Collaborative Agreement with the YMCA CM02-0274

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

SJT
12/12/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into an agreement between the City of Roanoke and the YMCA of the Roanoke Valley, Inc., for the development and use of a new facility, 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 the City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, an agreement with the YMCA of the Roanoke Valley, Inc., for the development and use of a new facility, upon such terms and conditions as are more particularly described in the City Manager's letter dated December 16, 2002, to this Council.

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

December 16, 2002

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 YMCA of Roanoke Valley, Inc., represented by James F. Douthat, attorney, and the City of Roanoke that tracts of land lying between Campbell Avenue, Fifth Street, Luck Avenue, and Sixth Street, S.W., comprising approximately 2.89 acres, more or less, and designated more specifically as Official Tax Numbers 1113401, 1113408, 1113409, 1113410, 1113411, 1113412, 1113414, 1113415, 1113416, 1113417, 1113418, 1113419, 1113420, 1113421, 1113422, 1113423, 1113424, and 1113425 be rezoned from C-1, Office District, to C-3, Central Business District.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. By a vote of 6-0-1 (Mr. Rife abstaining), the Commission voted to recommend approval of the rezoning request.

Background:

A petition to rezone:

Approximately 0.902 acres, more or less, owned by the YMCA OF ROANOKE VALLEY, INC., and consisting of nine tracts of land designated as Official Tax Numbers 1113415, 1113416, 1113417, 1113420, 1113421, 1113422, 1113423, 1113424, and 1113425 from C-1, Office District, to C-3, Central Business District; and

Approximately 1.99 acres, more or less, owned by the CITY OF ROANOKE, and consisting of nine tracts of land designated as Official Tax Numbers 1113401, 1113408, 1113409, 1113410, 1113411, 1113412, 1113414, 1113418, and 1113419 from C-1, Office District, to C-3, Central Business District.

The improvements on the subject properties are the Jefferson Center (located on Tax Map No. 1113401) and the Jefferson Gym (located on Tax Map No. 1113414). The other parcels in the petition are currently used for vehicular parking.

Planning Commission held a public hearing on the rezoning request on November 21, 2002. Mr. James Douthat, counsel for the petitioner, presented the request. Mrs. Nancy Snodgrass, City Planner, presented the staff report. Staff recommended approval citing the following reason:

- The proposed change in zoning is a reasonable development strategy that is consistent with the recommendations of **Vision 2001-2020** and its downtown component, *Outlook Roanoke Update*.

The Planning Commission opened the meeting for public comment. No one spoke in support of or in opposition to the rezoning request.

Considerations:

The YMCA OF ROANOKE VALLEY, INC., plans to construct a new YMCA facility. Upon completion, the new facility will replace the YMCA Central Branch currently located at the northeast corner of Church Avenue and Fifth Street S.W.

The subject properties are located within the block bounded by Fifth Street, Campbell Avenue, Sixth Street, and Luck Avenue, S.W. Some of the subject properties are separated by a section of Church Avenue. Surrounding zoning is C-1, Office District, LM, Light Manufacturing, and C-3, Central Business District. Recent zoning changes in the area include the 2002 rezoning of the Cotton Mill from LM, Light Manufacturing, to C-3, Central Business District.

Surrounding land uses include Calvary Baptist Church, the Cotton Mill complex, Collegiate Pacific (manufacturing and warehousing of apparel and novelty items), surface parking lots, Corporate Catering, the existing YMCA facility, Roanoke Valley Council of Community Services, a multi-family dwelling, and offices.

Tax Map Number 1113401, the site of the Jefferson Center, is located within the H-2, Neighborhood Preservation Overlay District, and is subject to its provisions.

The intent of the C-3, Central Business District, is to form the metropolitan center for commercial, financial, professional, governmental and cultural activities. The C-3, Central Business District, designation would allow for the development of a

new YMCA downtown facility and the continuation of activities at the Jefferson Center, while helping to anchor the western end of the Central Business District.

Vision 2001-2020 includes the following recommendations for land use and development:

1. "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)

2. "Adopt the downtown plan, *Outlook Roanoke Update,* as a component of Vision 2001-2020." (p. 60, ED A3)

3. "Identify underutilized commercial sites and promote revitalization." (p. 61, ED A26)

4. "Lifelong learning: Roanoke will support schools, libraries, continuing and higher education programs, community-based education, and recreation programs that foster a positive learning environment for persons of all ages." (p. 84, PE P3)

5. "Health care programs: Roanoke will support health care programs that encourage healthier living to improve community health." (p. 84, PE P8)

Outlook Roanoke Update, adopted by City Council as a component of *Vision 2001-2020,* recommends several initiatives to revitalize the areas west of Jefferson Street, create a series of focal points, rebuild the urban fabric of downtown Roanoke, and create safe and attractive public spaces. One such component is the Jefferson Center Initiative. That initiative:

1. Is intended to effectively link the western end of the central business district with the downtown core (*Outlook Roanoke Update,* p. 44);

2. Should be designed to support the efforts of the Jefferson Center, the YMCA, and Old Southwest neighborhood's promotion of improvement in the area (*Outlook Roanoke Update,* p. 44); and

3. Includes the continuation of public functions at the Jefferson Center, construction of a new YMCA facility on a site adjacent to the Jefferson Center, mixed-use redevelopment of the Cotton Mill, and creation of a connection between the Old Southwest neighborhood and the heart of downtown (*Outlook Roanoke Update,* pp.44-45).

Because of surrounding land uses, the current activities of the Jefferson Center, and the opportunity for the development of a vacant, underutilized commercial

site, the proposed change in zoning is a reasonable development strategy that is consistent with the recommendations of the Comprehensive Plan and its downtown component, *Outlook Roanoke Update*. This petition supports a commitment to enhancing the quality of life and the economic development of downtown Roanoke.

No one has contacted the planning staff in opposition to this petition. Letters of support have been received from several neighbors on the western end of downtown including the Council of Community Services, Calvary Baptist Church, the Jefferson Center Foundation, and the Roanoke Valley Chapter of the American Red Cross.

Recommendation:

By a vote of 6-0-1 (Mr. Rife abstaining), the Commission recommends that City Council approve the request for rezoning to C-3, Central Business District. Given the development and success of the Jefferson Center and the YMCA's role in helping to solidify an anchor for the western edge of downtown, this rezoning request allows for an appropriate and desirable use of these properties.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman RBT
Roanoke City Planning Commission

attachments
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
James F. Douthat, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of tracts of land lying between Campbell Avenue, Fifth Street, Luck Avenue and Sixth Street, S.W., comprising approximately 2.89 acres, more or less, and designated more specifically as Official Tax Numbers 1113401, 1113408, 1113409, 1113410, 1113411, 1113412, 1113414, 1113415, 1113416, 1113417, 1113418, 1113419, 1113420, 1113421, 1113422, 1113423, 1113424 and 1113425 from C-1, Office District to C-3, Central Business District

PETITION TO REZONE

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

The Petitioner, YMCA OF ROANOKE VALLEY, INC. owns land in the City of Roanoke containing .902 acres, more or less, designated as Official Tax Numbers 1113415, 1113416, 1113417, 1113420, 1113421, 1113422, 1113423, 1113424 and 1113425. The Petitioner, City of Roanoke, Virginia, owns land in the City of Roanoke containing 1.99 acres, more or less, designated as Official Tax Numbers 1113401, 1113408, 1113409, 1113410, 1113411, 1113412, 1113414, 1113418 and 1113419. Said properties are generally bounded by Fifth Street, Campbell Avenue, Sixth Street, and Luck Avenue, S.W.. Said properties are currently zoned C-1, Office District. A map of the properties to be rezoned is attached hereto as Exhibit A. A concept plan is attached as Exhibit B.

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 C-1, Office District, to C-3, Central Business District, for the purpose of construction of the new YMCA of Roanoke Valley facility which, in combination with the Jefferson Center, will provide a strong western anchor complex for downtown.

The improvements on the properties consist of the Jefferson Center (located on Tax Map No. 1113401) and the Jefferson Gym (located on Tax Map No. 1113414). The other parcels included in the petition are currently used for parking.

The Petitioners believe the rezoning of the property will further the intent and purposes of the City's Zoning Ordinance and its Comprehensive Plan in that it will redevelop an underutilized commercial area, support community-based education and recreational programs, support healthcare programs to improve community health, and help implement the Jefferson Center Initiative of the downtown component of the Comprehensive Plan, Outlook Roanoke Update.

Attached as Exhibit C are the names, addresses and tax numbers of the owner or owners of all lots or properties 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.

Respectfully submitted this 3rd day of October, 2002.

Respectfully submitted,

CITY OF ROANOKE, INC.

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

YMCA OF ROANOKE VALLEY, INC.

By: _____
Cal Johnson, Executive Director
YMCA OF ROANOKE VALLEY, INC.
425 Church Avenue, S.W.
Roanoke, VA 24016
(540) 342-9622

_____
James F. Douthat, Esq., Bar No. 1191
WOODS, ROGERS & HAZLEGROVE, P.L.C.
10 S. Jefferson Street, Suite 1400
P.O. Box 14125
Roanoke, VA 24038-4125
(540) 983-7662 - Telephone
(540) 983-7711 - Facsimile

WOODS, ROGERS & HAZLEGROVE PLC
Attorneys at Law

RKE# 0769095.WPD
C/M: 099460-00009-01

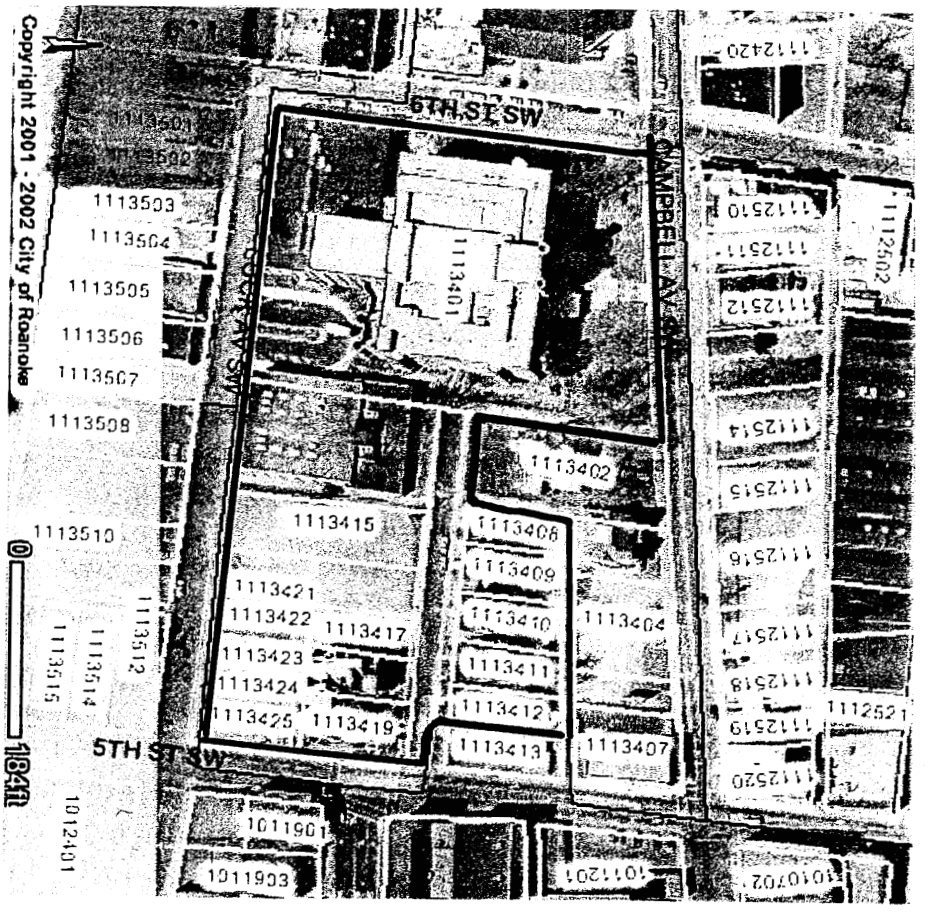


Exhibit A to Petition of YMCA of Roanoke Valley, Inc. and the City of Roanoke

Property outlined in bold
Existing Zoning: C-1 Gray
C-3 Green
LM Pink

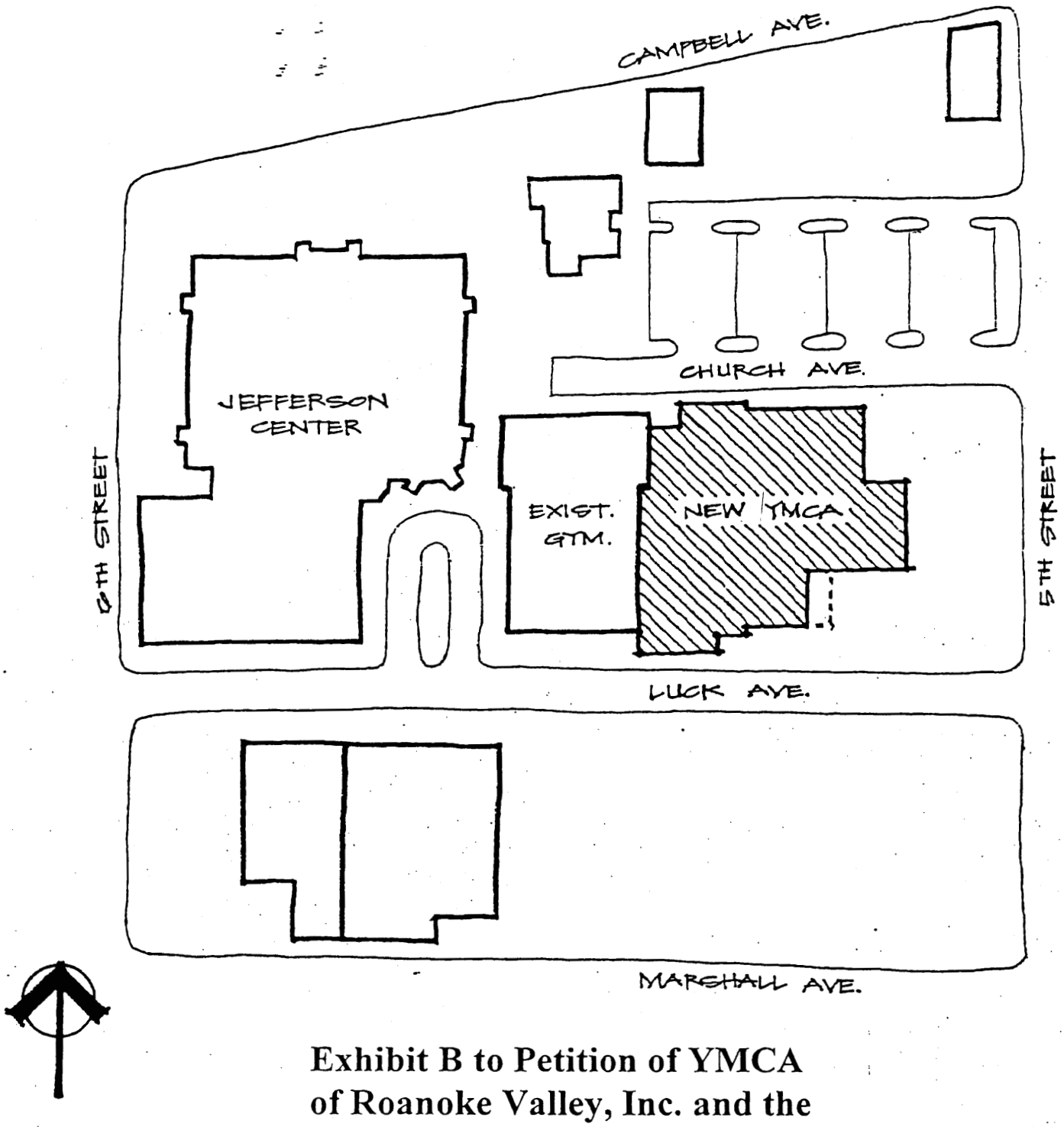


Exhibit B to Petition of YMCA of Roanoke Valley, Inc. and the City of Roanoke

ADJOINING PROPERTY HOLDERS
OF YMCA
TAX PARCELS: 1113415, 1113416, 1113417, 1113420, 1113421, 1113422, 1113423, 1113424, 1113425

AND

CITY OF ROANOKE
TAX PARCELS: 1113401, 1113408, 1113409, 1113410, 1113411, 1113412, 1113414, 1113418, 1113419

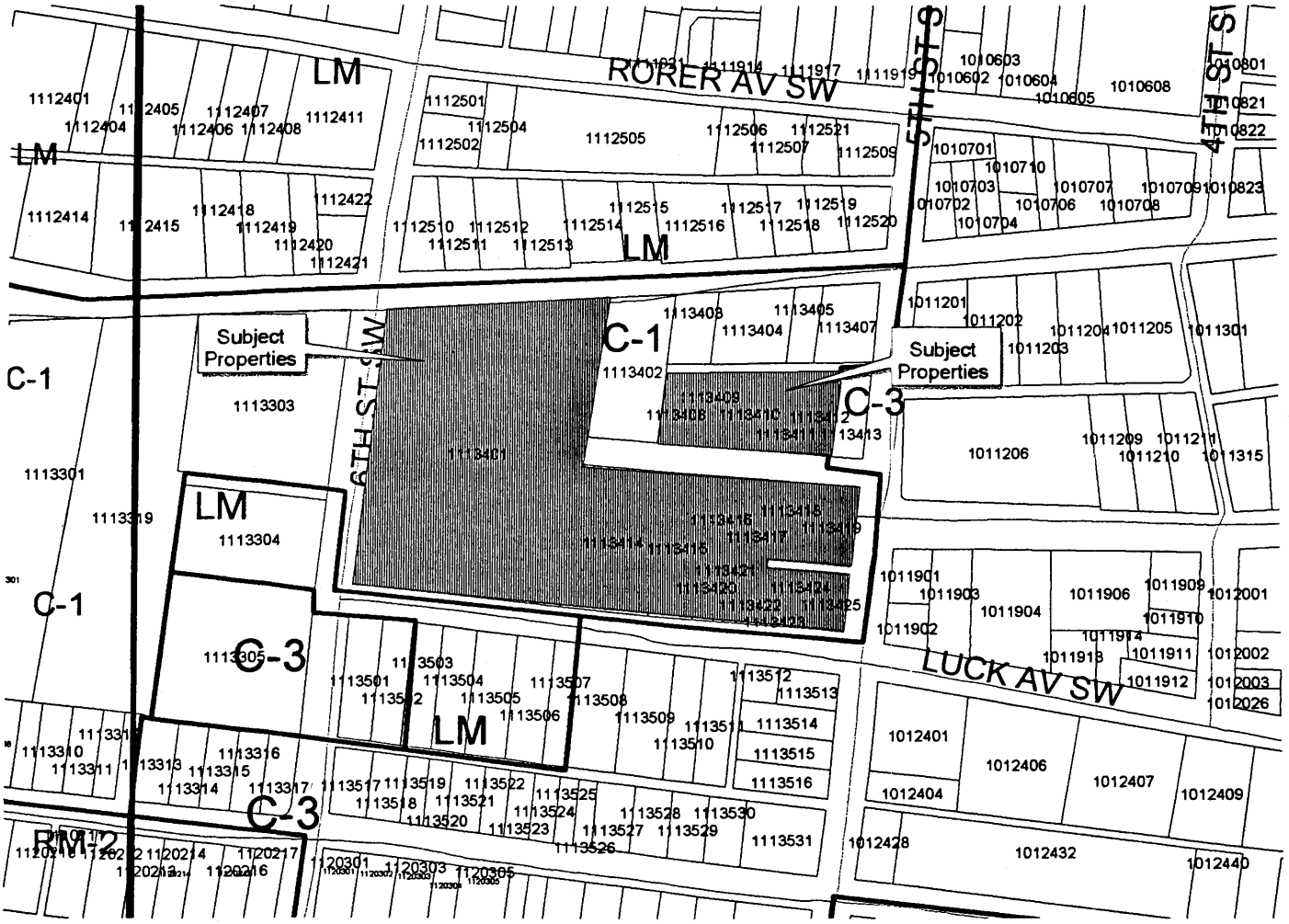
TAX MAP NUMBER:	OWNERS(S) ADDRESS:
1113402	Larry R. Bly 322 Bullitt Avenue, SE Roanoke, VA 24013
1011206	Young Men's Christian Association 429 Church Avenue, SW Roanoke, VA 24016
1011901 1011902	Russell L. Conner, III 434 Church Avenue, SW Roanoke, VA 24011
1012401	R.R. Company of America, LC P.O. Box 60100 Lafayette, VA 70596
1113513 1113512	American National Red Cross 352 Church Avenue, SW/Louise Hath Roanoke, VA 24016
1113511 1113510 1113509 1113508 1113413	City of Roanoke 215 Church Avenue, SW, Room 250 Roanoke, VA 24011

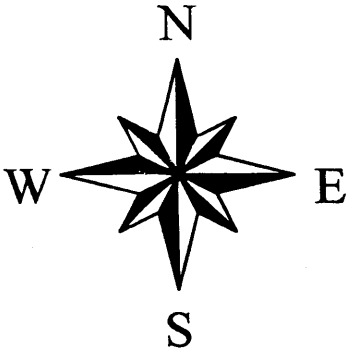
1113507 1113506 1113505 1113504 1113503	Five Thirtytwo Group, LLC 532 Luck Avenue, SW Roanoke, VA 24011
1113502 1113501 1113305	Aspace, LLC P.O. Box 30803 Greenville, NC 27833
1113303	Calvary Baptist Church 608 Campbell Ave., S.W. Roanoke, VA 24016
1113304	TRS Calvary Baptist Church 608 Campbell Ave., S.W. Roanoke, VA 24016
1112421	Robert E. Zimmerman 4106 Pheasant Run Dr. Roanoke, VA 24018
1112510	LRC Investments, LLC 2193 Wildwood Road Salem, VA 24153
1112511 1112512	L&M Properties 541 Campbell Ave., SW Roanoke, VA 24016
1112513 1112514 1112515	Anna Ruth Walker 401 Snead Fairway Portsmouth, VA 23701
1112516	Charles W. Turpin 501-A Campbell Ave., SW Roanoke, VA 24016

1113403	Nancy G. Dearing P.O. Box 8224 Roanoke, VA 24014
1113404 1113405	John C. and Mary E. Kepley 2909 Morrison St., SE Roanoke, VA 24014
1113407	Roanoke Valley Council P.O. Box 598 Roanoke, VA 24004
1011201	William L.K. Churchill, Jr. 428 Campbell Ave., SW Roanoke, VA 24016
1011903	Winford L. Clements 3924 W. Main Street Salem, VA 24153

Exhibit C to Petition of YMCA of Roanoke Valley, Inc. and the City of Roanoke

5th, & 6th St, Campbell & Luck Ave, SW





Council of Community Services

RECEIVED

OCT 24 2002

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

502 Campbell Ave., S.W. (24016)
P.O. Box 598, Roanoke, VA 24004
(540) 985-0131
Fax (540) 982-2935
www.councilofcommunityservices.org
ccsir@roanoke.infi.net

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Margaret Martin

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Natalie Smith
Lucas A. Snipes
Judge Diane Strickland
Henry J. Sullivan
W. Lee Wilhelm, III

Executive Director
Pamela Kestner-Chappelear

October 22, 2002

Members, Roanoke City Planning Commission
C/o Ms. Nancy Snodgrass, Planner
215 Church Avenue, SW
Municipal Building, Room 162
Roanoke, VA 24011

Dear Members of the Planning Commission:

On behalf of the Board of Directors of the Council of Community Services, I want to express our enthusiastic support of the rezoning petition filed by the YMCA of Roanoke Valley.

As a neighbor on the western end of downtown, we are excited about the Y's plans for a new facility. We welcome activities such as this that further develop our neighborhood and downtown.

Thank you for your consideration of this very worthwhile request.

Sincerely,

Pamela Kestner-Chappelear
Executive Director

C: Members of Roanoke City Council

United Way
Partner Agency

Calvary
Baptist
Church

DONNA HOPKINS BRITT, Pastor

608 CAMPBELL AVENUE, S.W.
ROANOKE, VIRGINIA 24016
(540) 344-9237 • FAX (540) 982-1389
www.calvaryroanoke.org

September 25, 2002

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SEP 2 6 2002
CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

Mr. Robert Manetta, Chairman
Members of the Planning Commission
City of Roanoke
Room 166, Municipal Building
215 Church Avenue, SW
Roanoke VA 24011

Dear Mr. Manetta and Members of the Planning Commission:

On behalf of Calvary Baptist Church, I want to express complete support for the YMCA in their rezoning petition. We are in favor of all the positive development that is happening in this area, and will encourage it whenever we can.

Thank you for thoughtfully considering this beneficial request.

Gratefully,

Donna Hopkins Britt

Donna Hopkins Britt
Pastor

JEFFERSON CENTER

BOARD OF DIRECTORS

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W. Heywood Fralin
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John G. Heitz
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Mary Ann Johnson
Heidi F. Krisch
William L. Lee
Nan Mahone
Charlotte Porterfield
Donald G. Smith
Maury L. Strauss
Richard S. Whitney, Jr.
Gordon C. Willis, Sr.

September 30, 2002

Robert Manetta
Chairman and Members, Roanoke City Planning Commission
Municipal Building, Room 166
215 Church Avenue, SW
Roanoke, VA 24011

Dear Mr. Manetta and Members of the Planning Commission:

On behalf of the Jefferson Center Foundation, I want to express our enthusiastic support of the rezoning petition filed by the YMCA. As a neighbor on the western end of downtown, we are excited about their plans to develop the YMCA property.

We believe that the new YMCA will be a wonderful asset to our neighborhood, and that the development there will benefit the entire downtown area, while serving citizens of Roanoke City at large

Thank you for your consideration of this very worthwhile request.

Sincerely,

Janet P. Burrow

Janet P. Burrow
President & CEO

RECEIVED
[illegible] - 2 2002
CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

Cc: Members of the Roanoke City Council

541 Luck Avenue, SW, Suite 221
Roanoke, Virginia 24016
P: 540-343-2624
F: 540-343-3744
nfo@jeffcenter.org
www.jeffcenter.org

American Red Cross

Roanoke Valley Chapter
352 Church Avenue, S.W.
Roanoke, Virginia 24016-5098
Phone: 540-985-3535
Fax: 540-985-3010
www.roanokevalleyredcross.org

September 25, 2002

Robert Manetta
Chairman
Members of the Planning Committee
City of Roanoke
Municipal Building Room 166
215 Church Avenue, Southwest
Roanoke, Virginia 24011

Dear Mr. Manetta and Committee Members,

This letter is to support the YMCA's request to rezone the property at Fifth and Luck from C-1 to C-3. The C-3 zoning would be consistent with much of the property in this area and would not negatively affect the Red Cross. I hope you will give a favorable response to the YMCA's request.

Sincerely,

Tom Brown

Thomas B. Brown
Chapter Manager

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SEP 27 2002
CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

SJT 11/25/02

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. 111, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

WHEREAS, the YMCA of Roanoke Valley, Inc. and the City of Roanoke have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from C-1, Office District, to C-3, Central Business 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 December 16, 2002, 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. 111 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

Those certain tracts of land lying between Campbell Avenue, 5th Street, Luck Avenue and Sixth Street, S.W., comprising approximately 2.89 acres, more or less, and designated more specifically as Official Tax Numbers 1113401, 1113408, 1113409, 1113410, 1113411, 1113412, 1113414, 1113415, 1113416, 1113417, 1113418, 1113419, 1113420, 1113421, 1113422, 1113423, 1113424 and 1113425, be, and are hereby rezoned from C-1, Office District, to C-3, Central Business District, and that Sheet No. 111 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
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

December 16, 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: Surplus City-owned Property
Art Museum-IMAX Theatre
Tax Parcel No. 4010217

An Agreement between the City and the Art Museum of Western Virginia for the design, development and construction of a new building or complex to house the art museum and IMAX Theatre was entered into on October 4, 2000; part of this agreement, as amended, involves the donation of certain property to the Foundation for its new building. The City desires to convey additional property which is needed for construction containing 0.052 acres identified as Tax Parcel No. 4010217 to the Western Virginia Foundation for the Arts and Sciences. This parcel is currently assessed at $14,800. See Attachment 1. The actual conveyance would not be made until such time as the Foundation certifies to the City that the Art Museum has a binding contract with a contractor to commence construction of the project, and that the property is needed for such purpose.

Recommended Action(s):

Following a public hearing, authorize the City Manager to execute an amendment to the agreement dated October 4, 2000, to provide for the donation of Tax Parcel No. 4010217 to the appropriate documents to donate the property to the Western Virginia Foundation for the Arts and Sciences, subject to the terms applicable to the other property to be donated to the Foundation, such document to be approved as to form by the City Attorney. The Foundation will be responsible for all title work, surveying, plat preparation, and preparation of legal documents.

Respectfully submitted,

Darlene L. Burcham
City Manager

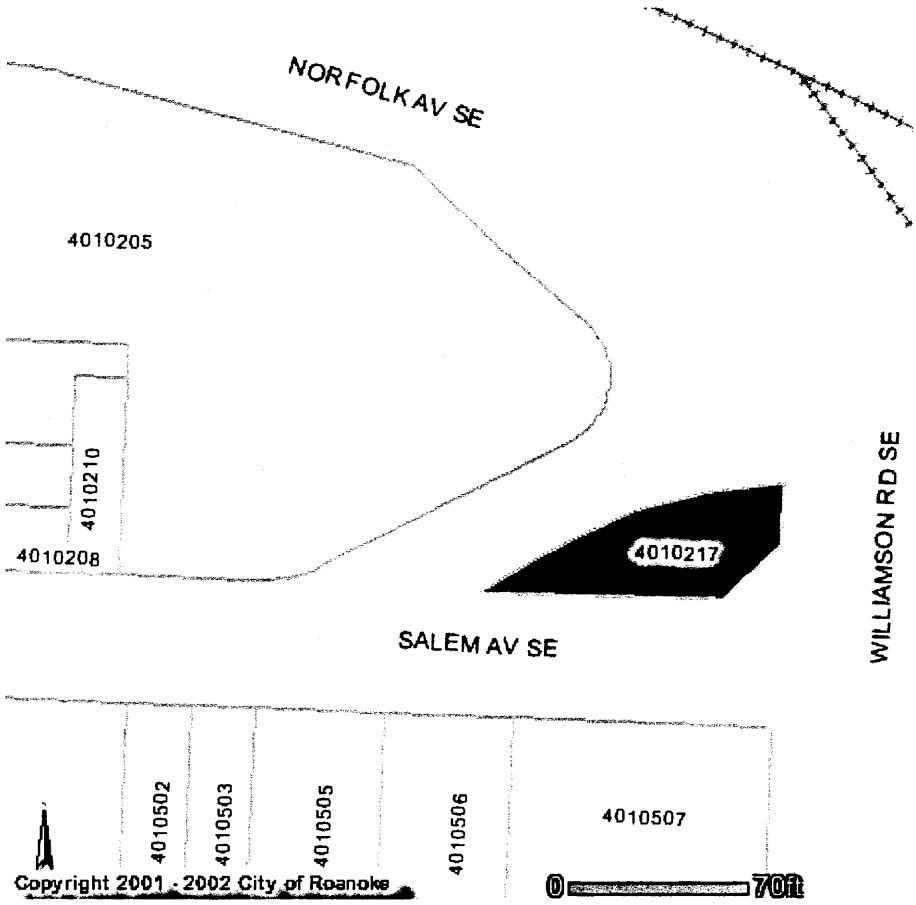
DLB/SEF

Attachment

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

#CM02-00265

Attachment #1



SJC 12/12/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute Amendment No. 1 to the Agreement dated April 16, 2001, between the City of Roanoke and the Western Virginia Foundation for the Arts and Sciences ("Foundation"), such Agreement dated April 16, 2001, providing for the conveyance of property for the development and construction of a new building or complex to house an art museum and an IMAX Theatre, and such Amendment No. 1 providing for the conveyance of additional property from the City to the Foundation, the extension of a deadline therein, and the ability of the Foundation, or its successors in interest, to relocate utilities in First Street, S.E., to private property, 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 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, Amendment No. 1 to the Agreement dated April 16, 2001, between the City and the Foundation, such Agreement dated April 16, 2001, providing for the conveyance of property for the development and construction of a new building or complex to house an art museum and an IMAX Theatre, such Amendment No. 1 providing for the conveyance of additional property from the City to the Foundation, the extension of a deadline therein, and the ability of the Foundation, or its successor, to relocate utilities in First Street, S.E., to private property, as more particularly set forth in the City Manager's letter dated December 16, 2002, to this Council.

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

December 16, 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, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Request from the Western Virginia Foundation for the Arts and Sciences, represented by Stephen W. Lemon, attorney, that a portion of Norfolk Avenue, S.E., adjacent to a parcel bearing Official Tax No. 4010205, and a portion of First Street, S.E., between Salem Avenue, S.E., and Norfolk Avenue, S.E. be permanently vacated, discontinued and closed.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. By a vote of 6-0-1 (Mr. Chrisman abstaining), the Commission recommended approval.

Background:

The petitioner requests closure of two portions of right-of-way; 1st Street, SE, between Norfolk and Salem Avenues, and a portion of Norfolk Avenue that adjoins the aforementioned portion of 1st Street. The petitioner plans to combine the subject portions of rights-of-way with Official Tax Map Numbers 4010205 and 4010217 to develop an art museum/IMAX theater complex, upon acquisition of these properties from the City.

Mr. Williams asked Mr. Lemon, counsel for the Petitioner, how the closure & the overall development of this site would enhance pedestrian activity on Salem Avenue. Mr. Lemon replied that orienting the IMAX theater to Salem Avenue and developing a plaza on the subject portion of 1st Street would attract pedestrians and allow all loading, unloading and trash pickup to be done on Norfolk Avenue. Mr. Williams also expressed concerns with bicycle access in the area and connectivity to Williamson Road. Mr. Lemon replied that the development could improve connectivity to Williamson Road by possibly connecting the rail walk through the development and over the adjacent bridge.

Considerations:

The subject portion of rights-of-way are adjoined by properties zoned C-3, Central Business District. The petitioner's property, Official Tax Map Number 4010205, is west of the subject portion of rights-of-way. It is paved and is currently used as a parking lot. A vacant City owned parcel is southeast of 1st Street, which the petitioner also plans to acquire. South of the subject portion of rights-of-way are a parking lot and several commercial uses. Norfolk Avenue abuts the railroad to the north, and the Williamson Road Bridge spans across 1st Street to the east.

Staff received comments from AEP, Verizon and Roanoke Gas, all of which stated the presence of facilities in the rights-of-way and the necessity to retain easements. The City Engineer has advised that a water line in the subject portions of rights-of-way will have to be relocated by the petitioner. Other utilities may also have to be relocated depending on the petitioner's proposed development.

Staff was advised by the Manager of Streets and Traffic that the requested closure would not have a discernible impact on traffic in the area. A traffic count conducted on Wednesday, May 29, 2002, revealed that a total of 833 vehicles used the subject section of 1st Street between 7 a.m. and 7 p.m., with a peak intensity of 139 vehicles using the street between 7:30 a.m., and 8:30 a.m. This count yields an average of 69 cars per hour, slightly above a rate of one car a minute. The multiple connections between Norfolk and Salem Avenues, at Market, Jefferson, etc., are sufficient to adequately accommodate this traffic if this portion of 1st Street were closed.

A road system action item of Vision 2001-2020 states that "interconnected street systems should be encouraged in new development and maintained in existing development." However, the subject portion of 1st Street was not part of the original grid street system and closure of it would not reduce the connectivity of the grid pattern.

Closure of this portion of 1st Street will not cut off any access within the grid street system of the area. The City Attorney advised that due to the petitioner's other pending agreements with the City, that the petitioner be granted a period of four years to complete all necessary recordation requirements to obtain the right-of-way.

Recommendation:

Planning Commission recommends approval of the petitioner's request to vacate, discontinue and close the subject portions of rights-of-way, subject to the conditions listed below. A land conveyance agreement is being negotiated between the petitioner and the City, which will allow the petitioner to combine Official Tax No. 4010217 with the subject portions of rights-of-way and Official Tax No. 4010205. Therefore, the Commission does not recommend that the petitioner be charged for the portions of rights-of-way.

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, retaining appropriate easements with such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof, and the recording by the applicant of this closure of a release of any such abandoned or removed easements.

D. If the above conditions have not been met within a period of four years 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
City of Roanoke 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
Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE: Application of Western Virginia Foundation for the Arts and Sciences, a Virginia non stock corporation for vacation of a portion of Norfolk Avenue, S.E., adjacent to Roanoke City Tax Map No. 4010205 and First Street, S.E., between Salem Avenue, S.E. and Norfolk Avenue, S.E.	))))))))))	APPLICATION FOR VACATING, DISCONTINUING AND CLOSING OF A PORTION OF NORFOLK AVENUE, S.E., ADJACENT TO ROANOKE CITY TAX MAP NO. 4010205; AND FIRST STREET, S.E., BETWEEN SALEM AVENUE, S.E. AND NORFOLK AVENUE, S.E.

MEMBERS OF COUNCIL:

The Western Virginia Foundation for the Arts and Sciences ("WVFAS"), by counsel, applies to have a portion of Norfolk Avenue, S.E., adjacent to Roanoke City Tax Map No. 4010205, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Section 15.2-2006 Virginia Code (1950), as amended and Section 30-14, Code of the City of Roanoke (1979), as amended. The portion of Norfolk Avenue to be vacated is more particularly described on the attached plat. WVFAS, by counsel, further applies to have First Street, S.E., between Salem Avenue, S.E., and Norfolk Avenue, S.E. permanently vacated, discontinued and closed, pursuant to Section 15.2-2006 Virginia Code (1950), as amended and Section 30-14, Code of the City of Roanoke (1979), as amended. The portion of First Street, S.E., to be vacated is more particularly described on the attached plat.

WVFAS states that the grounds for this application are as follows:

(1) The applicant desires to use the property to be vacated in combination with the adjoining property which the City of Roanoke has agreed to grant to WVFAS pursuant to grant agreement dated April 16, 2001 executed pursuant to Ordinance Number 35673-111901 to create a single economically viable parcel which may be utilized in connection with the construction of the proposed Art Museum/IMAX Complex by the Art Museum of Western Virginia.

(2) The rights-of-way in question are not necessary for adequate ingress or egress to any adjoining property and are further not necessary for through traffic.

WHEREFORE, WVFAS respectfully requests that the above-described streets be vacated by the Council of the City of Roanoke, Virginia, in accordance with the Section 15.2-2006 Virginia Code (1950), as amended and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted

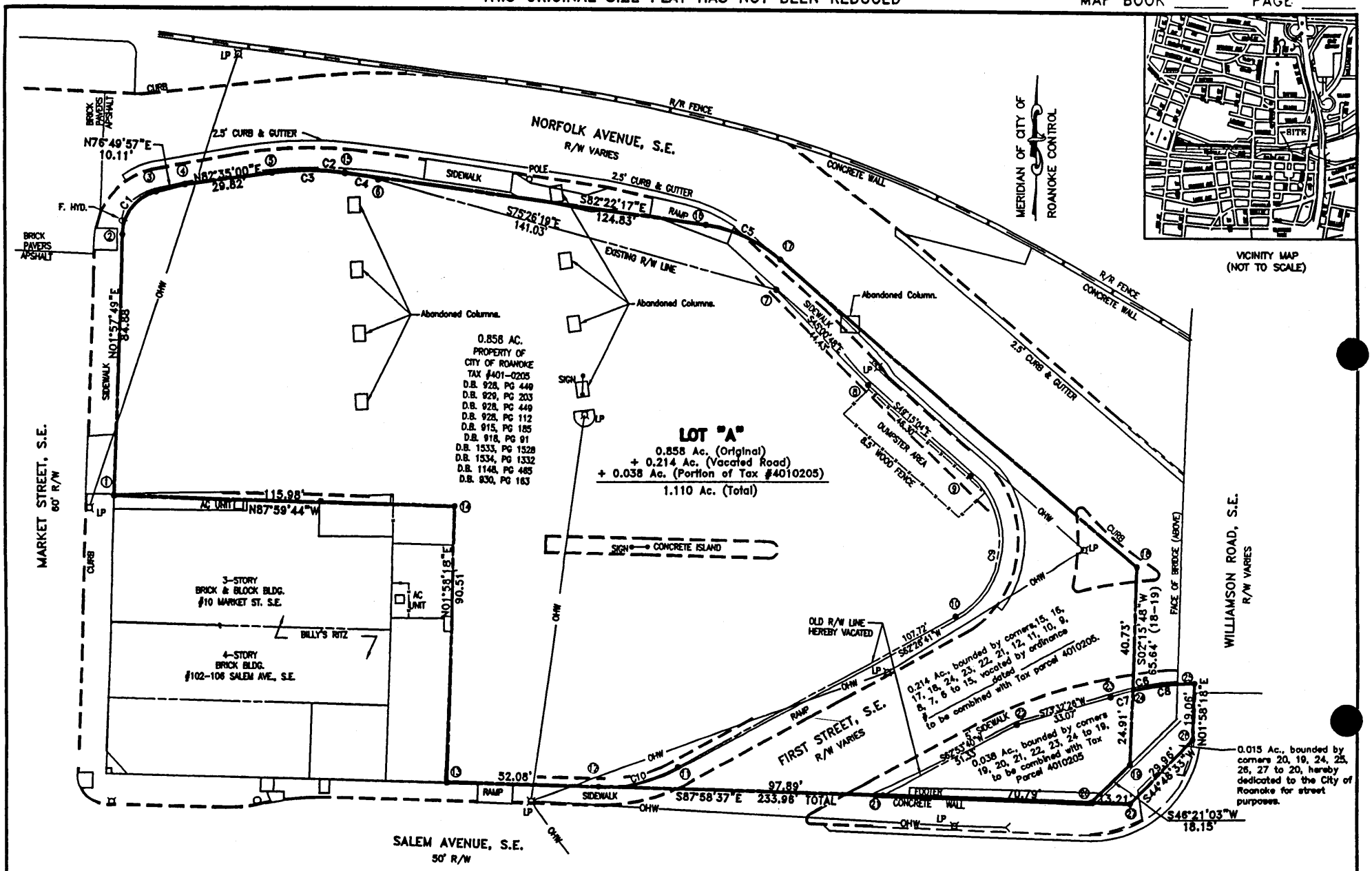
WESTERN VIRGINIA FOUNDATION FOR
THE ARTS AND SCIENCES

By _____ October 2, 2002
James C. Sears
President

Stephen W. Lemon
Martin, Hopkins, & Lemon, P.C.
P.O. Box 13366
Roanoke, VA 24033
1000 First Union Tower
10 S. Jefferson Street
Roanoke, VA 24011
Telephone: (540) 982-1000
Facsimile: (540) 982-2015

THIS ORIGINAL SIZE PLAT HAS NOT BEEN REDUCED

MAP BOOK _____ PAGE _____



CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD DIST.
C1	15.00	19.81	11.49	74°53'24"	S39°23'53"W	18.24
C2	95.00	36.44	18.45	21°58'45"	N86°25'40"W	36.22
C3	95.00	24.95	12.55	15°02'45"	S89°53'40"E	24.88
C4	95.00	11.50	5.76	06°58'00"	S78°54'17"E	11.49
C5	50.00	28.19	14.46	32°18'04"	N66°13'16"W	27.82
C6	86.39	28.76	14.51	19°04'23"	S80°47'26"W	28.63
C7	86.39	7.72	3.86	05°07'01"	N73°48'45"E	7.71
C8	86.39	21.04	10.57	13°57'22"	N83°20'57"E	20.99
C9	28.00	54.58	41.27	111°41'08"	N06°35'49"E	46.34
C10	55.00	28.39	14.52	29°34'46"	N77°14'02"E	28.08

Mattern & Craig, Inc.
CONSULTING ENGINEERS • SURVEYORS
701 FIRST STREET, S.W.
ROANOKE, VIRGINIA 24016
(540) 345-9342
(540) 345-7881 FAX

SCALE IN FEET

COMMONWEALTH OF VIRGINIA
DAVID A. PERFATER
No. 1847
LAND SURVEYOR

COMBINATION AND DEDICATION PLAT FOR

CITY OF ROANOKE, VIRGINIA

SHOWING THE COMBINATION OF A 0.858 AC. PARCEL, A 0.214 AC. PARCEL, AND A 0.038 AC. PARCEL TO CREATE LOT "A" (1.110 AC.) AND ALSO DEDICATING 0.015 AC. TO THE CITY OF ROANOKE FOR STREET PURPOSES

THE CITY OF ROANOKE, VIRGINIA

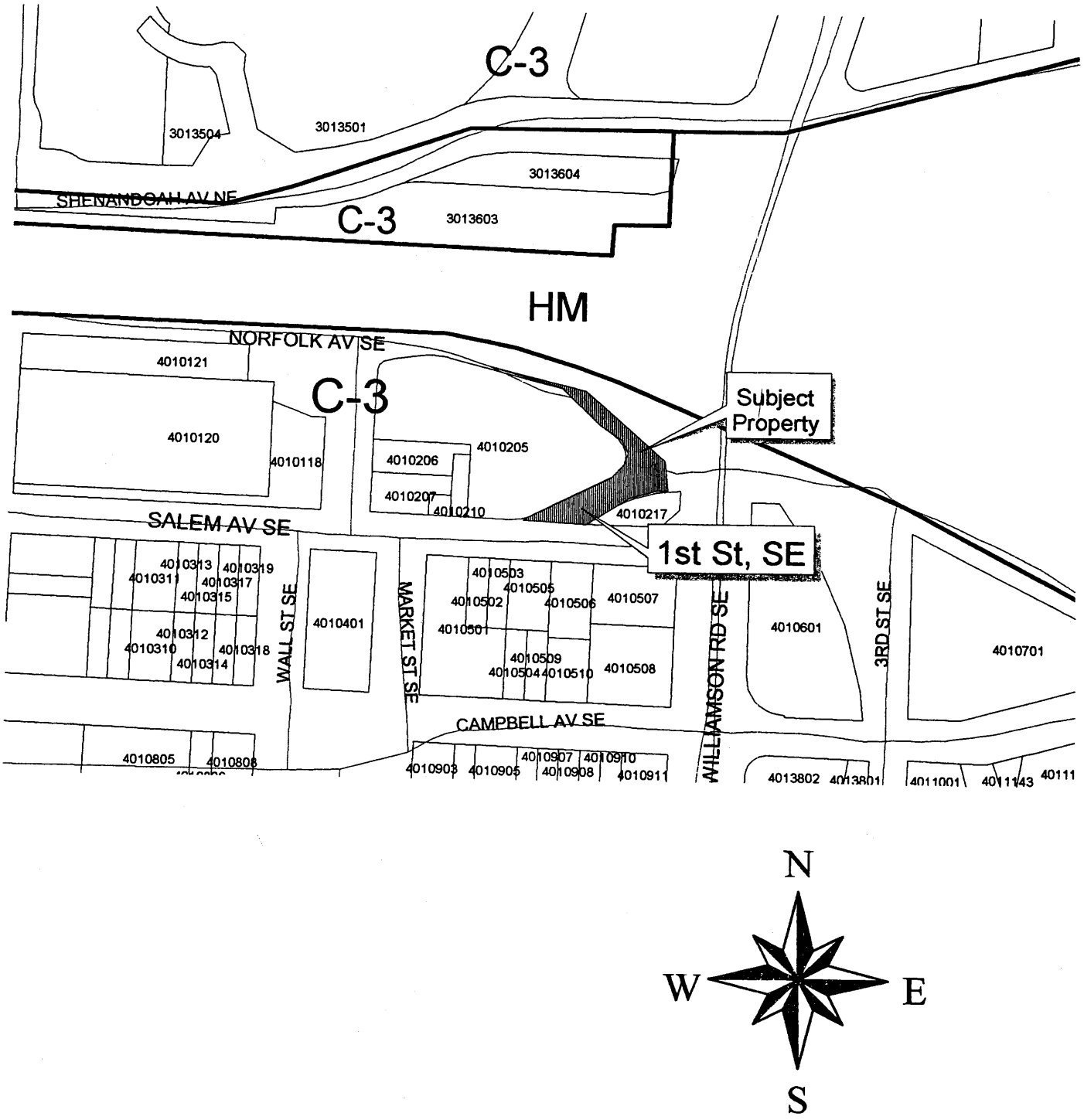
SCALE: 1" = 20 DATE: SEPTEMBER 26, 2002

SHEET 2 OF 2

EXHIBIT B

Official Tax Map. No. / Street Address	Name of Property Owner	Mailing Address
N/A	Norfolk & Southern	110 Franklin Road, S.E. Roanoke, VA 24011
4010205	City of Roanoke	215 Church Avenue, S.W. Room 250 Roanoke, VA 24011
4010206	John T. Williams	102 Market Street, S.E. Roanoke, VA 24011
4010207	John T. Williams	102 Market Street, S.E. Roanoke, VA 24011
4010210	Stavroula A. Tampasis	5007 Huntridge Road Roanoke, VA 24012
4010217	City of Roanoke`	215 Church Avenue, S.W. Room 250 Roanoke, VA 24011
4010501	Saunders & Wells Investments	3424 Brambleton Avenue, SW Roanoke, VA 24018
4010502	Saunders & Wells Investments	3424 Brambleton Avenue, SW Roanoke, VA 24018
4010503	Saunders & Wells Investments	3424 Brambleton Avenue, SW Roanoke, VA 24018
4010505	Relish Realty	120 Church Avenue, S.W. Suite B Roanoke, VA 24011
4010506	Relish Realty	120 Church Avenue, S.W. Suite B Roanoke, VA 24011
4010507	Shenandoah Hotel Associates, LP	One Market Square, 5th Floor Roanoke, VA 24011

1st Street, SE



SJT 12/12/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

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

WHEREAS, Western Virginia Foundation for the Arts and Sciences, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; 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 December 16, 2002, 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 right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

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

1. The public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

> Those portions of Norfolk Avenue, S.E. and First Street, S.E., as identified in a plat dated September 26, 2002, by Mattern & Craig, Inc., appended to a petition filed in the Office of the City Clerk on October 3, 2002, by the Western Virginia Foundation for the Arts and Sciences

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken;

such easement or easements to terminate upon the later abandonment of use, permanent removal or relocation from the above-described public right-of-way of any such municipal installation or other utility or facility, and the recording by the applicant of this closure of a release of any such abandoned, removed, or relocated easements, the City Manager being authorized to execute such release and any other appropriate documents needed to effect such release.

BE IT FURTHER ORDAINED that the applicant, or its successors in interest, shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant, or its successors in interest, shall not record with the Clerk of the Circuit Court for the City of Roanoke the above-referenced subdivision plat unless and until the applicant, or its successors in interest, certifies in writing to the City Manager, pursuant to section 2B of an Agreement dated October 4, 2000, between the City and the applicant, that the applicant, or its successors in interest, has obtained sufficient funds or donations (to include the City's appropriations) to actually start

construction of the project referenced in the Agreement dated October 4, 2000, between the City and the applicant.

BE IT FURTHER ORDAINED that the applicant, or its successors in interest, 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, or the name of Petitioner's successors in interest, 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, or its successors in interest, 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 FINALLY ORDAINED that if the above conditions have not been met within a period of four (4) years from the date of the adoption of this ordinance, and if the terms of an Agreement dated April 16, 2001, and any subsequent amendment to such Agreement, between the Western Virginia Foundation for the Arts and Sciences and the City have not been met within that period of time, then said ordinance shall be null and void with no further

action by City Council being necessary.

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

December 16, 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, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Request from Martha G. Hayes and Stanley C. Simmons, Jr., that an alley lying between parcels bearing Official Tax Nos. 4151204 and 4151205, from its southerly boundary at Arbutus Avenue, S.E., to the boundary of the property acquired by the Roanoke River Flood Reduction Program, be permanently vacated, discontinued and closed.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. By a vote of 7-0, the Commission recommended approval.

Background:

The City has acquired property from the petitioner as part of the Flood Reduction Project. In exchange, the Department of Engineering assisted the petitioners in filing this petition.

Mr. Manetta noted, and staff subsequently reiterated, that the closure would not aid the Petitioner in any further development of their property.

Considerations:

The properties adjoining the alley are all zoned RS-3, Residential Single-family High Density District. The adjoining properties, as well as most in the neighborhood, are single-family residences.

Staff received comments from Verizon, AEP and Roanoke Gas. The latter two stated no opposition as they have no facilities in the alley. Verizon stated no opposition, but requested that a 15' public utility easement be maintained to furnish telephone service for any new development.

The subject alley is not developed and does not serve any function for City services or for access to parking for the adjoining property owners.

Recommendation:

Planning Commission recommends approval of the petitioners request to vacate, discontinue and close the alley, subject to the conditions listed below. Planning Commission does not recommend that the petitioners be charged for the alley given that the closure will not result in any additional development potential for the adjoining properties.

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
City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Burcham, Assistant City Manager
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Greg Reed, Civil Engineer
Martha Hayes, Petitioner
Stanley Simmons, Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

APPLICATION OF MARTHA G. HAYES AND STANLEY C. SIMMONS, JR., FOR VACATION OF AN UNOPENED ALLEY	))))	APPLICATION FOR VACATING, DISCONTINUING AND CLOSING AN UNOPENED ALLEY

MEMBERS OF CITY COUNCIL:

Martha G. Hayes and Stanley C. Simmons, Jr. ("Petitioners"), apply to have the right-of-way of an unopened alley between parcels identified by Tax Numbers 4151205 and 4151204 permanently vacated, discontinued and closed pursuant to Section 15.2-2006 of the Code of Virginia (1950), as amended, and Section 30-14, Code of the City of Roanoke (1979), as amended. This public right-of-way is more particularly described on the attached map (Exhibit A) and as follows: A fifteen foot (15') public right-of-way being an unopened alley, from its southerly boundary at Arbutus Avenue to the boundary of the property acquired for the Roanoke River Flood Reduction Project. The total area will be accurately defined on a plat of survey to be required as a condition of closure.

(1) The adjacent properties are owned by the petitioners. Closure of this right-of-way will have no adverse effect on any property or owner. A list of the property owners whose lots border or abut the subject right-of-way is attached as Exhibit B.

(2) The right-of-way to be vacated is presently being used as the side yards of the adjacent parcels.

(3) Vacating the right-of-way will remove the encumbrance and allow the property owners full use of the property.

WHEREFORE, the petitioners respectfully request that the above-described right-of-way be permanently vacated, discontinued and closed by the Council of the City of Roanoke in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Date: 9-20-2002

Respectfully submitted,

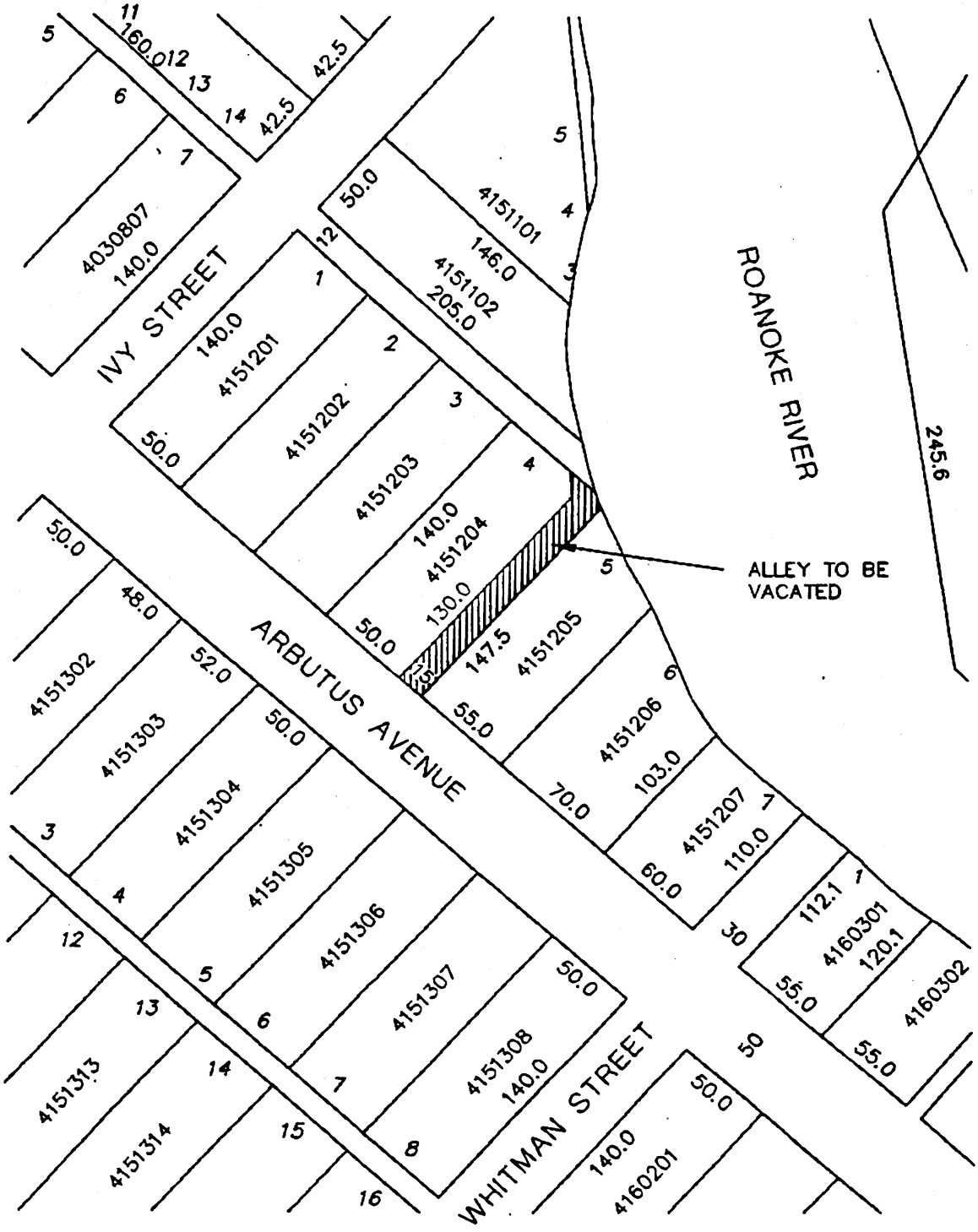
Martha G. Hayes

Martha G. Hayes

Stanley C. Simmons Jr.

Stanley C. Simmons, Jr.

Exhibit "A"


IVY STREET
ARBUTUS AVENUE
WHITMAN STREET
ROANOKE RIVER
ALLEY TO BE VACATED
4030807
140.0
160.0
42.5
42.5
4151101
146.0
4151102
205.0
50.0
140.0
4151201
4151202
4151203
140.0
4151204
130.0
147.5
4151205
4151206
103.0
4151207
110.0
112.1
4160301
120.1
4160302
55.0
55.0
245.6
50.0
48.0
4151302
52.0
4151303
50.0
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4151305
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4151307
4151308
140.0
50.0
4151313
4151314
140.0
4160201
50.0
50

SJT 11/25/02

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, Martha G. Hayes and Stanley C. Simmons, Jr., filed an application dated October 2, 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 December 16, 2002, 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:

> That certain portion of an alley lying between parcels bearing Official Tax Nos. 4151204 and 4151205, from its southerly boundary at Arbutus Avenue, S.E., to the boundary of the property acquired by the Roanoke River Flood Reduction Project

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 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

December 16, 2002

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: Peters Creek North Neighborhood Plan

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. By a vote of 7-0, the Commission voted to recommend adoption of the neighborhood plan.

Background:

The Peters Creek North Neighborhood Plan was developed over a series of meetings and community workshops sponsored by the City's Planning Building and Development Department. The plan was developed by working with the Peters Creek North neighborhood residents to identify and evaluate existing neighborhood conditions and concerns.

Planning Commission public hearing was held in the City Council Chambers on Thursday, November 21, 2002. Mr. Jacques Scott, City Planner presented the request stating that the neighborhood plan was developed over a series of meetings between the community and the Planning staff. He summarized the high priority initiatives the neighborhood had developed. There were no members of the public present to comment on the plan. Chairman of the Commission's Long Range Planning Committee commented that the plan was well done.

Considerations:

Vision 2001-2020 recommends that detailed neighborhood plans be developed and adopted for each of Roanoke's neighborhoods.

The plan for Peters Creek North has been reviewed by the neighborhood, by City staff and by the Long Range Planning Committee of the Planning Commission.

The plan identifies seven high priority initiatives:

- Reduce the impacts of flood damage.
- Install public water and sewer lines to the entire neighborhood.
- Change the neighborhood's zoning in appropriate locations.
- Improve storm water drainage.
- Improve Hershberger and Cove Roads.
- Provide complete system of curb and gutters.
- Improve traffic circulation in residential areas.

The plan also includes a future land use map to guide development and zoning patterns in the neighborhood.

Recommendation:

By a vote of 7-0, the Commission recommends Peters Creek North Neighborhood Plan for adoption as a component of **Vision 2001-2020**.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
Roanoke City Planning Commission

attachments
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

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

This 21st day of November, 2002

A RESOLUTION recommending the adoption of the Peters Creek North Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Peters Creek North 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 Peters Creek North 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 November 21, 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 Peters Creek North Neighborhood Plan, dated November 21, 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:

Robert B. Manetta

Chairman

Peters Creek North

Neighborhood Plan

vision 2001/2020

CONTENT

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Cost Estimates	p. 26
Maps	p. 29

Roanoke Department of Planning Building & Development

November 21, 2002

Introduction

Peters Creek North is a collection of neighborhoods in the overall fabric of neighborhoods that make up our city. Each neighborhood benefits from the positive growth and development of the whole city, yet each neighborhood is unique. Peters Creek North is located in the northwest quadrant of the city, bounded by Hershberger Road and Roanoke Country Club on the east, Melrose Avenue on the south, I-581 on the north, and the City of Salem on the west. Its suburban setting has easy access to downtown, Valley View Mall, and countless other services. As with many city neighborhoods, continued revitalization and improvement are crucial to a bright future and a continued high quality of life.

This neighborhood plan is the continuation of *Roanoke Vision 2001-2020*, the city's 20-year comprehensive development plan. *Roanoke Vision (1985)* recommended neighborhood plans to provide more detailed information on the neighborhood and provide better guidance in making decisions that affect Peters Creek North. The plan addresses the following elements:

- Community Design
- Residential Development
- Economic Development
- Infrastructure
- Public Services
- Quality of Life

Planning staff conducted detailed study of current neighborhood conditions, especially land use patterns and infrastructure. Residents were heavily involved throughout the development of the plan through tours, workshops, and participation on neighborhood planning committee. Major issues identified through the process include:

- ***Construction of curbs and gutters***
- ***Multifamily zoning of vacant land***
- ***Traffic***
- ***Flooding***

The plan makes recommendations for neighborhood improvement and development. Most recommendations are for action over a 5-year period; however, some recommendations are longer term. Major recommendations include:

- *Changing the neighborhood's zoning in appropriate locations.*
- *Providing for a complete system of curbs and gutters*
- *Improving traffic on Hershberger Road and Cove Road*
- *Minimizing property damage from flooding.*

Though city government will be a major participant in implementing this plan, citizen involvement is essential. Residents of Peters Creek North need to take an active role in neighborhood improvement.

About this Plan and Roanoke Vision 2001-2020

In 1985, *Roanoke Vision*, the City's comprehensive plan, declared Roanoke a City of Neighborhoods. A major recommendation of was to develop neighborhood plans for each neighborhood. Vision 2001-2020 continues support for neighborhood based planning for a livable and sustainable city. Roanoke's neighborhoods will be more than just places to live: they will be the nucleus for civic life. Their local village centers serve as vibrant and accessible places for business, community services, and activities, including higher density housing clusters. (Roanoke Vision 2001-2020).

The *Peters Creek North Neighborhood Plan* establishes a shared vision and desired future for the neighborhood. Residents, government officials, and city staff collaborated to develop this plan as a framework for the future. Some of this plan's goals are short-term (within 5 years). Others will take longer to accomplish. Many groups and organizations, including the Miller Court Neighborhood Alliance, Northwest Crime Stoppers, Peters Creek Civic League, various departments within city government, individual residents and businesses, must work together to achieve the goals and help shape the future of the neighborhood.

Community Design

Zoning and Land Patterns

Peters Creek North is mostly single-family residential and zoning patterns tend to reflect this land use. Most of the neighborhood is zoned RS-3, which is appropriate for the smaller lots common in the area. Garden apartment complexes are scattered throughout the neighborhood, some of which are quite large. These are generally zoned RM-2, Nonconforming residential uses do not appear to be a problem in the area.

Housing

The predominant housing style in Peters Creek North is the small suburban-style ranch home common in the 1950's and 60's. The oldest area is the Washington Heights section of the neighborhood, which has small homes that were developed in a grid pattern. The other parts of the neighborhood typically have brick ranch homes or suburban split-levels. These sections commonly have cul-de-sacs and curved streets; sidewalks and street trees are rarely found in the neighborhood. Newer developments are more in line with small lots and ranch style homes in cul-de-sacs.

The Peters Creek area has seen a noticeable increase in the number of apartment complexes and renter-occupied homes. Many of the larger rental properties are well maintained and managed, but others are showing signs of age and neglect. While there are not many large, older homes in the area that can be divided into apartments, many of the small affordable homes have switched ownership to absentee landlords. While adequate supply of affordable rental housing is needed and encouraged, home ownership should continue to be a top priority, as well as proper maintenance of residential properties.

On the whole, Peters Creek North has not experienced many of the blighted conditions found in some other city neighborhoods. The Washington Heights neighborhood, with its older and denser housing stock, usually has more code and maintenance violations, such as outdoor storage, junk cars, and poor property conditions. Other parts of the area do experience some of those problems as well, and code enforcement remains a pressing issue.

Commercial and Industrial

The largest commercial zoned area is along Peters Creek Road; the next largest area is along Melrose Avenue. Commercial design is automobile-oriented with a variety of strip commercial, car lots and office uses. As with many strip commercial developments, the parking is located in the front, with buildings set behind parking lots.

Most, if not all, industrially zoned land is located along Frontage Road, next to Interstate 581, east of the Peters Creek North Neighborhood. Presently the new Johnson and Johnson Innotech Plant encompass a large portion of the industrial zoning for the neighborhood.

Residential Development

Population and Demographics

Peters Creek North has a population of 5,612 in 1990, about 6% of the City's population. The area experienced a small decline in population from 1990, but a less substantial 1% decline in the number of households. The number of people per household also decreased from 2.49 per household to 2.38 per household.

Peters Creek North in 2000-2001, experienced an increase in housing units. Single-family dwellings make up over 65% of the housing stock in the neighborhood, which is slightly higher than the rest of the city. Owner-occupied units compose over 60% of the neighborhood, which is about 10% higher than the citywide average. However, both the number of single-family and owner-occupied units decreased slightly between 1990 and 2000.

While the majority of people in the Peters Creek North area are white, the neighborhood experienced a decrease of 5% in its white population and a gain of 7% in its African-American population. Also, the area is becoming increasingly older, with the 35-64 and over 65 years old groups experiencing the largest gains in population.

The population of Peters Creek North, as is true throughout the city, is becoming increasingly older. As this trend continues, increased housing options for elderly residents will need to be provided. Since many of the homes are newer and smaller than those in other neighborhoods, a problem with property upkeep for older residents is not a particularly pressing issue. However, many senior citizens will be unwilling or unable to live in a residence by themselves.

Providing elderly housing in the area will give residents the option of staying in the same neighborhood where they have likely lived for many years. In addition, elderly housing can provide high-density residential development on the city's scarce developable land without the increased demand for services such as schools and infrastructure that is usually associated with multifamily housing.

Education levels in Peters Creek North are slightly below those of the rest of the city. However, the number of residents with high school diplomas or some college is higher than average. Income levels are also significantly higher than Roanoke as a whole. The vast majority of residents fall with the middle- to upper-income ranges between $20,000 and $99,999 per year. In addition, the number of people below the poverty level is 8%, which is significantly lower than the city's poverty level of 12%.

Overall, Peters Creek North remains a solid middle-class community, with diverse population and income levels.

Residential Development Opportunities

The neighborhood has a generous amount of vacant land (well over 100 acres) that has the potential for future development. While most parcels are not big enough to support the large-scale subdivisions like the neighborhood experienced in the 50's, 60's, and 70's, the scarcity of developable land in the city and the availability of infrastructure makes development in these areas attractive and likely.

The neighborhood is primarily a single-family residential neighborhood, but most of the newer development in the area has been single-family homes and large apartment complexes. The amount of large vacant parcels in the area provides excellent opportunities for new market-rate housing that the city needs to remain healthy. More single-family residential development should be encouraged throughout the area. However, because many of the sites have constraints such as drainage problems, the city should consider incentives to expedite residential development in those problem areas.

Because of the assortment of development patterns and architectural styles in the area, many options are available for new residential development. The need for maintaining a consistency in style is not as necessary as it is in older city neighborhoods. However, new development should still maintain consistent development patterns with existing residential development. New subdivisions should connect to the existing street network to maintain traffic circulation and incorporate new development into the community. Cul-de-sacs, while common in suburban localities, do not work well in a dense urban environment and should be avoided.

Since many of the vacant parcels in the area are fairly large in size (3 acres or more,) planned developments should be considered as a development option. This will increase the options available for density, development standards such as setbacks, road widths, and housing types. Some limited commercial development can be included as well. Developers can include dedicated open space, a much needed amenity in the area, in return for increased density. Also, middle and upper-income housing, which is needed to help diversify housing types in northwest Roanoke, could be provided with the inclusion of affordable housing options such as apartments or townhouses. Integrating limited multifamily housing in single-family development is preferred over continued development of large garden apartment complexes.

The following are some notable development opportunities in the area:

Westview Terrace

A portion of this area is owned by the City and is zoned RS-3. The site is already subdivided and has some infrastructure in place, including sewer and water. This site should be developed as a primarily single-family residential community.

Longwood Drive/Wyoming Avenue

Several contiguous sites are located in the Washington Heights neighborhood north of Longwood Drive and Wyoming Avenue. These sites provide an opportunity to develop new middle- and upper-income housing that will help to stabilize the property values in the adjacent neighborhoods, as well as providing improved traffic and pedestrian circulation. The sites are relatively small for typical residential subdivisions, so unified or coordinated development is probably necessary. Incentives may be needed to help facilitate new development south of Hershberger Road. New middle- and upper-income housing should be encouraged in the Longwood Drive area.

Routt Road

This 3-acre parcel is currently zoned RM-2, except for the frontage along Cove Road, which is zoned RS-3. Because of the site's strategic location near shopping areas, transit lines, and William Fleming High School, multifamily housing could be an appropriate use for this site. However, care should be taken by the developer to make any new development compatible with the existing single-family neighborhood. Design amenities should be considered when the site is developed.

Peters Creek Area

Several large vacant tracts still remain west of Peters Creek Road. Because of the suburban setting, these parcels could be desirable for the development of market-rate single-family housing. However, flooding and drainage issues as well as sensitive natural areas must be considered in future residential development. Regardless of these conditions, adding new development is still desirable. It will create opportunities to add quality new housing, solve drainage problems, and connect isolated neighborhoods. New single-family development should be encouraged in the Peters Creek area.

Miller Court

Several large parcels remain available in the Miller Court neighborhood. Because of their proximity to the airport and problems with drainage and standing water, these sites have not been economically feasible for residential development. However, as developable land in the city becomes scarce, development pressures will increase. New single-family development is the most appropriate land use for these sites, but the land constraints will require some additional site development to make new housing marketable.

Hershberger/Cove Road

Several large vacant sites are located to the west of the intersection of Cove Road and Hershberger Road. This area is located at the intersection of two busy streets and near I-581, and will experience a lot of pressure to develop as commercial. However, the collection of shopping centers already located on Hershberger Road generates a high level of traffic and has already raised the concerns of the residents in adjacent neighborhoods.

This area offers a great opportunity for a wide variety of residential development. When all of these parcels are combined, the site is quite large and could work effectively as a planned development. Multi-family housing and townhouses are appropriate, but should be concentrated to the east of the site where commercial uses predominate. The western end of the site should remain mostly or entirely single-family to reflect the character of the adjacent neighborhoods. Some commercial development could be incorporated into the site, but it should be neighborhood oriented and generate very little traffic.

Washington Heights Infill

The Washington Heights neighborhood still has a sizable number of vacant lots that provide opportunities for infill development. These lots are generally small and scattered, and are relatively inexpensive. Habitat for Humanity has built several new homes in the neighborhood with generally positive results. Because the houses in the neighborhood are smaller and architecturally modest, some non-profit neighborhood organization programs could be utilized to aid in home building that would fit into the neighborhood fabric. By building new infill houses in Washington Heights, the neighborhood can benefit from the added stability that is provided by adding new homeowners into an area that is experiencing a high level of transition. Non-profit developers should work with the neighborhood group and the city to help facilitate new housing development.

Countryside Golf Course

Though still functioning as a golf course, this site could be a development opportunity in the future. Mixed density residential development would be most appropriate. Opportunities to connect neighborhoods should be pursued.

Economic Development

Neighborhood Business Trends

Though the major employment center of the Roanoke Valley should continue to be downtown, it is still important to provide quality job opportunities throughout the city. The expansion of the Johnson and Johnson Innotech plant demonstrates the enormous economic development opportunity available in this area. Adequate land should be identified in the vicinity of Innotech for any spin-off development that might occur.

Recent development of large commercial enterprises such as Home Depot has highlighted the potential conflict between residential and commercial land uses. Residents are worried that more residential and vacant land will be taken for commercial development, especially if transportation improvements make the area even more accessible. A detailed land use plan is needed to clearly delineate the areas appropriate for residential and commercial use.

Residents indicated that easy access to shopping is one of the advantages to living in the area. While the neighborhood does have a wide variety of retail establishments available, the proliferation of vacant commercial buildings and shopping centers is a problem. The negative perception created by vacant buildings and empty parking lots could hurt the retail climate in the area. In addition, reusing existing commercial sites will prevent the need for taking existing neighborhoods or scarce vacant land for future retail development.

While some local businesses are located in the area, national chains and franchises predominate. Home Depot has recently opened a store on Ferncliff Road. In addition, the neighborhood enjoys easy access to Valley View Mall.

Very few offices and employment centers are located in this part of the city. However, the new Johnson & Johnson Innotech plant, with 600 future employees, has finished construction on Frontage Road, and WDBJ 7 has finished its studios off of Ordway Drive. In addition, a new Marriott Courtyard hotel is presently being constructed on Ordway Drive.

Commercial and Industrial Zoning

The vast majority of commercial uses in Peters Creek North are either strip commercial businesses located along major roads or in older shopping centers. Many of these businesses are showing signs of age, with deteriorating structures and numerous vacant storefronts. Shopping centers in particular have a high vacancy rate and large expanses of parking that are mostly empty.

Vision 2001-2020 recommends that the intersections of Peters Creek and Cove Road, and Peters Creek and Melrose be areas of development opportunities for commercial development. Most of the commercial zoning in the neighborhood is General Commercial District C-2, zoning along Melrose Avenue, Hershberger Road, and Peters Creek Road. The C-2 district, with its parking and setback requirements, tends to encourage linear commercial development with numerous curb cuts and individual parking areas.

A few areas are zoned Office District C-1, which only allows office development, but these are usually located along major arteries as well. The only areas that are zoned for industrial uses are along Frontage Road near the new Innotech plant.

Economic Development Opportunities

Coat Factory/Home Depot Area

This area provides an excellent opportunity to improve the aesthetics and livability of the Peters Creek North area. With the opening of the new Johnson & Johnson Innotech plant, two schools, hotels, apartments, and single-family houses, this area already has the beginnings of a mixed-use development. Additionally, several hotels are located adjacent to this area. Better use of this shopping area could help attract tourists to local businesses during their stay in Roanoke and provide a better overall image of the Roanoke Valley. Future development of this area should be encouraged.

City Line Square Shopping Center

City Line Square is strategically located at the intersection of Peters Creek Road and Cove Road. It currently includes a Food Lion and several smaller retail shops, with few or no vacancies. There is a large, underused parking lot in front of the retail area, along with two out parcel buildings. The frontage along Peters Creek Road is still mostly undeveloped. Additional retail or office development in City Line Square is desirable to serve the needs of the population in this part of the city. Further development should be accommodated and parking requirements should be reduced.

Infrastructure

Transportation

Peters Creek North is served by several major arterials, including Peters Creek Road, Hershberger Road, Cove Road, and Melrose Avenue. Wide rights-of-way, high speeds, and high traffic volumes characterize all these roads. Peters Creek Road and Melrose Avenue have numerous commercial uses, usually with several curb cuts creating traffic conflict and access problems. The recent completion of the Peters Creek extension south of the area has provided better access between northwest and southwest, but it has also significantly increased the amount of traffic on the entire road. In addition, fatal accidents on Hershberger Road have highlighted the safety problems that exist there.

The Department of Transportation rates streets and intersections by using Level of Service (LOS) ratings of A-F, with LOS A meaning little or no congestion and LOS F meaning badly congested. Hershberger Road between Cove and Peters Creek was projected to be operating at LOS D in 2000. In addition, the northern approach of Peters Creek Road at Melrose Avenue is projected to be operating at LOS F and the southern approach at Hershberger Road is projected to be operating at LOS E in 2000. The projection for the year 2015, show that much of Cove Road will be operating at LOS F as well.

Transportation Plans

There are currently no transportation improvement projects in the area that are funded in VDOT's Six-Year Plan. However, improvements to Hershberger Road between Cove Road and Peters Creek Road are planned in the Twenty-Year Roanoke Valley Long-Range Transportation Plan. The Twenty-Year Roanoke Valley Long-Range Transportation Plan recommends a 6-lane divided road for this part of Hershberger Road. The Roanoke City Thoroughfare Plan also recommends widening a portion of Peters Creek Road to six lanes.

Many of the high-volume arterial roads that serve the neighborhood, including Hershberger Road, Peters Creek Road, and Cove Road are beginning to experience significant traffic problems. While all of these need to be addressed, it is not financially feasible to solve all the problems at this time.

Traffic on Cove Road has increased immensely due to two new single-family home subdivisions. Oak Leaf Manor on the north side of Cove Road will have an expected forty four (44) more single-family homes. Garst Farm is a new single-family home subdivision located south of Cove Road that will bring more than fifty (50) new single-family homes to the area.

The neighborhood does recognize the need to improve safety and traffic conditions on Cove Road and Hershberger Road. However, the city should recognize the potential negative impacts that could be created by a six-lane thoroughfare in a primarily residential area. A four-lane option should be considered instead, creating an urban boulevard rather than a suburban throughway. An extensive corridor study for the entire length of Hershberger Road and Cove Road should be undertaken to assess all potential impacts before either road is improved.

Many of the residential areas in Peters Creek North have poor traffic circulation due to the haphazard development patterns that occurred. There are many one street cul-de-sac and dead end streets that channel all traffic onto busy arterial roads. In addition, many of the multi-street subdivisions channel all traffic onto arterials at one or two intersections, most of which are not signalized. Increasing the options for vehicular traffic will help improve access and safety, as well as dispersing the traffic that uses residential streets.

Alleys

Public alleys are not as common in this part of the city as they are in the neighborhoods closer to downtown. However, the Washington Heights, neighborhood does have alleys on most streets and some others are scattered throughout the rest of Peters Creek North. Alleys do serve a public need, especially in Washington Heights, where dense development and lack of infrastructure makes parking and trash collection difficult. Many of the alleys, though, are unimproved paper alleys that have never been used. The city should improve and maintain those alleys that are needed to provide services to residents and close those that are no longer needed or whose location make improvements infeasible. This will reduce the city's responsibility for ongoing maintenance.

Sidewalks, Curbs, Gutters

There are very few existing sidewalks in Peters Creek North. Most development was built before sidewalks and curbs were required as a condition of subdivision. Sidewalks can be more often found along the major roadways, especially Melrose Avenue and Westside Boulevard. Curbs are more common, but many streets still do not have them. Some streets without curbs have small swales or makeshift curbs formed from asphalt. Addressing the lack of sidewalks and curbs in the area is a high priority of Peters Creek residents. The absence of sidewalks and curbs causes many problems, including poor drainage, parking in front yards, poor pedestrian circulation, and lack of delineation between public and private space.

Because new sidewalks and curbs are needed throughout the city, it is unlikely that funding will be immediately available to provide them in Peters Creek North. Current sidewalk and curb improvements should be concentrated in areas where there is an imminent need due to safety of serious drainage problems. When streets are improved or new streets are built, sidewalks and curbs should be provided to prevent the need to construct them in the future. Based on recent changes to city polices, new subdivisions will be required to include sidewalks and curbs to prevent the city from bearing the costs of these in the future.

Storm Drainage

Certain areas of the Peters Creek North neighborhoods suffer from drainage problems. However, some areas have been addressed with drainage projects, but others have not yet been addressed within the City's Capital Improvement program. The City has a detailed list of all known drainage and flooding problems in this area. All of Peters Creek North is in the Peters Creek or Lick Run watersheds.

Eleven storm drainage projects have been identified:

Currently Identified Storm Drainage Projects in Peters Creek North
Harvest Lane
Youngwood Drive
Peters Creek Road Bridge
Detention Basin, Peters Creek Tributary A
Detention Basin, Peters Creek Tributary B
Enlarging Frontage Road
Enlarging Sioux Ridge Crossing
Raising and Enlarging Northwood Drive
Raising Laura Drive
Raising Shenandoah Bible College Entrance
Broad lawn Road
Meadowbrook (1900 Block)
Meadowbrook, Channel Stabilizing
Raising and Enlarging Westside Boulevard

The inability to address all of the storm drainage problems in the neighborhood is part of a larger issue. The city currently has over $34 million in needed storm drainage projects. Only $500,000 per year is available for construction, mostly from bond issues. As with curb and sidewalk funding, a long-term funding strategy should be developed to address the city's storm drainage needs. The funding shortfall creates the need to set priorities, so Engineering ranks each project according to criteria such as safety, damage caused, frequency of the problem, number of people affected, and cost.

Water & Sewer

While most of the neighborhood has public sewer and water, significant portions of it still do not. Some or all of the Miller Court, Dansbury Acres, Arrow Wood, and Fairhope subdivisions are still on wells and/or septic systems. Because lots in the area are relatively small, environmental problems could occur when septic fields fail or wells go dry. Since adjacent homes and subdivisions already have public water and sewer service, existing lines can be extended into the un-served areas. The price of sewer hookup fees has been an issue that prevented this problem from being solved in the past. Also, many of the homes that do use city sewer are connected with sump pumps that cause some flow problems.

Flood Plain Management

Flooding is an issue of serious concern to many Peters Creek North residents. The Peters Creek flood plain affects many of the properties in the area. Numerous residential properties in the Norwood subdivision experienced extensive flood damage in both 1985 and 1989. Many of the businesses on Peters Creek Road and Melrose Avenue have experienced flooding as well. In addition, the stream channel is experiencing significant erosion due to increased storm water runoff caused by urbanization.
The city has undertaken some major flood control projects on Peters Creek. Two detention basins have recently been completed upstream in Roanoke County, and the creek has been dredged and snagged to remove silt and debris that could cause increased flooding. This has reduced the number of properties in the flood plain by almost 20% along Peters Creek. However, approximately 100 more still remain in the 100-year flood plain. Remaining homes should be flood proofed or purchased as funding permits, concentrating on properties that are located furthest in the flood plain and therefore at the greatest risk of damage due to flooding.

The most effective flood control measure is for the city to purchase properties that are at risk for flood damage. Money still remains for further flood proofing efforts in the area. However, the number of affected properties is so great that this is extremely cost prohibitive. Additionally, the Federal Emergency Management Agency (FEMA) has strict cost-benefit ratio requirements for what flood measures can be completed using federal funds. The City is beginning a new program to try to purchase some of the existing homes that still remain in the flood plain.

Street Lighting

Street lighting is very good throughout most of the neighborhood, but is inadequate in some places. Streetlights are generally located at intersections; some additional lights in mid-block locations could help to improve deficient areas.

Public Services

Human Services

Roanoke Vision 2001-2020, recommends educational systems, and human services be linked to skill–based training programs and to state-of-the-art health care to enhance and support a healthy and productive life. Peters Creek North generally has adequate access to these services because of its location in the city. Nevertheless, some services need to be provided on a neighborhood level. *Roanoke Vision 2001-2020,* recommends a community based system that will bring human and health services to the neighborhood.

Schools

William Fleming High School, William Ruffner Middle School, and Westside Elementary School are all located within the boundaries of Peters Creek North. Westside Elementary School for the Performing Arts and William Ruffner Middle School both are Roanoke's magnet schools, which provide a unique learning opportunity to attract students from around the city. All students in the Peters Creek north area attend William Fleming High School and William Ruffner Middle School. Younger children in the area attend Westside Elementary and Preston Park Primary/Oakland Intermediate elementary schools

Crime Prevention

Crime prevention remains a priority of residents. Police have worked closely with groups to address the problem with success, but intense activity seems to recur. In February of 2000, City Council passed an ordinance advocated by neighborhood watch groups that would allow city abatement of public nuisances. This ordinance was seen as an important tool for enhancing crime-fighting efforts.

Most people in Peters Creek North value the safe environment their neighborhood provides. However, some residents feel that crime is increasing, especially those residents in Washington Heights. Police were dispatched for 3,595 real or suspected offenses in 1999, which is a 25% increase from 1994, although reports tend to go up when crime watches are formed. The rate of reports of 400 to 500 per thousand people in Peters Creek North is much less than the 800 to 900 reports per thousand people for Roanoke as a whole.

Many residents feel that noise is a particular problem in their neighborhood. The problem with enforcement tends to be catching violators.

Residents indicated that litter is still a problem throughout the neighborhood. Neighborhoods throughout Roanoke regularly sponsor litter cleanups on Clean Valley Day. Better participation from residents in the Peters Creek North neighborhoods would help reduce litter problems in the area. The existence of litter seems to encourage more litter. In addition, improving appearances, litter/debris cleanups are considered an effective Crime Prevention Though Environmental Design measure.

Code Enforcement

Residents say nuisance violations such as outdoor storage, inoperative motor vehicles, and weedy properties can be a problem but are not widespread. Eyesores negatively affect the surrounding properties and quality of life in the neighborhood. Enforcing the various city codes can improve the appearance of the neighborhood.

Code enforcement was chosen by residents as a topic of special concern. They noted that violations seem to be concentrated in certain areas of the neighborhood, which could be targeted by proactive inspections, especially in Washington Heights and the Edgelawn Avenue area. Residents also felt that bulk solid waste pick-up was not frequent enough.

Fire and EMS

Currently the Fire Department is installing new hydrants along Peters Creek and Cove Road. The majority of Peters Creek North is served by Fire Station #13 on Peters Creek Road. This is a fairly new station with a double company, which means it has an engine and a ladder truck. The median strip in front of Station 13 was recently reconfigured to provide easier access, subsequently reducing response time by 20 seconds.

Roanoke Regional Airport

Significant parts of the neighborhood, especially Miller Court, are located within the runway approach of the Roanoke Regional Airport. Airplanes cause some noise problems, although the city has taken some steps to soundproof and install air conditioning in particularly vulnerable homes. In addition, the Airport Commission has purchased and demolished houses in the areas that experienced the greatest noise-related problems.

Quality of Life

Parks and Recreation

No parks exist in this part of the city. The presence of Countryside golf course and some undeveloped airport-owned properties do provide the area with some open space. However, recreational opportunities available to residents are limited.

Most of Peters Creek North was developed when prevailing thought was to provide larger lots rather than parks and open space. The lack of parks and recreational opportunities in Peters Creek North is a concern of both residents and city staff. The vast majority of the residents are not within the service radius of any city parks. Additionally, residents mentioned the need for at least one community center in the area.

The amount of land that is undeveloped because of the airport or flooding presents some excellent opportunities for park development. The airport property in particular is already publicly owned and would require minimal funding for acquisition. In addition, flood plain properties with limited or no development potential could also be acquired at minimal cost and could reduce flood hazards.

Greenways

Greenways and bike trials are important quality of life elements that are missing from the Peters Creek North area. No greenways currently exist in the planning area. The Roanoke Valley Conceptual Greenway Plan recommends greenways along the Peters Creek and Hershberger Road corridors. In addition, opportunities might exist to extend the Lick Run Greenway between Hershberger Road and, Peters Creek Road. Potential opportunities exist to enhance the greenway system in the Roanoke Valley through the use of utility easements, acquisition of flood plains and riparian buffer zones, possible residential and commercial greenway-specific land dedications, and the use of bike-lanes and greenway-dedicated sidewalks on low-volume residential streets.

Neighborhood Organizations

Several recent development proposals, including Garst Farms property, Oak Leaf Manor, the Planned Parenthood Clinic, and the new Sheetz gas station have created controversy. These situations highlight the need for increased citizen involvement in land use decisions. Notifying area neighborhood organizations of potential rezoning, special exceptions, and other pending development proposals can help alleviate the perception that decisions are being made without residents' input.

Many of the recent development controversies occurred on sites that were appropriately zoned for those uses; therefore no pubic hearings were required for approval. Area residents need better awareness of the processes and regulations associated with zoning so they can have a greater understanding of what types of development are possible and what the potential impacts may be.

Active neighborhood organizations are a valuable asset to community involvement, as well as an important link between the city and its residents. Neighborhood organizations provide readily available channels to disseminate information, services, and resources. Currently, the only member of the Roanoke

Neighborhood Partnership in Peters Creek North is the Miller Court Neighborhood Alliance. While this is an important organization, it only represents a small percentage of Peters Creek North residents.

Miller Court Neighborhood Alliance

The Miller Court Neighborhood Alliance formed in 1999 and is a member of the Roanoke Neighborhood Partnership. The group was originally formed as a neighborhood watch, but has since taken on more activities. The boundaries include Portland Avenue, Ben Street, Thelma Street, Oleva Street, and Hillendale Road.

Northwest Crime Stoppers

The Northwest Crime Stoppers is a neighborhood watch group that represents the Washington Heights area and portions of the Fairhope area. The organization is active, holding monthly meetings and supporting a large membership. The Crime Stoppers probably have the potential to become a more involved neighborhood group in the future, expanding into other neighborhood improvement activities.

Peters Creek Civic League

The Peters Creek Civic League originally formed in the 1980's in response to flooding problems east of Peters Creek Road. While the group has recently become active, some of the former leaders indicate that community involvement in the area is difficult to achieve. However, the foundation of the old organization was used to revive its most recent activities.

Recommendations

Residential Development

Policies:

Overall

- Encourage development of market-rate housing in the neighborhood.
- Involve neighborhood residents in development and land use decisions.
- Encourage better maintenance of rental properties.
- Encourage new housing to be compatible with the existing community.
- Encourage housing for the elderly that is designed to maximize access to nearby services and residential communities.
- Discourage new isolated subdivisions and one-street cul-de-sacs.
- Connect new subdivisions to the existing street network.
- Provide sidewalks and pedestrian connections to existing neighborhoods.
- Integrate new multi-family housing with the community.
- Encourage infill development to reflect the character of the surrounding neighborhood.

Westview Terrace area:

- Encourage development on smaller lots typical of those found throughout the city.
- Encourage minimal setbacks to foster a sense of community.
- Encourage development with infrastructure and amenities typical of traditional neighborhoods, including sidewalks, grass planting strips, street trees, and streetlights.
- Encourage connections with existing and future subdivisions.
- Reduce the importance of the automobile by locating garages in the rear, developing narrow streets and driveways, and limiting driveway entrances for new residential development.

Longwood Drive area:

- Street connections should be provided between Washington Heights and Longwood Drive.
- Sidewalks and other pedestrian connections should be provided.
- Traffic calming measures should be provided to prevent cut-through traffic.

Routt Road area:

- Encourage development to be compatible with existing community.
- Provide parking in the rear with access via an alley or narrow private drives for future residential development.
- Develop a neighborhood park for apartment residents and residents of nearby residential development.

Peters Creek area:

- New development should ensure that storm water runoff will not add to current flooding problems.
- Flood plain areas should be dedicated as potential greenways and open space.
- New streets should connect to the existing street network on all sides.

Actions:

- Provide incentives to encourage market-rate housing.
- Identify larger parcels for potential planned developments.
- Support programs that encourage home ownership.
- Continue notification of neighborhood groups of rezoning, special exception, and variance petitions.
- Provide training sessions to increase process awareness of zoning / development.
- Allow the construction of higher-density housing where appropriate to provide housing for elderly residents, using planned development, where appropriate.
- Identify opportunities for developing small parcels in the area.

Economic Development

Policies:

Overall

- Concentrate commercial uses in commercial nodes.
- Encourage redevelopment of vacant and underused commercial property before allowing new commercial zoning.
- Encourage good relationships between commercial and residential development through thoughtful site and building design, landscaping, and transitional uses.
- Develop new retail and office space on large vacant parking lots.
- Encourage mixed uses to improve vitality and continuous use of commercial areas.
- Orient new commercial development to the street and use shared parking whenever possible.
- Provide for limited industrial development in the vicinity of the Innotech plant.
- Encourage more office development in commercial areas.

Ferncliff Avenue (Burlington Coat Factory /Home Depot) area:

- Office space and other employment generating uses should be provided.
- Creative use of shared parking and public transportation access should be incorporated into projects.
- High-density residential uses, particularly corporate apartments or elderly housing, should be provided.
- Employee-related services, such as restaurants and banks, should be encouraged to serve the needs of office and plant workers.
- Entertainment uses should be encouraged to increase use of the area in the evenings.
- Landscaping and street trees should be incorporated into new development.
- Pedestrian connections should be provided to existing residential areas and hotels.
- New retail establishments should be street and pedestrian-oriented.
- Parking should be provided on street and in the rear of structures.

City Line Square Shopping Center area:

- Vehicular and pedestrian connections should be provided to the adjacent residential areas.
- Vehicular and pedestrian connections should be provided through the existing shopping center.
- Landscaping should be used to reduce the visual impacts of the asphalt parking lot.
- On-street parking and public transportation access should be utilized to the extent feasible.

Actions:

Implement zoning patterns to:

- Prevent encroachment of intense commercial uses into residential areas.
- Encourage revitalization of older shopping centers and commercial buildings.
- Provide more employment opportunities in the area.

Infrastructure

Policies:

- Improve street lighting in the neighborhood.
- Improve the public sewer and water system.
- Improve storm water drainage.
- Reduce the impacts of flood damage.
- Improve the sidewalk/curb system.
- Improve traffic circulation and connections.
- Maintain public alleys and close undeveloped or unneeded alleys.
- Encourage all utility providers to coordinate infrastructure improvements.
- Install curb and gutter consistent with the parameters of the Vision 2001-2020 comprehensive plan.

Hershberger Road and Cove Road improvements:

- Number of lanes should be kept to the minimum necessary.
- Sidewalks and/or greenways should be provided to accommodate pedestrians and bicyclists.
- Street trees should be provided between the sidewalks and curb to reduce the visual, noise impacts on surrounding residences, and provide separation of pedestrian and vehicular traffic.
- Design and posted speed should not exceed 35 mph.
- A landscaped median and turn lanes should be provided.
- Aboveground utilities should be buried or consolidated onto fewer poles.
- A corridor specific plan should be completed to evaluate transportation, land use, and community impacts prior to construction.
- Lane width should be kept to the minimum necessary.
- Traffic claming devices should be incorporated.

When developing curb and sidewalks for the neighborhood.

- Concentrate new infrastructure on improving pedestrian circulation to important destinations.
- Construct new sidewalks and/or curbing as funding permits throughout the neighborhood, with priorities on completing piecemeal areas and correcting safety hazards.
- Require developers to install sidewalks and curbs at rezoning, special exception, or subdivision stage in a manner consistent with current city policy.
- Provide planting strips at least six feet wide when new sidewalks and curbs are installed.

Actions:

- Identify priority areas and work with Traffic Engineering to develop plan for new streetlights and/or increased wattage of existing streetlights.
- Improve safety at the intersection of Garstland Drive and Cove Road.
- Start a program to encourage residents to turn porch lights on at night.
- Extend sewer and water lines to those areas not currently served.
- Identify water and sewer lines that need to be replaced.
- Assist residents who currently use sump pumps to find better alternatives.

- Identify priority needs and construct new curbs and storm drains as funding becomes available.
- Identify which properties still remain in the 100-year flood plain after recently completed flood control projects by issuing new elevation certificates.
- Purchase any flood prone properties that meet federal cost-benefit ratio standards as funding permits.
- Continue flood-proofing programs, concentrating on those properties that are at most risk of flooding.
- Create a program for regular maintenance of creek bed and banks by property owners.
- Reopen the former Highland Farm Road between Routt Road and Countryside Drive and extend Fairhope Drive and Dansbury Drive north.
- Pave the unimproved portion of Wyoming Avenue between Gilbert Road and Westside Boulevard.
- Encourage new developments and subdivisions to complete links in the street pattern.
- Request the dedication of right-of-way for an alley on the east side of Westside Boulevard between Wyoming and Kentucky Avenues if the adjacent parcels are developed.
- Permanently close and vacate the public alleys that are currently undeveloped or unused:
    - East side of Portland Avenue.
    - South side of Edgelawn Avenue.
    - East side of Westside Boulevard between Kentucky and Tennessee Avenues.
    - East side of Westside Boulevard between Tennessee and Maine Avenues.
    - West side of Monroe Street between Tennessee and Maine Avenues.
    - East side of Westside Boulevard between Maine and Vermont Avenues.
    - Alley that runs north and south between Kentucky and Tennessee Avenues.
    - Alleys on the south side of Virginia Avenue between Monroe Street and Adams Street.

Public Services

Polices:

- Incorporate Crime Prevention Through Environmental Design (CPTED) principals in new development.
- Support continued efforts of the Northwest Crime Stoppers and Miller Court Neighborhood Alliance.
- Improve communication between residents and police to target places and times where increased patrol would be most effective.

Actions:

- Coordinate neighborhood group and crime watch group efforts such as holding a joint National Night Out event, coordinating cleanups and holding joint meetings.
- Initiate a process for residents to report suspected violations of maintenance codes.
- Initiate a targeted enforcement/maintenance effort in Washington Heights, especially for overgrown properties, yard/porch storage, and bulk waste items.

Quality of Life

Policies:

- Increase recreational opportunities in the area.
- Improve non-motorized transportation and circulation in the neighborhood.
- Reduce litter and trash/improve cleanliness of streets.
- Encourage overall improvement of neighborhoods appearance.

Actions:

- Construct a bike trail or bike lanes on Hershberger Road.
- Identify greenway alternatives along Peters Creek and Peters Creek Road.
- Examine the feasibility of extending the Lick Run Greenway to Peters Creek Road and placing greenways on the vacant airport property.
- Study feasibility of constructing a community or youth center in the area.
- Initiate targeted cleanups by neighborhood groups and encourage residents to participate in cleanups.
- Identify specific locations and properties that could be obtained and developed as "neighborhood" parks with a focus on sites that are not buildable because of flooding or other encumbrances.

Implementation

Actions	*Participants*	*1 yr.*	*2 yr.*	*3 yr.*	*4 yr.*	*5 yr.*	*Ongoing*
Residential Development							
Implement home ownership programs	**NG / PB / RNP**	****	****	****	****	****	*
Develop infill regulations	**PB / CE**	****					
Identify small parcels for development	**PB / NG / RNP**		****				
Plan housing for the elderly	**PB / NG**		**	***			
Economic Development							
Revitalize older shopping centers and commercial buildings	**PB / ED**			****			*
Change zoning to prevent encroachment	**PB**	****					
Develop new commercial buildings on large parking lots	**ED / PB**			***	****		
Infrastructure							
Address safety issues on Cove and Hershberger Road	**EN**	**	****				
Address flooding problems	**EN / PW**		**	***	****	****	
Improve Hershberger and Cove Road	**EN /UT / PW**		**	***	****	****	
Identify water and sewer line replacement	**PW / UT**		**	****			
Improve drainage systems	**EN / PW**			**	***	****	
Construct new sidewalks and curbs	**EN / PW**		*	***	***	****	
Extend water and sewer lines in identified areas	**EN / UT**			*	***	****	
Close undeveloped alleys	**PB / NG**	*	**	***	****		
Public Services							
Enact program for neighborhood crime prevention and code enforcement violations.	**PD / NG / CE**	*	****				
Enact CPTED principles	**PD/NG/CE/RNP**	*					*
Quality of Life							
Identify and develop neighborhood park	**PR/NG/PB/RNP**		*	**	****		
Develop greenway and bike trails	**PR / NG**		***	****			
Conduct youth center feasibility study	**NG / PB / RNP**		**	***	****		

RNP: *Roanoke Neighborhood Partnership ~* ***PB:*** *Planning and Building ~***CE:** *Code Enforcement ~* ***NG:*** *Neighborhood Groups ~* ***PD:*** *Police Department ~* ***PR:*** *Parks and Recreation Department ~* ***ED:*** *Economic Development ~* ***PW:*** *Public Works ~* ***EN:*** *Engineering Department ~* ***UT:*** *Utilities*

Cost Estimates

Curb and Gutter

Street	Section	Side	Estimated Cost
Peachtree	Showalter to Northwood	Both	$ 66,900
Northwood	Laura to Showalter	Both	$ 298,000
Laura	1900 and 2000 Blocks	Both	$ 56,000
Barnett	1600 Block	East	$ 5,000
Northwood	5000 Block	Both	$ 21,000
Appleton	3502 to Barrington	South	$ 28,000
Elva	Lonna to Meadowbrook	Both	$ 3,840
Lewiston	4400 Block	South	$ 21,000
High Acres Road	3800 Block	North	$ 3,000
Oleva	Hillendale and Portland	North	$ 3,300
Tennessee	Westside to Van Buren	North	$ 7,000
High Acres	Shamrock to Fairhope	South	$ 8,500
Guernsey	Springbrook to Garstland	North	$ 10,800
Thelma	Hillendale to Portland	Both	$ 23,200
Ben	Hillendale to Portland	Both	$ 30,000
TOTAL COST			**$585,540**

Sidewalks and Curbs

Street	Section	Side	Estimated Cost
Peters Creek	Melrose to Hershberger	Both	$ 6,000
Westside	Melrose to Virginia	East	$ 11,250
Ferncliff	Ferndale to Routt	North	$ 65,250
	Total Cost		**$ 82,500**

Drainage Projects

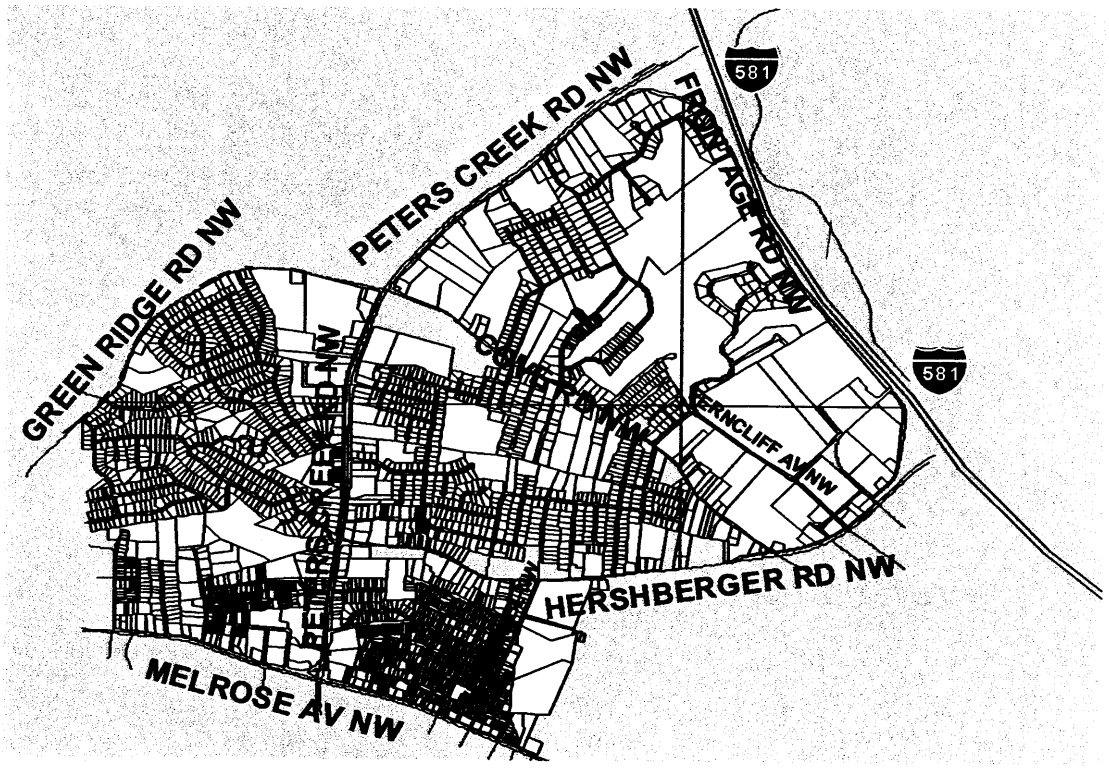
Street	Description	Estimated Cost
Harvest Lane	1,300' of 24" storm drain	$ 125,000
	Curb and Gutter	$ 51,600
	Total Cost	**$ 176,600**
Youngwood Drive	620' of 48" reinforced concrete pipe in ditch	$ 126,500
	Curb and Gutter	$ 73,000
	Total Cost	**$ 199,500**
Vermont Avenue	Storm drain/Curb and Gutter	$ 33,000
	Sidewalk	$ 15,000
	Total Cost	**$ 48,000**

Street Improvement

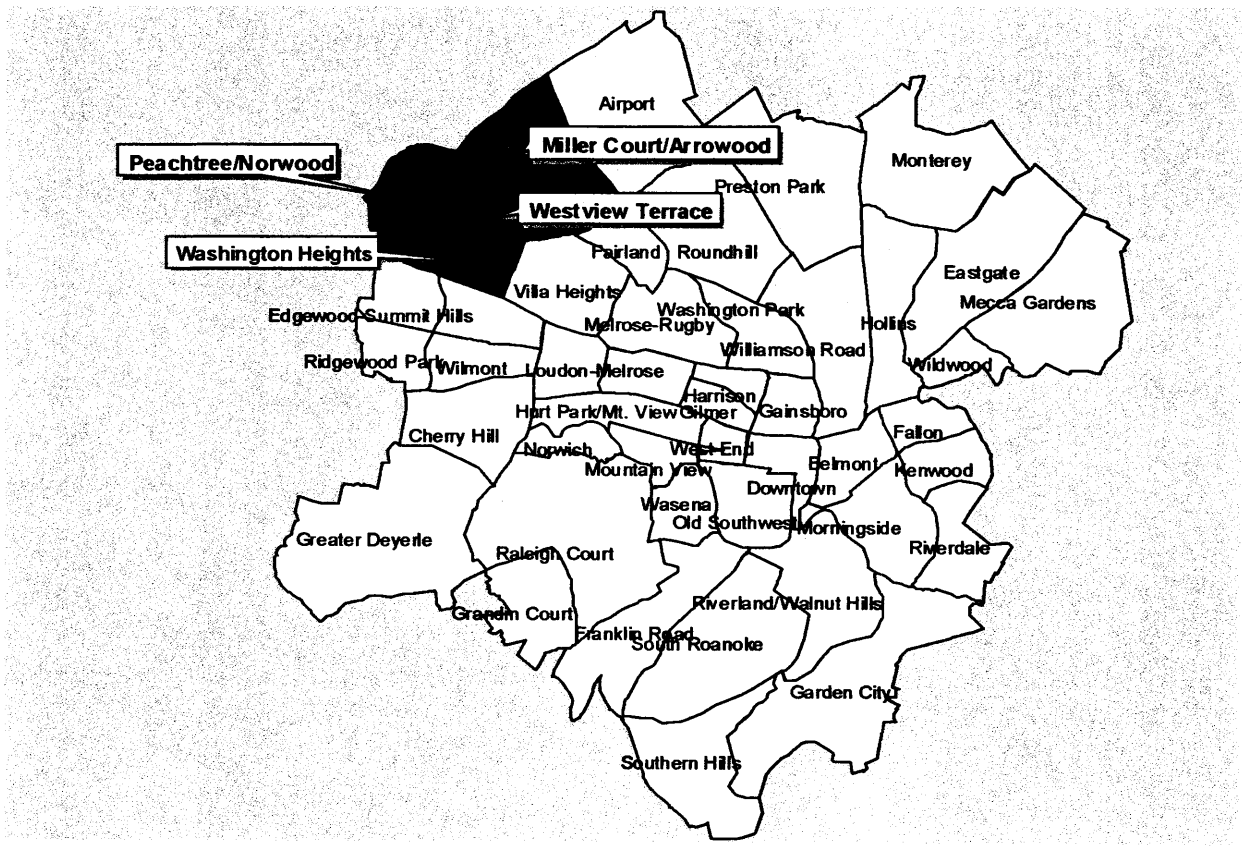
Street	**Improvement**	**Estimated Cost**
Dansbury Drive	Sidewalks/Curbs	$ 166,100
	Clearing/Grading/Drainage	$ 11,000
	Pavement	$ 26,400
	Sanitary Sewer	$ 38,700
	Storm Drains	$ 217,000
	Street Trees	$ 18,000
	Total Cost	**$ 477,200**

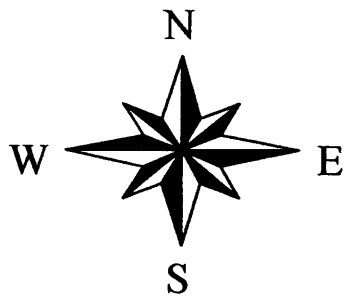
MAPS

Peters Creek North

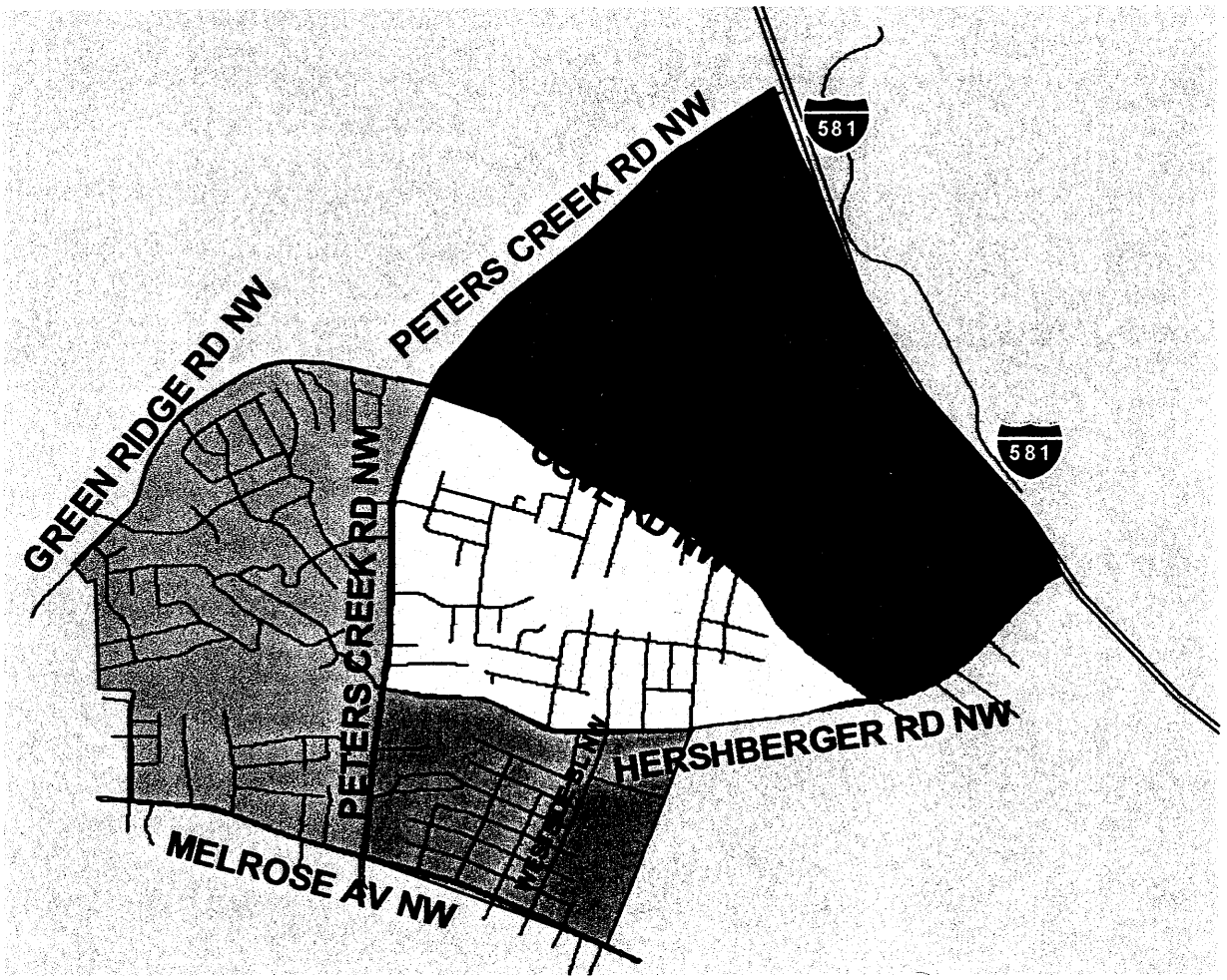


CITY OF ROANOKE
and the
Peters Creek North Neighborhoods

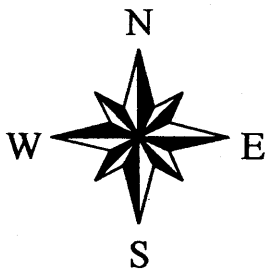




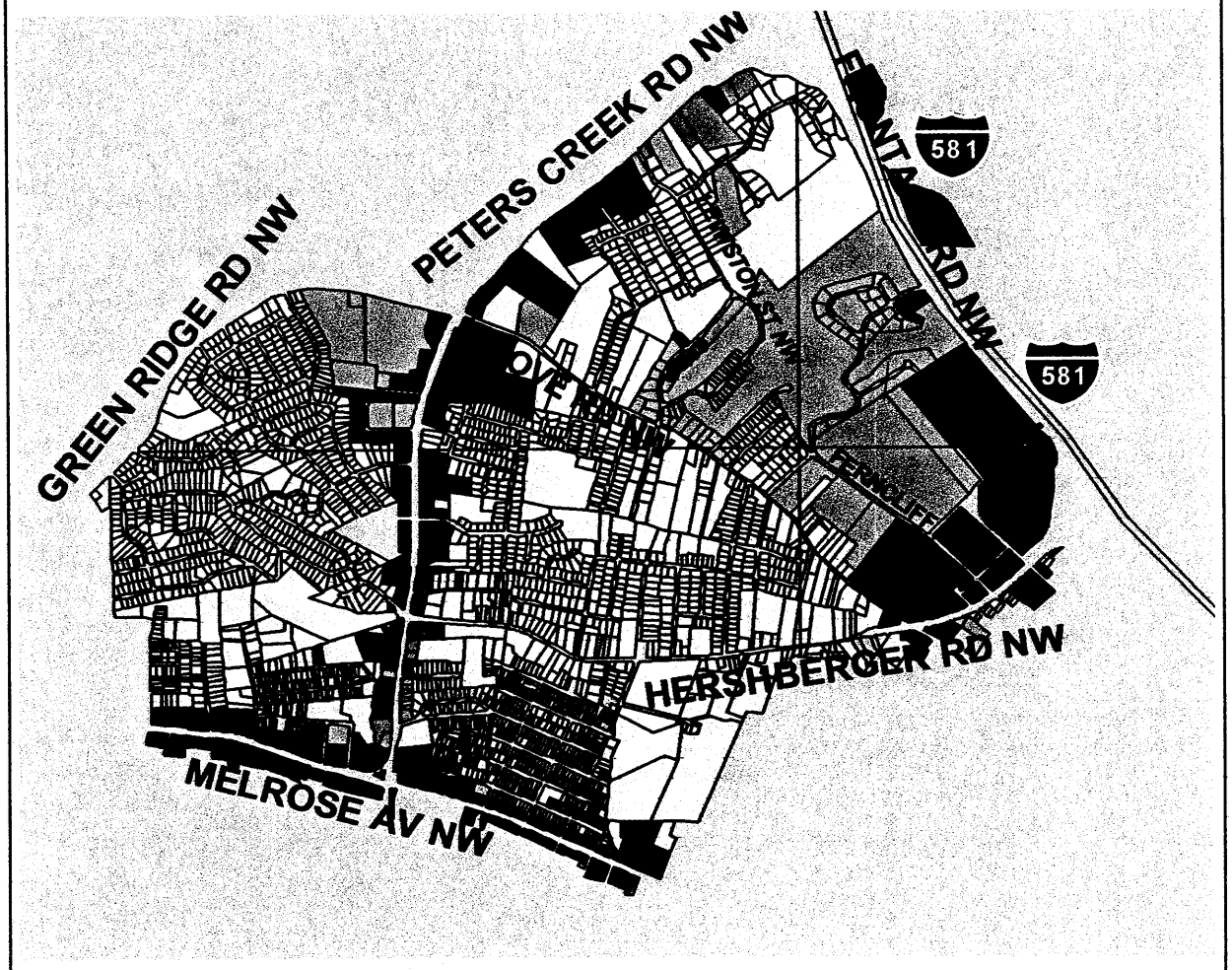
Peters Creek North Neighborhood Roads



Fairhope/Westview Terrace
Miller Court/Dansbury Acre
Peachtree/Norwood
Washington Heights



EXISTING ZONING

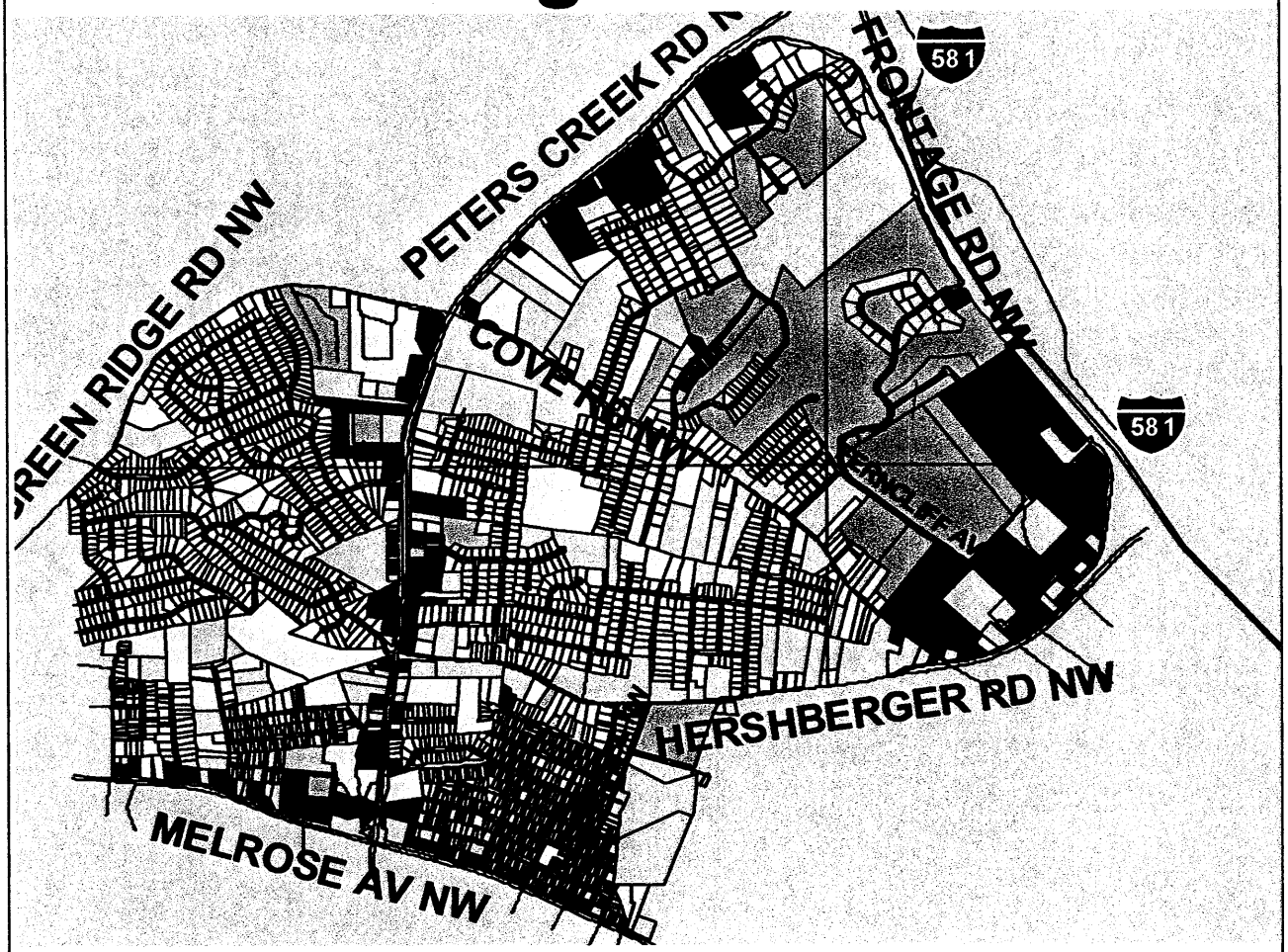


Peters Creek North Zoning

- RS Single Family Residential Distirct
- RM Multifamily Residential District
- C-1 Office District
- C-2 General Commercial District
- LM Light Manufacturing District

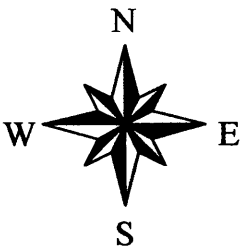
N
W E
S

Peters Creek Neighborhoods Existing Land Use

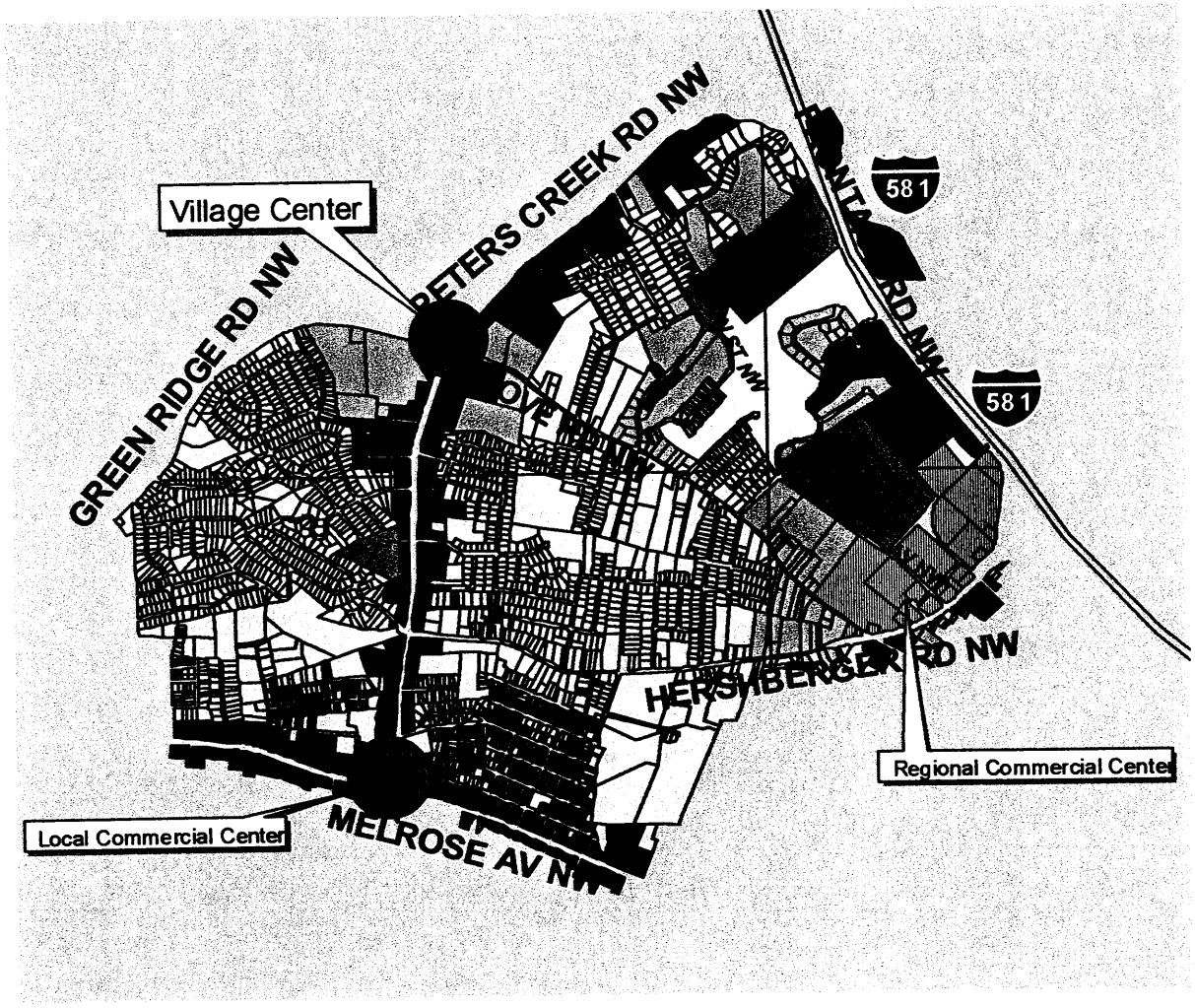


Land Uses

- Single Family
- Multi Family
- Commercial
- Industrial
- Vacant



PETERS CREEK PROPOSED LANDUSE MAP



Land Uses

- Single Family Residential
- Multifamily Residential
- Mixed Density Residential
- Commercial
- Industrial
- Park/Open Space/Public

N
W E
S

SJT 12/11/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Peters Creek North Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Peters Creek North Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Peters Creek North Neighborhood Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on November 21, 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 Monday, December 16, 2002, 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 RESOLVED by the Council of the City of Roanoke as follows:

1. That this Council hereby approves the Peters Creek North Neighborhood Plan and amends Vision 2001 - 2020, the City's Comprehensive Plan, to include the Peters Creek North Neighborhood Plan as an element thereof.

The City Clerk is directed to forthwith transmit attested copies of this

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

Architectural Review Board
Board of Zoning Appeals
Planning Commission

December 16, 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, 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 Loudon-Melrose/Shenandoah West Neighborhood Plan.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. By a vote of 7 - 0, the Commission recommended adoption of the plan.

Background:

The subject neighborhood plan comprises two neighborhoods in the northwest quadrant of the City, Loudon-Melrose and Shenandoah West. Loudon-Melrose is one of the City's rehabilitation districts, and was recently selected by City Council as one of six potential revitalization areas for the allocation of Community Development Block Grant (CDBG) funds. It is bound by Orange and Melrose Avenues to the north, the railroad tracks to the south, 24th Street to the west, and 14th Street to the east. Shenandoah West is bound by Melrose Avenue to the north, the railroad tracks to the south, 31st Street to the west, and 24th Street to the east.

Loudon-Melrose is a traditional neighborhood that was primarily developed in the 1920s with single-family homes. Shenandoah West developed much later with mainly industrial and multi-family residential complexes. Both areas are bound by industrial and commercial development.

Three public workshops were held with the neighborhoods in April and May of 2002. Various City staff attended these meetings and staff worked closely with the Loudon-Melrose Neighborhood Organization throughout the process.

There were no members of the public present at the public hearing who requested to comment on the plan

Considerations:

In the planning process, residents and staff identified the following major issues facing the neighborhood:

- The lack of buffering between residential and industrial sites.
- Incompatible infill housing.
- A lack of young homeowners.
- Recurring property maintenance code violations.
- Insufficient infrastructure.

To address these issues, the plan features four priority recommendations:

1. Zoning – use the future land use map as a guide for future zoning changes.

2. Housing – increase homeownership and appearance of homes, encourage a mixture of single and multifamily housing, use the plan to guide future revitalization efforts, and consider adopting a neighborhood design district in areas with mainly single-family houses.

3. Code Enforcement – continue to target the area for all code violations and maintain the Rental Inspection Program.

4. Infrastructure – submit the list of sidewalks and curbs for construction or repair to the Department of Engineering.

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 recommends approval of the Loudon-Melrose/Shenandoah West Neighborhood Plan for adoption as a component of **Vision 2001-2020**.

Respectfully submitted,

Robert B. Manetta PBST

Robert B. Manetta, Chairman
City of Roanoke 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

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

This 21st day of November, 2002

A RESOLUTION recommending the adoption of the Loudon-Melrose/ Shenandoah West Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Loudon-Melrose/Shenandoah West 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 Loudon-Melrose/Shenandoah West 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 November 21, 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 Loudon-Melrose/Shenandoah West Neighborhood Plan, dated November 21, 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:

Robert B. Manetta

Chairman

Loudon-Melrose/Shenandoah West

Neighborhood Plan

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vision 2001/2020

Roanoke Department of Planning Building and Development

November 21, 2002

Introduction

Loudon-Melrose and Shenandoah West are two distinct neighborhoods out of the many that make up the City. While the City's overall growth and development impacts each of these neighborhoods, at the same time each evolves in its own manner and timeframe.

Nestled between the Norfolk Southern railroad tracks and a major arterial street, the neighborhoods of Loudon-Melrose and Shenandoah West feature some of Roanoke's traditional inner-city housing, more recently built multifamily complexes, and a span of commercial and industrial development. As the neighborhood is intersected and surrounded by busy transportation corridors, much of its residential core is bound by commercial and industrial development. Located roughly between downtown and the City's western periphery, it is a convenient place to live, and a strategic location for business establishments.

This neighborhood plan is a component of *Vision 2001-2020*, the City's 20-year comprehensive plan. Vision 2001-2020 recommends the creation of neighborhood plans to provide a more detailed study of neighborhoods and better guidance in decisions affecting them. The plan addresses the following elements:

- Community Design
- Residential Development
- Economic Development
- Infrastructure
- Public Services
- Quality of Life

Planning staff studied current neighborhood conditions, with particular emphasis on land use patterns, housing, and infrastructure needs. Residents were involved through tours and a series of workshops. Major issues identified through the process include attracting more homeowners, improving the area's appearance, infrastructure improvements, and zoning changes that would encourage the development of vacant lots.

The plan makes recommendations for neighborhood improvement and development. Most recommendations are for action over a 5-year period. However, some recommendations are longer term. The plan has four priority recommendations:

Zoning: Amend the zoning ordinance to allow a greater variety of commercial uses in the existing industrial districts, and to ensure that new residential development is compatible with existing structures in terms of setbacks and lot coverage.

Housing: Establish this plan as a framework for more specific revitalization plans, to be considered in future allocations of Community Development Block

Grant (CDBG) funds, stressing the potential for infill development on vacant parcels and the rehabilitation of substandard structures.

Code Enforcement: Continue to target the neighborhood for all code violations and maintain the rental inspection program on designated properties.

Infrastructure: Improve streetscapes by providing or repairing sidewalks and curb and gutter where needed, improving areas with storm water management problems, and possibly incorporating greenways and alternative transportation corridors for pedestrian and bicycle usage.

Though city government will be a major participant in carrying out this plan, citizen involvement is essential, particularly with respect to monitoring. Loudon-Melrose/Shenandoah West is fortunate that citizens already take an active role in neighborhood improvement. Members of the Loudon-Melrose Neighborhood Organization and the resident councils of the Lansdowne and Melrose Towers developments were involved in the development of this plan and will be involved in implementing many of its recommendations.

Neighborhood Planning

In 1985, Roanoke Vision, the City's previous comprehensive plan, declared Roanoke a "City of Neighborhoods." The plan advocated the preservation and enhancement of the city's existing neighborhoods and recommended that city ordinances and efforts support neighborhood revitalization and preservation. A major recommendation of Roanoke Vision was to develop plans for each neighborhood.

Vision 2001-2020, the City's current comprehensive plan, reaffirms the value of neighborhood planning and sets it as a priority in the City's long-term development. The Department of Planning Building and Development has identified 48 neighborhood planning areas. Neighborhood plans focus on one or more of such areas. This plan incorporates two neighborhoods, Loudon-Melrose and Shenandoah West.

The City of Roanoke must work to retain citizens and improve the livability of its neighborhoods. This neighborhood plan is a positive step towards that end. It seeks thoughtful approaches that can be carried out by citizens, the City, neighborhood organizations, and supporting interests.

The Loudon-Melrose/Shenandoah West Neighborhood Plan establishes a shared vision and desired future for the neighborhood. It identifies what residents like about the neighborhood, qualities they want to retain and enhance, and what they would like to change and improve. It also identifies strategies the public and private sectors should initiate to achieve the desired future.

Some of this plan's goals are short-term (within five years). Others will take longer to accomplish. Many parties, including the Loudon-Melrose Neighborhood Organization, the resident councils of Lansdowne and Melrose Towers, various departments within city government, individual residents, and businesses, should work together to achieve neighborhood goals.

Though this plan applies to a specific geographic area, it considers diverse planning elements. Because the recommendations are general, each can be carried out in different ways. Strategies require further discussion and collaboration to identify specific steps to achieve goals.

The Neighborhood

Development

Historically, Loudon-Melrose was a predominantly single-family neighborhood. Most homes were built in the 1920s. However, the neighborhood now has a wide range of residential, commercial and industrial uses, and zoning patterns reflect these diverse uses.

Shenandoah West developed much later. Along Shenandoah and Centre Avenues, industrial and commercial development continues west of 24th Street, but the area is distinguished from Loudon-Melrose's traditional housing by the presence of multifamily housing developments.

Major development milestones include:

- Construction of the Salem-Melrose streetcar line began in 1890 and spurred residential development farther away from downtown.
- Fire Station No. 9 on 24th Street was constructed in 1929.
- Melrose Park was established in the first decade of the 20th Century.
- Horton Park was dedicated in 1994.
- Lansdowne public housing complex was constructed in 1951.
- Melrose Towers public housing complex was constructed in 1972.

Population

Loudon-Melrose/Shenandoah West had a population of 2,566 in 2000, 2.7% of the City's overall population. The neighborhood has experienced a gradual decline in population and the number of households since 1980. These decreases are consistent with other neighborhoods in the urban core of the City close to downtown.

The decline in population in Loudon-Melrose/Shenandoah West has primarily been on the eastern side of 24th Street and is in the younger age groups. The number of older residents has increased slightly. This trend is also citywide, as school enrollments are projected to be lower over the next five years.

Up until the mid-1960s Loudon-Melrose/Shenandoah West was a predominantly white neighborhood. Now it is predominantly African-American with a small minority of white residents.

Table 1: Demographic Trends, 1980 – 1990.

Year:	1980	1990	2000	% Change, 1980 -2000
Population	3,166	2,700	2,566	-19
Households	1,058	1,032	987	-7
White	1,050	565	271	-74
Black	2,090	2,135	2225	+6
Other Races	26	0	70	+170
0-17 Years Old	1,094	859	914	-16
18-34 Years Old	784	702	584	-26
35-64 Years Old	908	804	809	-11
65 Years and Over	380	335	248	-35

Source: U.S. Census Bureau,
1980, 1990: Tract 8, Block Groups 3,4,5; Tract 9, Block Group 1.
2000: Tract 8, Block Groups 2,3; Tract 9, Block Group 1

A low level of education and poverty are issues for Loudon-Melrose/Shenandoah West. The percentage of people lacking a high school education is at a rate 50% higher than that for the City as a whole.

Community Design

Physical Layout

While Loudon-Melrose and Shenandoah West both are in the urban core of the City's Northwest quadrant, the two neighborhoods are easily distinguished from one another. Loudon-Melrose has a traditional neighborhood design pattern, while Shenandoah West features more modern structures and lacks a consistent design pattern. One of the major challenges for Loudon-Melrose and Shenandoah West will be maintaining a healthy and viable residential community with industrial and auto oriented commercial development on its edges.

Loudon-Melrose is arranged in a grid street system with most of the older homes close to the property line (15-25') and to each other (10-15'). Houses tend to be of similar scale, massing and architecture, and most have front porches. Alleys provide access to parking and rear yards and garages.

The interior streets of Loudon-Melrose are narrow, while Shenandoah, Melrose and Orange Avenues are considerably wider. On-street parking is available on all of the streets. Sidewalks are not uniform throughout the neighborhood, but are on both sides of most of the east to west streets with small grass planting strips between them and the curb. Trees line most of these streets.

Stretches of Essex, Moorman and Loudon Avenues are shaded by trees that extend from undeveloped or less intensively developed lots. This area, roughly between 15th and 22nd Streets, appears more suburban than urban in character. Combined with the rolling terrain in the area, views of downtown and

the surrounding corridors are obstructed in these areas, giving them an enclosed and secluded feel.

The north to south streets are affected more by the rolling terrain of the area than are the east to west streets. The layout of the east to west streets combined with the Parks and commercial development in and around the neighborhood contributes to an overall pedestrian friendly environment.

Shenandoah West is much less pedestrian oriented overall. It is separated from Loudon-Melrose by 24th Street, which is a busy four-lane arterial street. The streets that connect the two neighborhoods are no wider in Shenandoah West, but there is less on-street parking and the volume and speed of traffic is greater. In addition, there are few trees lining the streets of Shenandoah West. As a result, the area is less pedestrian friendly despite there being sidewalks on most of the streets.

However, the Lansdowne housing development's proximity to Horton Park, the library, and Forest Park School contributes to outdoor activity and a sense of community. The park and the school combined have a great deal of green space that is frequently used by children in the area.

The only traditional neighborhood section of Shenandoah West lies to the west of Forest Park School on 30th and 31st Streets between Melrose Avenue and Salem Turnpike. These two streets lie on a rolling hill that features clear views of the mountains to the south. Most of the homes were built in the early 20th Century and the late 1940s and 1950s. This area is somewhat isolated from the rest of the neighborhood, but will be less so in the future due to development on 29th Street.

While people moved from traditional neighborhoods to outlying suburbs during the last half of the 20th Century, many people are now seeking out these older neighborhoods for their sense of community, physical attractiveness, and convenience. As more people begin to reject long commutes, over reliance on the automobile, and the lack of community that go along with conventional suburban development, neighborhoods like Loudon-Melrose/Shenandoah West are ripe for revitalization. Promoting traditional neighborhood design is key to the revitalization of neighborhoods throughout the City.

Zoning and Land Use

There are currently 996 parcels of land in Loudon-Melrose/Shenandoah West. There is a wide array of uses in the area and the zoning reflects such.

Shenandoah and Centre Avenues comprise an industrial corridor zoned LM, Light Manufacturing, to 30th Street, west of which it is zoned HM, Heavy Manufacturing and includes Baker and Johnson Avenues.

Two four-lane arterial streets, Orange and Melrose Avenues, comprise a viable commercial corridor with some residential uses. This corridor is zoned C-1, Office District, and C-2, General Commercial District. The C-1 zoning district along Orange Avenue also includes the 1400 -1700 blocks of Melrose Avenue on its northern side, while the southern side is zoned RM-2, Residential Multi Family, Medium Density District. As a result, it functions as a "village center," with a mix of commercial and residential uses.

The other four-lane arterial, 24th Street, is a commercial and industrial corridor. The neighborhood has three multifamily apartment complexes, all to the west of 24th Street and north of Centre Avenue, and a fourth is currently being developed.

There is a considerable amount of land classified as vacant in Loudon-Melrose/Shenandoah West. Most of the vacant parcels are in the LM industrial corridor along the railroad tracks. However it should be noted that while these parcels have development potential, many are being used for parking and outdoor storage.

The LM district abuts an RM-2 district in Loudon-Melrose. Although the current zoning ordinance requires that LM uses abutting residential areas have screening and/or landscaping, much of the uses are grandfathered and exempt from those requirements. The lack of transition between these industrial and residential uses needs to be addressed in future zoning decisions in the area.

A lack of screening or transition space from industrial uses also affects some residences in Shenandoah West, most notably along 30th Street and west on Salem Turnpike. However, the industrial district in the southern portion of Shenandoah West, where there is HM and LM zoning, is buffered to some degree from Lansdowne by commercial uses on Shenandoah Avenue. The size of the lots and the traffic along Shenandoah from 24th to 30th Street make it much more conducive to commercial development, though except for most of the 2500 block , it is currently zoned LM.

Residential Development

Existing Conditions

Housing in the area has deteriorated and building code enforcement inspectors routinely work in the area in response to substandard conditions and poor maintenance. Loudon-Melrose (14th to 24th Street) is a designated rehabilitation district.

The majority of the single and two-family homes in Loudon-Melrose/Shenandoah West are over, or approaching, 50 years of age, as the greatest periods of housing construction were in the mid 1920s and early 1950s. While this older housing stock lends a sense of character and history to the neighborhood, it also requires greater care and maintenance with time. Declining maintenance and a lower rate of owner occupancy has contributed to a significant amount of blight and deterioration.

The vast majority of the single-family housing in Loudon-Melrose/Shenandoah West lies between 24th and 14th Streets in the older, traditional section of the neighborhood, while most of the multifamily housing is west of 24th Street. Three apartment complexes west of 24th Street account for 582 of the 603 multifamily units in Loudon-Melrose/Shenandoah West. Lansdowne, a public housing development on Salem Turnpike between 24th and 30th Streets, contains 300 units. Across the street from Lansdowne on 29th Street is Shenandoah Village, a low to middle income development with 70 units.

Phase two of this development is under construction, with the additional 56 units to be called Village of Roanoke. Melrose Towers on Melrose Avenue is a high-rise public housing complex for elderly residents with 212 units.

The most common housing style in the traditional neighborhood of Loudon-Melrose is the two-story foursquare, most of which have a brick exterior. Most of the homes in the area have exteriors of brick, wood, or aluminum siding. In Shenandoah West, aside from the multifamily developments of Lansdowne and Shenandoah Village, single-story ranch, bungalow or cottage style homes are the norm.

Owner occupancy in Loudon-Melrose/Shenandoah West has declined steadily over the last 20 plus years from 43% in 1980, to 32% in 1990, and 22% at the time of writing. In addition to the lower rate of owner occupancy, the number of single-family housing units has declined 60% since 1980 from 874 to only 347. It should be noted however, that the current rate of 63% owner occupancy for single-family homes indicates a stable core of residents. The decrease in overall owner occupancy is thus in large part due to the increase of multifamily units, which are by design usually rental units.

Issues

Attracting New Homeowners

While the rate of owner-occupancy for single-family homes in the area is fairly stable, the issue most frequently cited by residents throughout the planning process was the overall condition and appearance of the neighborhood. Residents stated that the appearance of the neighborhood could be improved if new homeowners moved in, and they voiced support for the creation and marketing of housing programs and/or strategies aimed to increase homeownership. Increased homeownership brings residual benefits, such as better maintenance of properties, improved aesthetics, economic stability and reduced crime.

Residents voiced support for the construction of single-family homes in the neighborhood by Blue Ridge Housing and Habitat for Humanity, and also stated that the City should support such organizations and work with them whenever possible.

Design of Infill Housing

Another recurring theme related to the appearance and character of the neighborhood is the concern of residents that new infill housing is often out of scale and character with the surrounding homes. Residents expressed concerns with the general character and quality of new development in the area. The most frequently cited concerns pertained to inconsistent setback patterns (new housing being constructed further back from the street than the existing houses) and single-story houses being constructed on streets with mainly two-story homes.

The compatibility of new or converted multifamily dwellings in primarily single-family neighborhoods is also a citywide issue. Such dwellings should reflect the character of the existing neighborhood. Conversions of single-family

structures to two-family dwellings should maintain the appearance of a single-family dwelling, especially avoiding changes to the front of the structure.

Residents voiced support for the creation of a neighborhood design district to protect the architectural integrity of the neighborhood. The predominantly single-family area of Loudon-Melrose should be considered for a neighborhood design district overlay zoning, which would include the commercial areas on Melrose and Orange Avenues.

Diversity of Housing

A mixture of income levels helps create healthy, vibrant, and stable neighborhoods. While statistically Loudon-Melrose and Shenandoah West have a solid balance of single and multifamily housing, spatially the two areas lack an even distribution of housing choices. Loudon-Melrose consists primarily of single-family homes, while Shenandoah West consists primarily of multifamily apartments.

Furthering this imbalance is Phase II and the potential for Phase III of the Village of Roanoke apartments on 29th Street. These apartments cater to low-income tenants, thus adding to the concentration of such in the Lansdowne area. Vision 2001-2020 recommends a diversity of housing choices in City neighborhoods, and discourages dense concentrations of low-income housing.

While Loudon-Melrose has not experienced an overwhelming amount of conversions of single-family homes to duplexes or multifamily dwellings, the neighborhood has gradually seen a decrease in the number of single-family households. The density of Loudon-Melrose needs to be examined further in the update of the City's zoning map, based on the neighborhood's future land use map.

Housing Maintenance

Inspectors from the Department of Housing and Neighborhood Services are very active in the area. While recently the department began cross-training inspectors to cite all code violations on site, e.g. overgrown grass and weeds, inoperable vehicles and zoning violations, the core of the department's initiative in the area is still building maintenance. Inspectors administer the Rental Inspection Program (RIP), which ensures that selected rental housing units are maintained up to code standards.

Many substandard buildings have either been razed or boarded up in the area. Despite persistent code enforcement efforts, there continue to be problems with some properties. It should be noted however, that most of the property maintenance issues that residents raised pertained to zoning violations and grandfathered uses they deemed offensive. Many of these problems will not be easily alleviated. However, in the future, having cross-trained inspectors in the area and continuing the RIP will have a positive impact.

Policies

- Zoning and land-use should allow for compatible uses in proximity to each other, and provide buffering or transition space between incompatible uses.
- Encourage more home-ownership in the neighborhood.
- Design: ensure that new housing is compatible with the existing structures in the neighborhood.
- Diversity of Housing Options: Loudon-Melrose/Shenandoah West should have a balance of single and multifamily housing, and should discourage the development of more multifamily low-income housing.
- Houses should be maintained up to code standards.

Actions

- Address the lack of buffering and transitional uses between residential and non-residential uses in future zoning decisions.
- Amend the zoning ordinance to ensure compatible design of infill housing and to maintain a balance of single and multifamily housing.
- Work with various housing developers to develop housing that will increase the number of homeowners in the area.
- Amend the zoning ordinance to reduce the density in areas with a disproportionate amount of multifamily housing.
- Continue the Rental Inspection Program.
- Coordinate reports to the City of all property maintenance violations through the neighborhood organizations.

Economic Development

Existing Conditions

Loudon-Melrose/Shenandoah West has a considerable amount of industrial and commercial development. Most of the neighborhood is within the City's Enterprise Zone One, which provides incentives for economic development. Much of the neighborhood's vacant land is zoned for industrial or commercial use. Several neglected industrial sites have not been maintained for years and would require substantial investment to redevelop.

Industrial development in the neighborhood was originally oriented along the railroad to provide rail frontage for industries. Although access to the railroad is no longer necessary or desired, a concentration of industrial development remains on Shenandoah and Centre Avenues. Shenandoah Avenue from 24th to 30st Street comprised the Shafer's Crossing Community Development Project, a redevelopment area declared in 1985 recently discontinued by the Roanoke Redevelopment and Housing Authority. South of the Shafer's Crossing area between the railroad tracks is a 24-plus acres piece of land owned by Norfolk Southern. This land combined with the former Shafer's Crossing redevelopment area makes up a very large mass of undeveloped and underutilized industrial land in the City.

Orange and Melrose Avenues are the main commercial nodes for the neighborhood. Between 17th and 20th Streets Melrose is a small village center with some commercial development on its northern side, and residential development to the south. This area features a CVS drug store, a rent to own appliance store, and a couple of small convenience stores. These establishments are accessible by foot to many nearby residents. Outside of the neighborhood's boundaries, 11th Street is also a commercial node and village center that features convenience stores, auto repair and beauty shops, and other commercial uses.

Along Melrose Avenue west of 21st Street are a number of commercial establishments, including restaurants, banks, clothing stores and beauty salons. The area lacks a large, full-service grocery store, and there has not been one in the area since the late 1980s.

The former K-Mart site at the corner of 24th Street and Melrose Avenue was rezoned in 2001 from C-2 to INPUD, Industrial Planned Unit Development. There is currently one tenant, East Coast Distributors, with space available for more. Advance Auto recently relocated their 24th Street branch store to 10th Street and Orange Avenue, leaving another vacant commercial building in the area that has immediate reuse potential.

Issues

Industrial Corridor

The industrial corridor along the railroad tracks is a viable part of the City's tax base. While there are a number of vacant properties in the LM district, there are also several healthy establishments in operation.

However, the LM district abuts an RM-2 district. Residents voiced dissatisfaction with the lack of buffer between the two districts, stating that industrial uses are encroaching upon the residential area. In addition, many industrial sites along Shenandoah, Centre and Loudon Avenues have little to no screening from the street and are eyesores for nearby residents. Several parcels have empty buildings that have lain idle of any activity for years.

The development pattern of the area has also been affected by the relatively small size of the parcels. At the neighborhood's inception the land was subdivided into small parcels for single-family homes. Since then, several parcels have been recombined to create one large parcel for industrial development. However, the majority of the vacant properties in Loudon-Melrose/Shenandoah West remain as small parcels that individually are not viable for most manufacturing uses.

The proximity to the railroad and its industrial activity makes the LM and HM zoning appropriate for the area. However, manufacturing uses now comprise much less of the City's employment and tax base than when the area was initially rezoned. Residents expressed their desire to at the least halt the expansion of industrial uses from encroaching further into Loudon Avenue, but would prefer to have much of the area rezoned for residential use. Due to the existing industrial uses, downzoning the LM and HM districts may not be feasible. A possible compromise may be an appropriate mix of commercial and industrial

uses that will allow for infill development of the smaller parcels that is less intensive than the current zoning permits. This strategy is specifically cited for the redevelopment of the Shenandoah Avenue corridor in Vision 2001-2020.

Village Center Development

Vision 2001-2020 promotes the village center concept – high-density residential mixed with commercial uses - as a strategic initiative for development in City neighborhoods. Melrose and Orange Avenues, from 14th to 24th Street, is a village center identified in Vision 2001-2020. This area has a variety of commercial establishments that residents can walk to. However, residents have expressed concern with several establishments in the area, noting improper business practices, alcohol-related offenses, and patrons loitering during and after business hours.

This has particularly been an issue on Melrose Avenue between 17th and 20th Streets. This area tends to have a high degree of pedestrian activity during the day and loitering at night. A major challenge the neighborhood faces is keeping commercial services in the area while maintaining public safety.

Of the commercial services the area lacks, residents expressed the greatest interest in having a grocery store in the area. There has not been a major chain grocery store in the area since the late 1980s. Support for a grocery store is also stated in the Melrose-Rugby Neighborhood Plan, the neighborhood to the north of Loudon-Melrose/Shenandoah West.

Policies

- Encourage infill development of vacant parcels in the LM and HM districts.
- Minimize the impact of industrial uses on adjoining residential areas.
- Encourage the development of commercial establishments that are compatible with the neighborhood.
- Encourage outparcel development of the IPUD site at 24th Street and Melrose Avenue.

Actions

- Amend the zoning ordinance and zoning map in the neighborhood to incorporate appropriate commercial uses in the LM and HM districts.
- Reevaluate all commercial and industrial areas of the neighborhood in the update of the zoning ordinance, based on the future land-use map.
- Consider planting trees and/or establishing green space on Centre and Loudon Avenues to buffer industrial uses from residential areas.
- Attract a large grocery store to the area.
- Market the IPUD site at 24th Street and Melrose Avenue for redevelopment.

Infrastructure

Existing Conditions
Transportation

Loudon-Melrose/Shenandoah West has an interconnected grid system that provides good vehicular access to its streets and alleys. In addition, it is adjacent to and intersected by a few of the City's busier arterial streets. The main thoroughfares that serve the neighborhood are Shenandoah, 10th Street (in the Gilmer and Harrison neighborhoods), Melrose and Orange Avenues, and Salem Turnpike. These streets all bring a great deal of through traffic into or around the neighborhood.

Several segments of these streets have been identified as exceeding their capacity, or in some cases are projected to. The Department of Transportation rates streets and intersections with Level of Service (LOS) ratings from A-F. A LOS rating of C is generally considered standard, meaning that a given street is experiencing an optimal rate of travel. For urban areas, a LOS of D is considered sufficient. LOS E and F denote streets that are experiencing more traffic than for which they were originally designed. Those streets in the neighborhood that are, or are projected to reach, levels of E and F are listed in the table below.

Table 2: Traffic Level of Service (LOS) Projections, 1990-2015

Street	Section	1990 LOS	2000 LOS	2015 LOS
Orange	Salem tpk to 15th (EB)	E (to 10th)	E	-
Salem Turnpike	west approach to 24th	E	D	-
Shafer's Crossing	-	F	-	D
Shenandoah	East approach to Peters Creek	-	F	E
Shenandoah	East approach to 24th	-	-	D
Shenandoah	west approach to 24th	F	D	E
Shenandoah	22nd to 24th	D	-	-

Source: Roanoke City Thoroughfare Plan

Most of the neighborhood's interior residential streets are adequate for the volume of traffic they carry. Loudon Avenue is a two-lane collector street that sees a considerable amount of through traffic between 10th and 24th Streets. With the exception of Melrose Avenue between 14th and 21st Streets, the other two-lane streets in the neighborhood do not draw much traffic from outside of the neighborhood.

Twenty-first Street is unimproved between Shenandoah and Moorman Avenues. Vision 2001-2020 recommends maintaining a grid street system to maintain connectivity. Opening 21st Street would complete the present grid

pattern in the area. Future development on parcels adjoining 21st Street should require the preservation of the existing right-of-way and its ultimate construction.

There are no major street improvements planned in the neighborhood. The closest proposed improvement is an upgrade of 10th Street from Gilmer Avenue to Andrews Road. Under this proposal 10th Street would remain two lanes, though with two bike lanes, and the grade of the street would be improved.

Streetscapes

Loudon-Melrose/Shenandoah West's wide variety of streetscapes is unique considering its urban location. The northern side of the neighborhood is the most urban in character with Orange and Melrose Avenues. The southern side of the neighborhood has a busy industrial corridor, while the center of Loudon-Melrose has a mix of traditional urban, and almost rural streets.

Most of the streets in Loudon-Melrose are of a narrow to medium width, two lanes and lend themselves to a traditional neighborhood character. Melrose Avenue between 21st and 14th Streets is the area's most attractive traditional neighborhood streetscape, with a canopy of trees that hover over and shade the street. Stretches of Loudon, Moorman and Gilmer are fairly narrow and also have some trees and vegetation that enhance the character of the older homes of Loudon-Melrose.

Industrial development along Centre, Shenandoah and Loudon Avenues has adversely impacted both the visual quality and the pedestrian usage of these streets. Shenandoah Avenue is a major arterial street that links downtown Roanoke with the City of Salem. East of 24th Street it is wide, heavily traveled, and sees little pedestrian traffic. As a two-lane street, Shenandoah is too wide. It should be assessed for redesign of lane striping, and on-street parking. In addition, it is identified in the *Bikeway Plan for the Roanoke Valley* as having the potential for bike lanes. The Plan notes that it would not require widening to accommodate bike lanes.

Loudon Avenue and Salem Turnpike are designated as a potential greenway route in the *Roanoke Valley Conceptual Greenway Plan* and in Vision 2001-2020. The current width of both should allow for bike lanes without additional right-of-way being acquired.

Most of Shenandoah West is oriented towards faster automobile traffic, and the streetscapes lack any visual enhancement. Most of the pedestrian traffic west of 24th Street is contained within a small radius of the Lansdowne development.

Public Transportation

Valley Metro has two routes that serve the neighborhood. Both routes extend from downtown Roanoke to the City of Salem. Bus numbers 81 and 82 run from Campbell Court onto Williamson Road and along Melrose Avenue to the City Corporate Limits. Bus numbers 75 and 76 run from Campbell Court to 5th Street, along Loudon Avenue and Salem Turnpike to the Veterans Administration Medical Center on Shenandoah Avenue.

There are no covered bus stops in the area. Residents of Lansdowne expressed the need for one at the stop directly in front of the development.

Sidewalks

Loudon-Melrose/Shenandoah West is well served with sidewalks on streets that are of a fairly level grade and have higher densities of development. From north to south, several streets in the neighborhood span over large hills and have not been developed to the degree that the main, east to west streets have. As a result these streets are not as frequently traveled and for the most part do not have sidewalks. The low vehicular volume of these streets allows them to be used safely by pedestrians without sidewalks.

The condition of the sidewalks in the neighborhood is good for the most part, with some areas in need of maintenance, but virtually all are still functional. A greater problem for the care and use of sidewalks is litter, particularly broken glass, which in some areas effectively prohibits them from use. In addition, a few areas in the neighborhood have sidewalks fronting dilapidated structures or vacant land. This has reduced the amount of pedestrian traffic and allowed vegetation to encroach upon and in between such sidewalks.

A comprehensive list has been compiled for this plan that includes every street or portion thereof that lacks sidewalks (see page 27). From this list priority should be given to the east to west streets (Shenandoah, Centre, Loudon, Gilmer, Moorman, Essex, Melrose and Orange Avenues) where pedestrian traffic is greatest. Sidewalk improvements on the north to south streets should only be considered if adequate drainage systems with curb and gutter are in place.

Curb and Gutter

The majority of the streets in the area have curb, but curb and gutter improvements are most densely concentrated on Centre and Loudon Avenues between 14th and 18th Streets, and on Melrose Avenue. Several streets in the area are, or almost are, void of both curb and gutter. Moorman and Gilmer Avenue both do not have any gutters, while Essex Avenue is void of any curb and only has two gutters, both at the corner of 22nd Street.

An inventory of all streets that lack curb or gutter is included in the list of sidewalk improvements. Priority for curb and gutter improvements should be on the east to west streets where enclosed drainage systems are in place. Priority should also be given to streets where curb and gutter improvements will enhance existing drainage systems without compromising their effectiveness.

Due to the topography, curb and gutter improvements on the north to south streets will require more study and planning to ensure that installation of such will not create storm drainage problems. Thus, these streets are not a priority at present and will need to be more carefully evaluated for long-term impacts.

Street Lights

Loudon-Melrose/Shenandoah West is well served with streetlights throughout most of the neighborhood. There are no areas of immediate need for

additional lighting fixtures. In addition, several industrial sites on Shenandoah and Centre Avenues have lighting fixtures that illuminate their property and shed light onto the streets as well. However, residents stated that in some areas the lights do not illuminate brightly enough. The neighborhood organizations should assist residents in submitting requests for increased wattage of streetlights where necessary.

Utilities

The area is well served with electrical service, and public water and sewer systems. The City recently replaced the sewer system at Lansdowne and created a storm drain system on Baker Avenue from 28th to 30th Street, and Johnson Avenue to 31st Street.

Issues

Streetscape Functionality and Appearance

The different types of streets in the neighborhood should be considered in any future infrastructure improvements. In particular, sidewalks and curb and gutter systems are more appropriate for the traditionally designed urban streetscapes, such as Melrose and Orange Avenues. Other streets may be better suited without sidewalks or curb. Essex, Johnson and Baker Avenues, and portions of Moorman Avenue, all fall into this category.

While most of the neighborhood's sidewalks are adequate, on some streets sidewalks have been poorly maintained, or are missing segments in between stretches of well-maintained pavement. As a result, some streets in the area are not as conducive to pedestrian traffic as they could be. Sidewalk improvements identified in this plan should be installed on streets that have the greatest pedestrian traffic and/or those that can be linked to existing sidewalks.

One of the attractive features of Melrose Avenue is the tree canopy that lines the street. The trees along Melrose are fairly evenly spaced and provide shade as well as visual enhancement. Other than Melrose between 14th and 22nd Street, the rest of the neighborhood's streets have inconsistent tree canopies. Some streets have healthy trees along them for short segments, while other areas are noticeably bare.

While a healthy tree canopy enhances streetscapes and encourages pedestrian traffic, at the same time it adversely impacts lighting during night hours. The placement of trees should be coordinated with streetlight patterns.

Residents of Lansdowne expressed the need for a crosswalk across Salem Turnpike that links to Horton Park and the Library. Currently, a police officer directs traffic in the area after school, as many children cross the street from Forest Park Magnet Elementary School to Lansdowne.

Residents of Melrose Towers also expressed concerns with safety on Melrose Avenue. They noted that the traffic tends to be too fast and that signage, some other traffic-calming device, or improved street design might help.

Storm Drainage

The undulating terrain in the central part of Loudon-Melrose allows for a natural run-off of storm water, yet at the same time creates drainage problems on some specific sites. Residents expressed concerns with several areas in Loudon-Melrose where water consistently collects. Shenandoah West residents did not report any storm water management issues. As noted previously, improvements were made on Johnson and Baker Avenues.

Curb and gutter improvements should not be considered necessary for all streets. While curb and gutter improvements are needed on some streets in the neighborhood, others will better channel storm water in the area without additional impervious surfaces.

On some sites the grade of the terrain and the lack of effective storm water retention basins is problematic during wet weather. While the City cannot regulate the majority of such present sites, future development in the area will be subject to more rigid storm water management planning.

Recurring problem areas need to be identified to be included in the selection of improvements citywide. The Department of Engineering ranks each project by the criterion of safety, damage caused, frequency of occurrences, the number of people affected, and the cost.

Policies

- Streetscapes should be well maintained, attractive and functional for pedestrian, bicycle and motor traffic.
- Traditional neighborhood streets should have urban amenities such as sidewalks and curb and gutter, where appropriate.
- The connectivity of streets and the grid street system should be promoted and maintained.
- Storm water drainage should be mitigated as much as possible through public improvements.

Actions

- Assess Shenandoah Avenue for redesign of lane striping, on-street parking, and bike lanes.
- Initiate tree planting on streets where homes lack buffering from industrial uses.
- Work with the Neighborhood Partnership to plant trees and other landscaping.
- Create the bicycle and greenway routes identified in the Bikeway Plan for the Roanoke Valley and the Roanoke Valley Conceptual Greenway Plan.
- Submit cost estimates for sidewalk and curb and gutter improvements to the Department of Engineering for evaluation of future improvements.
- Coordinate new sidewalk and curb construction with repairs and the addition of amenities such as street trees.
- Retain grass buffer strips for street trees on sidewalk infill projects.
- Identify areas where speeding is a problem and implement appropriate measures such as targeted enforcement and traffic calming devices.

- Develop the unimproved portions of 21st Street when development opportunities arise on adjoining properties.
- Construct storm drainage projects as funding becomes available.

Public Services

Existing Conditions

Police

Loudon-Melrose/Shenandoah West has had some of the City's highest crime areas. Public safety in the area is of great concern to residents and is crucial to improving the neighborhood's future. To combat crime in the area, C.O.P.E. (Community Oriented Policing Effort) units have been employed by the Police Department. The C.O.P.E. staff has had a significant positive impact in the area, and residents expressed desire that they continue to patrol there. Officers often attend regular meetings of the Loudon-Melrose Neighborhood Organization. Residents and police officers need to continue this collaborative approach in monitoring activity and communicating with the neighborhood watch.

Fire/EMS, Libraries and other Public Services

Fire station numbers 5 and 9 serve the area. Both are older stations, and are located at 12th Street and Loudon Avenue, and 24th Street and Melrose Avenue respectively. Number 5 is the official polling place for the Melrose precinct and number 9 is the same for the Villa Heights precinct. The Council adopted Fire/EMS Business Plan proposes closing both of these stations and replacing them with one large station and multi-service facility. This will take part in "Phase Two" of the plan and will likely begin in three to four years at the earliest.

The development of multi-service centers, satellite offices that house several City services, is one of the strategic initiatives of Vision 2001-2020. While no locations are yet decided for the future fire stations, conceptual plans to incorporate other City services into these stations are being considered. Loudon-Melrose/Shenandoah West should be considered for future fire station and/or multi-service center placement.

If and when these fire stations are replaced, affected citizens should be involved in the decision and the existing buildings should be adaptively reused for community purposes. These buildings are a historic resource and should be preserved. Residents expressed a strong desire in maintaining the operation of Fire Station Number 9. If plans to consolidate these two stations are for whatever reason not feasible in the future, then expansion of the current Fire Station Number 9 should be considered, as it currently abuts the empty parking lot of the former Kmart site.

In addition to the possible development of a multi-service center in conjunction with a new fire station, there is also a possibility of linking other services in Shenandoah West. The Melrose Branch Public Library and Horton Park are located on Salem Turnpike across from the Roanoke Redevelopment

and Housing Authority and Lansdowne apartment complex. Directly to the north of the library and the park is Forest Park Magnet Elementary School.

This concentration of resources could be pooled together in some form to generate a more efficient delivery of current services, while possibly creating opportunities to serve other needs in the neighborhood. Lansdowne has a day care service for its residents, which could benefit from activities generated by the library or Forest Park School, while utilizing Horton Park as well.

Ideas for such a facility or arrangement are currently being considered.

Policies

- Police: The close relationship that officers assigned to the area have with residents and neighborhood organizations should continue to be strengthened, and supported.
- Fire/EMS: New facilities should be part of any multi-service center created in the area as per previously developed Fire/EMS departmental plans. The old facilities should be preserved and adaptively reused.
- Public services should be delivered to citizens in the most efficient manner possible, including combining some in common facilities in areas where they're needed.

Actions

- Continue communication between residents, the neighborhood organizations and police.
- Implement plans in the neighborhood to locate a future fire station and multi-service center that would house several City services.
- Preserve the building of Fire Station Number 9, and consider adaptive reuses consistent with the Fire/EMS departmental plans.

Quality of Life

Existing Conditions
Parks and Recreation

Loudon-Melrose/Shenandoah West has two parks, one each on the eastern and western portions of the neighborhood. Melrose Park at 14th and Melrose Avenue features two basketball courts, and a tennis court. Several recreation programs are held there, and it is also a focal point that serves as a community-gathering place. The Park sits on a hill and covers over three and a half acres, with a sidewalk and lights that traverse through it from Moorman to Melrose Avenue. The Park also has a covered picnic area with tables, and the basketball courts have lighting and are often used after daylight hours during warm weather.

Horton Park adjoins the public library on Salem Turnpike across from Lansdowne. It has a basketball court, a picnic area, a playground and a baseball diamond. The latter is not often used and is not well maintained. The basketball court is used frequently and is in need of maintenance.

Several residents of Lansdowne expressed concerns with the park's condition. In addition to improvements to the basketball court, residents stated the need for a restroom and water fountain at the park. At present, many children using the park frequent the facilities at the library. Residents also voiced the need for a crosswalk and accompanying traffic signage between Lansdowne and the park to make the area safer for pedestrians.

While Melrose Park is one of the neighborhood's nicest amenities, the Park has also been a haven for drug use and other illegal activities. However, an increased police presence and lighting during dark hours have helped reduce crime in recent years.

Vision 2001-2020, as well as the Parks and Recreation Master Plan, promote increased greenway connections in the City to better accommodate bicycle and pedestrian opportunities. The *Parks and Recreation Master Plan* also recommends the creation of site-specific master park plans for each park in the City in an effort to adequately address existing park features and to identify future need relative to each neighborhood's characteristics.

Route 30 in the Roanoke Valley Conceptual Greenway Plan is an on street connection that runs from Loudon Ave at 10th Street and extends west onto Salem Turnpike to Peters Creek Road. This greenway would pass in between Lansdowne and Horton Park and would enhance the park and that portion of Salem Turnpike.

Issues

Vacant and Abandoned Industrial Sites

Industrial blight along Shenandoah and Centre Avenues has adversely impacted both the residential character of Loudon-Melrose/Shenandoah West and the natural environment of the area. Several abandoned industrial sites, or brownfields, have laid idle for years with various machinery and refuse deteriorating on them. This has created a domino effect as properties in the vicinity have either not been developed or have not been adequately maintained. The negative impact of such sites on the neighborhood's quality of life has thus been twofold as current residents are exposed to blight and deterioration, while at the same time the area is less attractive for future investment, be it residential or commercial.

Public Nuisance Violations

Several properties scattered throughout the neighborhood have been frequently cited by City inspectors for code violations. Of foremost concern to residents are those that have inoperable vehicles and/or an abundance of outdoor storage on their property. In a few cases, the properties in question are grandfathered and are thus entitled to their nonconforming uses.

Such properties have a significant impact on the environment around them. Continued code enforcement efforts are needed, with extra attention given to recurring violations. In addition, landscaping needs to be strategically planted in some areas of the neighborhood to shield residents from noxious uses as

much as possible. Several streets in the area have sufficient space for tree planting and/or other landscaping.

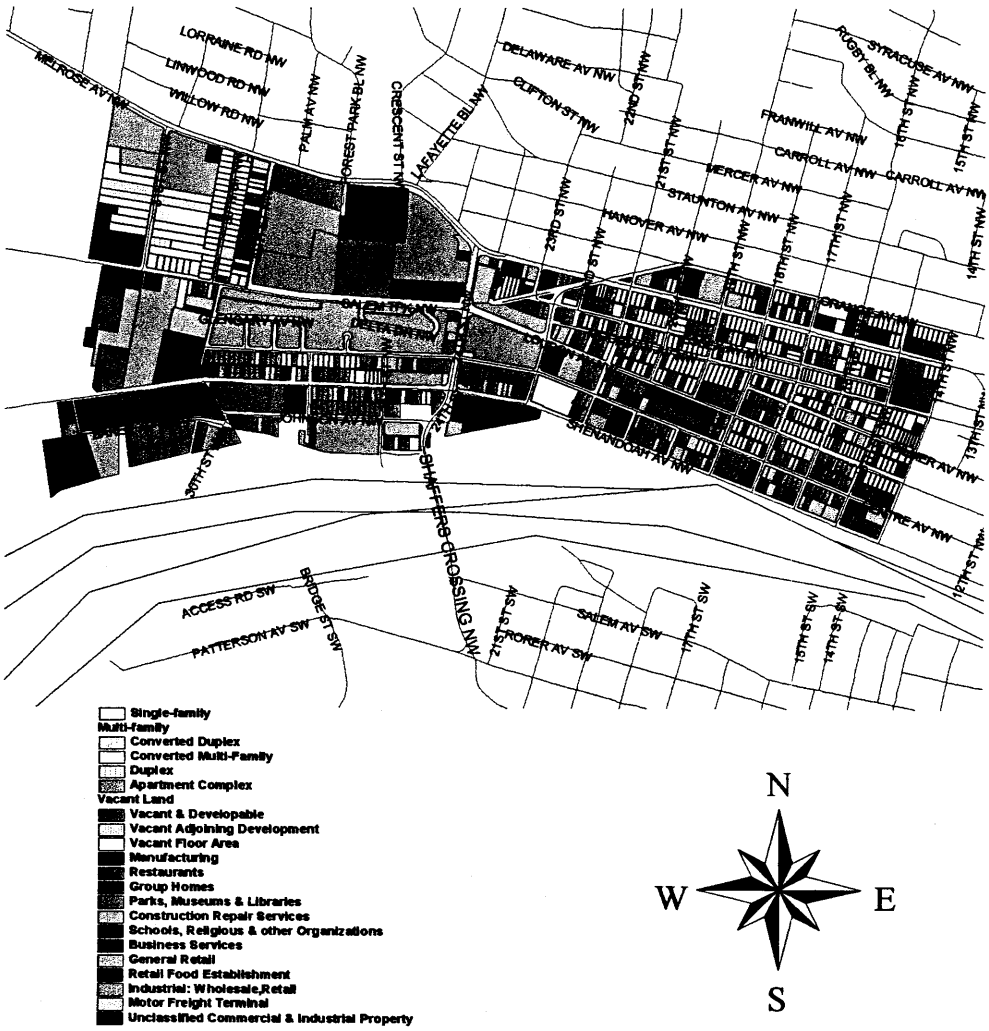
Policies

- Industrial sites: activity should be screened as much as possible from adjoining residential areas.
- Green space: landscaping should be planted where there is no development, including trees along streetscapes.
- Parks: neighborhood parks should be safe and have well-maintained facilities that will be used by nearby residents.
- Streets in the neighborhood should accommodate pedestrians and bicycles in addition to vehicles.

Actions

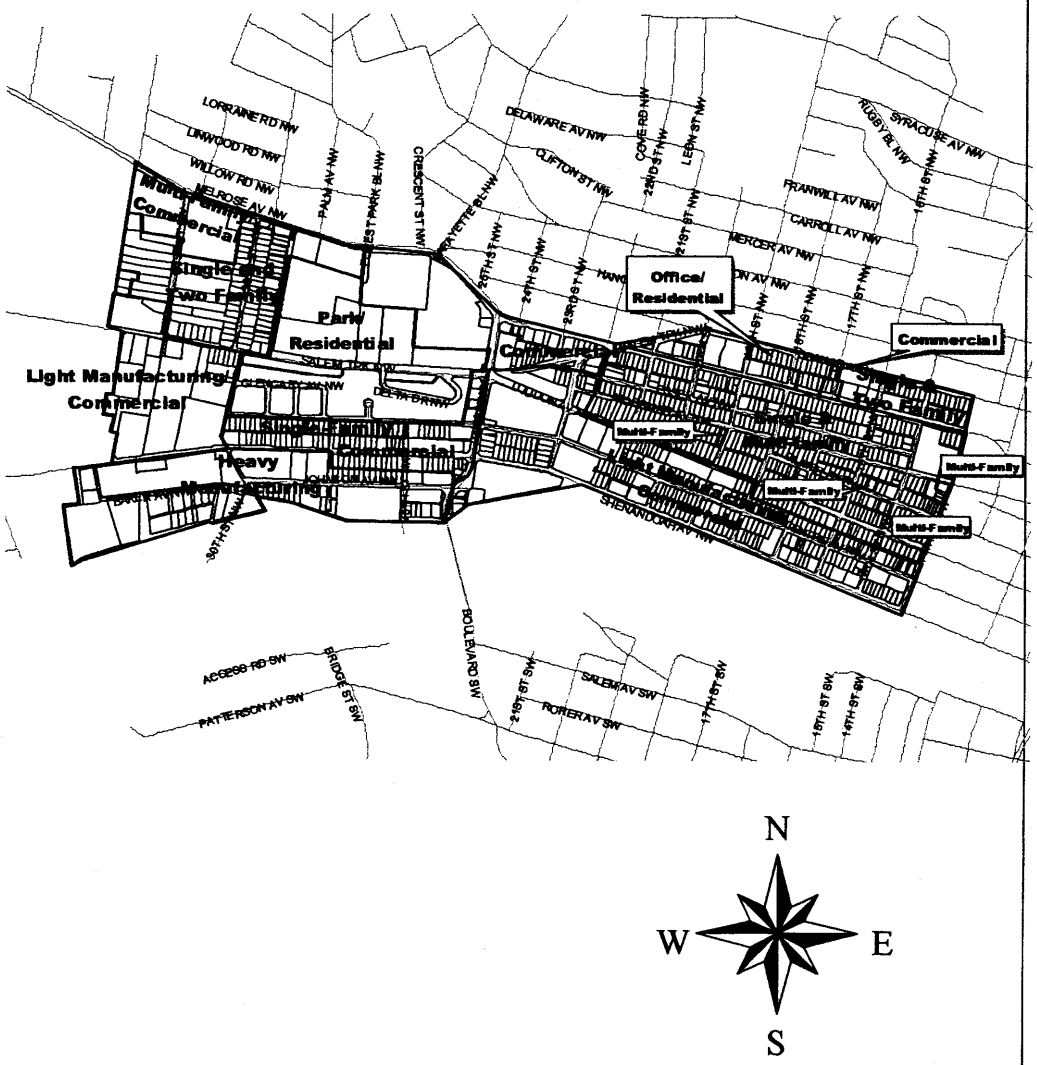
- Initiate tree planting on streets where homes lack buffering from industrial uses.
- Work with the Neighborhood Partnership to plant trees and other landscaping.
- Work with the Department of Parks and Recreation to determine the priority and feasibility of developing a master plan for Horton Park, considering the following needs:
    - New and/or improved facilities
    - Repaving of the basketball court
    - New backboards on the basketball goals
    - A water fountain.
    - Restrooms
    - Greenway Corridors and Connections
- Consider painting a crosswalk on Salem Turnpike between Lansdowne and Horton Park.
- Create the bicycle and greenway routes identified in the Bikeway Plan for the Roanoke Valley and the Roanoke Valley Conceptual Greenway Plan.

Land Use in Loudon-Melrose/ Shenandoah West

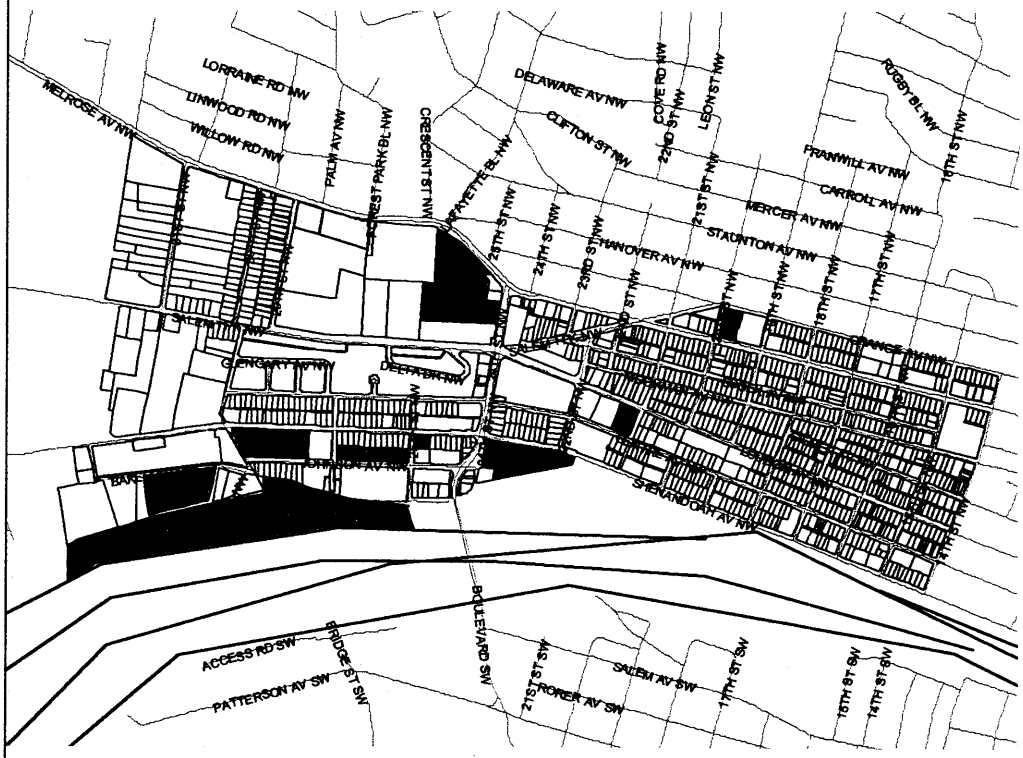


Zoning

Future Land Use



Development Opportunities



Potential Residential Infill or New Development
Potential Commercial/Industrial Development or Redevelopment

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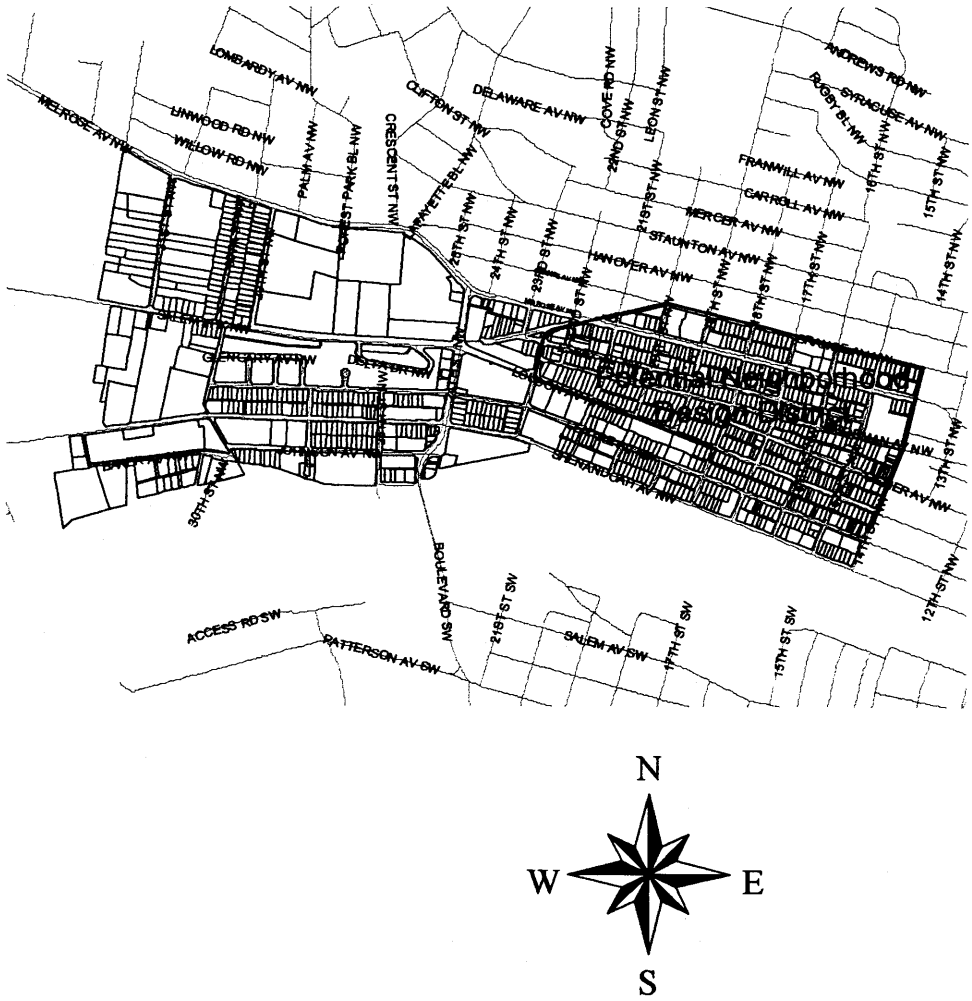
Potential Neighborhood Design District



Loudon Melrose/Shenandoah West Curb and Sidewalk Cost Estimates

Street	Location	Side of St	Curb (ft)	Cost ($20 per foot)	Sidewalk (ft)	Cost ($25 per foot)	Total Cost
Gilmer Ave	14th to 15th	North	335	$ 6,700.00	325	$ 8,125.00	$ 14,825.00
	14th to 15th	South	407	$ 8,140.00	407	$ 10,175.00	$ 18,315.00
	15th to 16th	North	405	$ 8,100.00	405	$ 10,125.00	$ 18,225.00
	15th to 16th	South	405	$ 8,100.00	405	$ 10,125.00	$ 18,225.00
	16th to 17th	North	415	$ 8,300.00	415	$ 10,375.00	$ 18,675.00
	16th to 17th	South	415	$ 8,300.00	415	$ 10,375.00	$ 18,675.00
	17th to 18th	North	404	$ 8,080.00	404	$ 10,100.00	$ 18,180.00
	17th to 18th	South	404	$ 8,080.00	404	$ 10,100.00	$ 18,180.00
Melrose Ave	18th to 19th	South	136	$ 2,720.00	n/a	n/a	$ 2,720.00
Essex Ave	15th to 16th	North	401	$ 8,020.00	401	$ 10,025.00	$ 18,045.00
	15th to 16th	South	401	$ 8,020.00	401	$ 10,025.00	$ 18,045.00
	16th to 17th	North	418	$ 8,360.00	418	$ 10,450.00	$ 18,810.00
	16th to 17th	South	418	$ 8,360.00	418	$ 10,450.00	$ 18,810.00
	17th to 18th	North	416	$ 8,320.00	416	$ 10,400.00	$ 18,720.00
	17th to 18th	South	416	$ 8,320.00	416	$ 10,400.00	$ 18,720.00
	18th to 19th	North	73	$ 1,460.00	396	$ 9,900.00	$ 11,360.00
	18th to 19th	South	396	$ 7,920.00	396	$ 9,900.00	$ 17,820.00
	19th to 20th	North	406	$ 8,120.00	406	$ 10,150.00	$ 18,270.00
	19th to 20th	South	406	$ 8,120.00	406	$ 10,150.00	$ 18,270.00
	20th to 21st	North	411	$ 8,220.00	411	$ 10,275.00	$ 18,495.00
	20th to 21st	South	411	$ 8,220.00	411	$ 10,275.00	$ 18,495.00
	21st to 22nd	North	400	$ 8,000.00	400	$ 10,000.00	$ 18,000.00
	21st to 22nd	South	400	$ 8,000.00	400	$ 10,000.00	$ 18,000.00
	22nd to 23rd	North	149	$ 2,980.00	149	$ 3,725.00	$ 6,705.00
	22nd to 23rd	South	173	$ 3,460.00	173	$ 4,325.00	$ 7,785.00
Moorman Ave	14th to 15th	North	n/a	n/a	407	$ 10,175.00	$ 10,175.00
	14th to 15th	South	54	$ 1,080.00	54	$ 1,350.00	$ 2,430.00
	15th to 16th	South	245	$ 4,900.00	245	$ 6,125.00	$ 11,025.00
	16th to 17th	South	295	$ 5,900.00	289	$ 7,225.00	$ 13,125.00
	18th to 19th	North	n/a	N/a	96	$ 2,400.00	$ 2,400.00
	19th to 20th	South	47	$ 940.00	411	$ 10,275.00	$ 11,215.00
	20th to 21st	North	104	$ 2,080.00	418	$ 10,450.00	$ 12,530.00
	20th to 21st	South	197	$ 3,940.00	412	$ 10,300.00	$ 14,240.00
	21st to 22nd	North	399	$ 7,980.00	403	$ 10,075.00	$ 18,055.00
	21st to Salem Turnpike	South	626	$ 12,520.00	626	$ 15,650.00	$ 28,170.00
	22nd to 23rd	North	178	$ 3,560.00	178	$ 4,450.00	$ 8,010.00
Loudon Ave	18th to 19th	North	404	$ 8,080.00	404	$ 10,100.00	$ 18,180.00
	19th to 20th	North	420	$ 8,400.00	418	$ 10,450.00	$ 18,850.00
	20th to 22nd	North	1071	$ 21,420.00	1071	$ 26,775.00	$ 48,195.00
	18th to 22nd	South	1945	$ 38,900.00	1945	$ 48,625.00	$ 87,525.00
Centre Ave	14th to 15th	North	n/a	n/a	411	$ 10,275.00	$ 10,275.00
	14th to 15th	South	n/a	n/a	411	$ 10,275.00	$ 10,275.00
	15th to 16th	North	n/a	n/a	412	$ 10,300.00	$ 10,300.00
	15th to 16th	South	n/a	n/a	412	$ 10,300.00	$ 10,300.00

	16th to 17th	North	n/a	n/a	404	$ 10,100.00	$ 10,100.00
	16th to 17th	South	n/a	n/a	404	$ 10,100.00	$ 10,100.00
	17th to 18th	North	n/a	n/a	406	$ 10,150.00	$ 10,150.00
	17th to 18th	South	n/a	n/a	406	$ 10,150.00	$ 10,150.00
	18th to 22nd	North	1945	$ 38,900.00	1945	$ 48,625.00	$ 87,525.00
	18th to 19th	South	405	$ 8,100.00	405	$ 10,125.00	$ 18,225.00
	19th to 20th	South	405	$ 8,100.00	405	$ 10,125.00	$ 18,225.00
	20th to 22nd	South	1034	$ 20,680.00	1034	$ 25,850.00	$ 46,530.00
	22nd to 24th	North	n/a	n/a	737	$ 18,425.00	$ 18,425.00
	22nd to 24th	South	n/a	n/a	737	$ 18,425.00	$ 18,425.00
	24th to 25th	South	636	$ 12,720.00	636	$ 15,900.00	$ 28,620.00
	25th to 27th	South	673	$ 13,460.00	673	$ 16,825.00	$ 30,285.00
	27th to 30th	South	1014	$ 20,280.00	1014	$ 25,350.00	$ 45,630.00
Shenandoah Ave	14th to 15th	North	n/a	n/a	411	$ 10,275.00	$ 10,275.00
	16th to 17th	North	n/a	n/a	404	$ 10,100.00	$ 10,100.00
	17th to 18th	North	n/a	n/a	406	$ 10,150.00	$ 10,150.00
	18th to 19th	North	n/a	n/a	405	$ 10,125.00	$ 10,125.00
	19th to 20th	North	n/a	n/a	405	$ 10,125.00	$ 10,125.00
	20th to 22nd	North	n/a	n/a	1034	$ 25,850.00	$ 25,850.00
	24th to 25th	North	n/a	n/a	599	$ 14,975.00	$ 14,975.00
	25th to 27th	North	n/a	n/a	687	$ 17,175.00	$ 17,175.00
	27th to 30th	North	n/a	n/a	996	$ 24,900.00	$ 24,900.00
	27th to 30th	South	n/a	n/a	955	$ 23,875.00	$ 23,875.00
	30th to 31st	North	1096	$ 21,920.00	1096	$ 27,400.00	$ 49,320.00
	30th to 31st	South	1292	$ 25,840.00	1292	$ 32,300.00	$ 58,140.00
Salem Turnpike	23rd	East	118	$ 2,360.00	n/a	n/a	$ 2,360.00
	24th to 29th	North	1759	$ 35,180.00	2102	$ 52,550.00	$ 87,730.00
	29th to 30th	North	284	$ 5,680.00	284	$ 7,100.00	$ 12,780.00
	30th to 31st	North	647	$ 12,940.00	647	$ 16,175.00	$ 29,115.00
	31st to 32nd	North	503	$ 10,060.00	503	$ 12,575.00	$ 22,635.00
	30th to neigh boundary	Both	1160	$ 23,200.00	1160	$ 29,000.00	$ 52,200.00
Johnson Ave	24th to 25th	South	345	$ 6,900.00	345	$ 8,625.00	$ 15,525.00
	27th to 30th	North	793	$ 15,860.00	793	$ 19,825.00	$ 35,685.00
	27th to 30th	South	781	$ 15,620.00	781	$ 19,525.00	$ 35,145.00
	30th to	South	1014	$ 20,280.00	n/a	n/a	$ 20,280.00
	Orange to Melrose	West	n/a	n/a	282	$ 7,050.00	$ 7,050.00
14th Street	Melrose to Moorman	West	n/a	n/a	482	$ 12,050.00	$ 12,050.00
	Moorman to Gilmer	West	318	$ 6,360.00	328	$ 8,200.00	$ 14,560.00
	Gilmer to Loudon	West	257	$ 5,140.00	267	$ 6,675.00	$ 11,815.00
	Loudon to Centre	West	n/a	n/a	267	$ 6,675.00	$ 6,675.00
	Centre to Shenandoah	West	274	$ 5,480.00	284	$ 7,100.00	$ 12,580.00
	Moorman to Gilmer	East	256	$ 5,120.00	n/a	n/a	$ 5,120.00
15th Street	Moorman to Gilmer	West	246	$ 4,920.00	256	$ 6,400.00	$ 11,320.00
	Gilmer to Loudon	East	256	$ 5,120.00	n/a	n/a	$ 5,120.00
	Gilmer to Loudon	West	256	$ 5,120.00	266	$ 6,650.00	$ 11,770.00
	Loudon to Centre	East	n/a	n/a	294	$ 7,350.00	$ 7,350.00
	Loudon to Centre	West	n/a	n/a	277	$ 6,925.00	$ 6,925.00

	Centre to Shenandoah	East	n/a	n/a	290	$ 7,250.00	$ 7,250.00
	Centre to Shenandoah	West	n/a	n/a	290	$ 7,250.00	$ 7,250.00
	Orange to Melrose	East	128	$ 2,560.00	n/a	n/a	$ 2,560.00
16th Street	Orange to Melrose	West	146	$ 2,920.00	156	$ 3,900.00	$ 6,820.00
	Melrose to Essex	East	276	$ 5,520.00	286	$ 7,150.00	$ 12,670.00
	Melrose to Essex	West	283	$ 5,660.00	293	$ 7,325.00	$ 12,985.00
	Essex to Moorman	East	n/a	n/a	160	$ 4,000.00	$ 4,000.00
	Essex to Moorman	West	n/a	n/a	158	$ 3,950.00	$ 3,950.00
	Moorman to Gilmer	East	226	$ 4,520.00	236	$ 5,900.00	$ 10,420.00
	Moorman to Gilmer	West	204	$ 4,080.00	214	$ 5,350.00	$ 9,430.00
	Gilmer to Loudon	East	253	$ 5,060.00	263	$ 6,575.00	$ 11,635.00
	Gilmer to Loudon	West	248	$ 4,960.00	258	$ 6,450.00	$ 11,410.00
	Loudon to Centre	East	n/a	n/a	282	$ 7,050.00	$ 7,050.00
	Loudon to Centre	West	n/a	n/a	264	$ 6,600.00	$ 6,600.00
	Centre to Shenandoah	East	n/a	n/a	257	$ 6,425.00	$ 6,425.00
	Centre to Shenandoah	West	n/a	n/a	288	$ 7,200.00	$ 7,200.00
	Melrose to Essex	East	n/a	n/a	298	$ 7,450.00	$ 7,450.00
17th Street	Essex to Moorman	East	141	$ 2,820.00	141	$ 3,525.00	$ 6,345.00
	Essex to Moorman	West	141	$ 2,820.00	141	$ 3,525.00	$ 6,345.00
	Moorman to Gilmer	East	159	$ 3,180.00	169	$ 4,225.00	$ 7,405.00
	Moorman to Gilmer	West	176	$ 3,520.00	186	$ 4,650.00	$ 8,170.00
	Gilmer to Loudon	East	274	$ 5,480.00	255	$ 6,375.00	$ 11,855.00
	Gilmer to Loudon	West	274	$ 5,480.00	n/a	n/a	$ 5,480.00
	Loudon to Centre	East	n/a	n/a	284	$ 7,100.00	$ 7,100.00
	Loudon to Centre	West	n/a	n/a	297	$ 7,425.00	$ 7,425.00
	Centre to Shenandoah	East	n/a	n/a	273	$ 6,825.00	$ 6,825.00
	Centre to Shenandoah	West	n/a	n/a	284	$ 7,100.00	$ 7,100.00
	Orange to Melrose	East	n/a	n/a	308	$ 7,700.00	$ 7,700.00
18th Street	Orange to Melrose	West	173	$ 3,460.00	n/a	n/a	$ 3,460.00
	Melrose to Essex	East	n/a	n/a	293	$ 7,325.00	$ 7,325.00
	Melrose to Essex	West	n/a	n/a	280	$ 7,000.00	$ 7,000.00
	Essex to Moorman	East	n/a	n/a	159	$ 3,975.00	$ 3,975.00
	Essex to Moorman	West	149	$ 2,980.00	159	$ 3,975.00	$ 6,955.00
	Moorman to Gilmer	East	124	$ 2,480.00	196	$ 4,900.00	$ 7,380.00
	Gilmer to Loudon	East	n/a	n/a	255	$ 6,375.00	$ 6,375.00
	Moorman to Loudon	West	420	$ 8,400.00	430	$ 10,750.00	$ 19,150.00
	Loudon to Centre	East	n/a	n/a	276	$ 6,900.00	$ 6,900.00
	Loudon to Centre	West	n/a	n/a	276	$ 6,900.00	$ 6,900.00
	Centre to Shenandoah	East	n/a	n/a	297	$ 7,425.00	$ 7,425.00
	Centre to Shenandoah	West	n/a	n/a	288	$ 7,200.00	$ 7,200.00
	Orange to Melrose	East	142	$ 2,840.00	n/a	n/a	$ 2,840.00
19th Street	Orange to Melrose	West	n/a	n/a	320	$ 8,000.00	$ 8,000.00
	Melrose to Essex	East	n/a	n/a	311	$ 7,775.00	$ 7,775.00
	Melrose to Essex	West	n/a	n/a	300	$ 7,500.00	$ 7,500.00
	Essex to Moorman	East	145	$ 2,900.00	145	$ 3,625.00	$ 6,525.00
	Essex to Moorman	West	n/a	n/a	148	$ 3,700.00	$ 3,700.00
	Moorman to Loudon	East	366	$ 7,320.00	366	$ 9,150.00	$ 16,470.00

	Moorman to Loudon	West	368	$ 7,360.00	368	$ 9,200.00	$ 16,560.00
	Centre to Shenandoah	East	270	$ 5,400.00	270	$ 6,750.00	$ 12,150.00
	Centre to Shenandoah	West	270	$ 5,400.00	270	$ 6,750.00	$ 12,150.00
	Orange to Melrose	East	141	$ 2,820.00	330	$ 8,250.00	$ 11,070.00
20th Street	Orange to Melrose	West	300	$ 6,000:00	310	$ 7,750.00	$ 13,750.00
	Essex to Moorman	East	142	$ 2,840.00	142	$ 3,550.00	$ 6,390.00
	Essex to Moorman	West	148	$ 2,960.00	148	$ 3,700.00	$ 6,660.00
	Moorman to Loudon	East	300	$ 6,000.00	278	$ 6,950.00	$ 12,950.00
	Moorman to Loudon	West	290	$ 5,800.00	290	$ 7,250.00	$ 13,050.00
	Centre to Shenandoah	East	285	$ 5,700.00	285	$ 7,125.00	$ 12,825.00
	Centre to Shenandoah	West	285	$ 5,700.00	285	$ 7,125.00	$ 12,825.00
	Salem Turnpike to Melrose	East	n/a	n/a	86	$ 2,150.00	$ 2,150.00
21st Street	Salem Turnpike to Melrose	West	n/a	n/a	69	$ 1,725.00	$ 1,725.00
	Melrose to Essex	East	n/a	n/a	296	$ 7,400.00	$ 7,400.00
	Melrose to Essex	West	n/a	n/a	283	$ 7,075.00	$ 7,075.00
	Essex to Moorman	East	142	$ 2,840.00	142	$ 3,550.00	$ 6,390.00
	Essex to Moorman	West	148	$ 2,960.00	148	$ 3,700.00	$ 6,660.00
	Moorman to Loudon	East	n/a	n/a	255	$ 6,375.00	$ 6,375.00
	Moorman to Loudon	West	n/a	n/a	249	$ 6,225.00	$ 6,225.00
	Loudon to Centre	East	n/a	n/a	289	$ 7,225.00	$ 7,225.00
	Loudon to Centre	West	n/a	n/a	289	$ 7,225.00	$ 7,225.00
	Centre to Shenandoah	East	n/a	n/a	292	$ 7,300.00	$ 7,300.00
	Centre to Shenandoah	West	n/a	n/a	286	$ 7,150.00	$ 7,150.00
	Salem Tpk to Essex	East	228	$ 4,560.00	228	$ 5,700.00	$ 10,260.00
22nd Street	Salem Tpk to Essex	West	210	$ 4,200.00	210	$ 5,250.00	$ 9,450.00
	Shenandoah to Johnson	East	299	$ 5,980.00	299	$ 7,475.00	$ 13,455.00
25th Street	Shenandoah to Johnson	West	299	$ 5,980.00	299	$ 7,475.00	$ 13,455.00
	Johnson to Baker	East	281	$ 5,620.00	281	$ 7,025.00	$ 12,645.00
	Centre to Shenandoah	East	291	$ 5,820.00	301	$ 7,525.00	$ 13,345.00
	Centre to Shenandoah	West	291	$ 5,820.00	301	$ 7,525.00	$ 13,345.00
	Shenandoah to Centre	East	268	$ 5,360.00	278	$ 6,950.00	$ 12,310.00
27th Street	Shenandoah to Centre	West	264	$ 5,280.00	278	$ 6,950.00	$ 12,230.00
	Shenandoah to Johnson	East	286	$ 5,720.00	286	$ 7,150.00	$ 12,870.00
	Shenandoah to Johnson	West	276	$ 5,520.00	276	$ 6,900.00	$ 12,420.00
	Johnson to End	East	238	$ 4,760.00	238	$ 5,950.00	$ 10,710.00
	Johnson to End	West	246	$ 4,920.00	246	$ 6,150.00	$ 11,070.00
	Johnson to End	South	42	$ 840.00	42	$ 1,050.00	$ 1,890.00
	Melrose to Salem Tpk	West	1264	$ 25,280.00	1264	$ 31,600.00	$ 56,880.00
29th Street	Melrose to Salem Tpk	East	250	$ 5,000.00	1246	$ 31,150.00	$ 36,150.00
	Melrose to Salem Tpk	West	688	$ 13,760.00	688	$ 17,200.00	$ 30,960.00
30th Street	Melrose to Salem Tpk	East	688	$ 13,760.00	688	$ 17,200.00	$ 30,960.00
	Salem Tpk to Shenandoah	West	994	$ 19,880.00	994	$ 24,850.00	$ 44,730.00
	Centre to Shenandoah	East	296	$ 5,920.00	296	$ 7,400.00	$ 13,320.00
	Shenandoah to Johnson	East	352	$ 7,040.00	352	$ 8,800.00	$ 15,840.00
	Shenandoah to Baker	East	415	$ 8,300.00	415	$ 10,375.00	$ 18,675.00
	Shenandoah to Baker	East	295	$ 5,900.00	295	$ 7,375.00	$ 13,275.00
31st Street	Shenandoah to Baker	West	295	$ 5,900.00	295	$ 7,375.00	$ 13,275.00

	Melrose to Salem Tpk	West	804	$ 16,080.00	804	$ 20,100.00	$ 36,180.00
	Melrose to Salem Tpk	West	804	$ 16,080.00	804	$ 20,100.00	$ 36,180.00

Funding

Below is a general guide to the resources needed to carry out this plan where costs can be estimated. It is intended to identify needs during budget development, but does not necessarily provide for funding. In some cases, an estimated cost is unavailable because additional assessment is needed. Estimates should be used to anticipate and plan for future funding needs.

Project	Estimated Cost	Participants	Considerations
Residential Development:			
Design District	$5,000	Planning	Legal ads & printing
Strategic Housing Plan (Citywide)	$100,000	Housing & Neighborhood Services	Proposal is underway
Zoning Ordinance (Citywide)	$100,000	Planning, Building & Development	Update of the zoning ordinance is presently underway & funding has been allocated.
Infrastructure:			
Sidewalks/Curb (all east to west streets)	$1,693,550	Engineering	Sidewalk/curb improvements need to be evaluated more thoroughly upon adoption of plan
Storm Drainage	Unknown	Engineering	
Greenway & bike lane Development	Unknown	Engineering	
Public Services			
Crime Prevention	$1,500	Police	Printing Costs for public information
Fire Station/Multi-Service Center	Unknown	Fire/EMS	
Quality of Life			
Park Improvements	Unknown	Parks & Recreation	Neighborhood park upgrades budgeted through bond issue, however park-specific improvements are undetermined. Master planning efforts will use existing resources
Neighborhood Environment	$10,000	Neighborhood Partnership/Urban Forestry	Tree planting & landscaping can be funded through various grants

Implementation

Actions	Participants	Year 1	Year 2	Year 3	Year 4	Ongoing
Zoning Changes	Planning	●				
Neighborhood Design District	Planning			●		
Support Rental Inspection Program	Neighborhood orgs/Housing					●
Tree planting and landscaping	Neighborhood Partnership/Neighbohrood Orgs/Urban Forestry					●
Attract a large grocery store	Economic Development					●
Market IPUD site at 24th & Melrose Ave	Economic Development					●
Develop Greenway routes & bike lanes	Engineering					●
Construct new sidewalks & curbs	Engineering			●		
Drainage improvements	Engineering					●
Address speeding	Police/Streets & Traffic		●			
Continue COPE & Neighborhood Watch	Police/Neighborhood organizations					●
Construct a new fire station/multi-service center	Fire/EMS				●	
Create a Master Plan for Horton Park	Parks & Recreation				●	
Make improvements to Horton Park						●

SJT 12/4/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Loudon Melrose/Shenandoah West Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Loudon Melrose/Shenandoah West Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Loudon Melrose/Shenandoah West Neighborhood Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on November 21, 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 Monday, December 16, 2002, 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 Loudon Melrose/Shenandoah West Neighborhood Plan and amends Vision 2001 - 2020, the City's Comprehensive Plan, to include the Loudon Melrose/Shenandoah West 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

Architectural Review Board
Board of Zoning Appeals
Planning Commission

December 16, 2002

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 Proffered Conditions for parcel of land lying on the east side of Peters Creek Road, N.W., in the City of Roanoke, designated as Tax Map No. 6380101 (1925 Peters Creek Road), containing a total of 9.1218 acres, more of less.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. By a vote of 6-0-1 (Mr. Rife abstaining), the Commission voted to recommend approval of the amendment of proffered conditions on the subject property.

Background:

In September, 2000, by Ordinance No. 35030-090500 certain proffers were repealed and Tax Map Numbers 6370306, 6380101, 6380102, and 6380104 were rezoned from RS-3, Single Family Residential, to C-2, General Commercial, subject to certain proffered conditions. Subsequently, those named tax parcels were combined into one tax parcel identified as Tax Map No. 6380101, the subject of this petition to amend proffered conditions. The eight conditions presently binding upon the subject property as a result of the conditional C-2, General Commercial, rezoning in 2000 are as follows:

1. That the property will be developed in substantial conformity with the site plan prepared by Caldwell White Associates, Roanoke, Virginia, dated May 31, 2000, a copy of which is attached hereto as Exhibit 2, subject to any changes required by the City during site plan review.

2. That the property shall be used only for the purpose of selling motorcycles, motorcycle accessories and related clothing and the servicing of motorcycles.

3. That all lighting on the property will be directed toward the property and will not be directed toward adjoining residential areas.

4. That all repair work on the motorcycles will be performed inside the building.

5. That the peak elevation of the roof of the buildings to be constructed shall be no higher than 20 feet above the elevation of the existing floor elevation of the existing building. The existing floor elevation is 1072.0 feet.

6. That there shall be no outside storage of equipment or accessory parts.

7. There will be no vehicular access from the properties onto Kay Avenue or Tellico Road, N.W.

8. A subdivision plat shall be prepared, combining tax parcel nos. 6380101, 6380102, 6380104 and 6370306, and shall be submitted to the City for review and approval, and recorded with the Clerk of Circuit Court of the City of Roanoke, within six (6) months of the date of the adoption of an ordinance effecting the rezoning and amendments as requested in this petition. [DONE]

The petitioner requests that proffer No. 2 as stated above and set out in Ordinance No. 35030-090500 be amended as follows:

2. That the property shall be used only for the purpose of selling motorcycles, motorcycle parts and accessories and other related items and including the servicing of motorcycles, and clubs, lodges and fraternal organizations incidental to, and accessory to, the use of the property to sell motorcycles, motorcycle parts and accessories and other related items, and servicing of motorcycles, subject to the following restrictions:

   a) That no alcoholic beverages shall be permitted on the premises.

   b) That the use of the facility for club, lodge and fraternal organization activities shall not extend beyond 10:00 PM.

Planning Commission held a public hearing on the request on November 21, 2002. Mr. Ed Natt, counsel for the petitioner, presented the request. Mrs. Nancy Snodgrass, City Planner, presented the staff report and recommended approval of the request to amend proffered conditions, citing the following:

- Given the qualifying conditions on the proposed additional permitted use of the subject property, the incidental use of the site by a club or organization is an appropriate use of the site and is consistent with **Vision 2001-2020's** premise of encouraging and accommodating a mixture of uses, utilizing more fully the City's commercial sites, and adaptively utilizing sites for more than one use.

The Planning Commission opened the meeting for public comment. Ms. Geneva Ford of 1816 Lynch Street inquired as to whether there are any plans for structural additions on the property, and if so, whether or not the line of trees buffering the residential area would remain. Mr. Natt responded that plans for construction of a picnic shelter should not affect the existing 35-foot buffer.

Considerations:

The subject property, 1925 Peters Creek Road, consists of 9.1218 acres. A Harley-Davidson dealership is located on site in a one-story stucco and steel frame building.

The subject property is bounded on the south and to the west on the other side of Peters Creek Road by C-2, General Commercial and is a part of the C-2, General Commercial, Peters Creek corridor. Zoning directly to the north and to the east is zoned RS-3, Residential Single Family.

Surrounding land uses include automobile dealerships, offices, retail operations, and single-family residences. The single-family residences are generally separated from the subject property by topographical differences.

The owner plans to continue operation of the Harley Davidson dealership on the subject property. The Roanoke Valley Harley Owners Group, Inc., has expressed a desire to utilize the subject property for its activities, incidental to the operation of the motorcycle dealership. Clubs, lodges and fraternal organizations are uses permitted by right in the C-2, General Commercial District.

No one has voiced opposition to the request.

The size and scale of the current operation on the site is comparable to the size and scale of various business operations that currently exist along this section of Peters Creek Road. Given the qualifying conditions on the proposed additional permitted use of the subject property, the incidental use of the site by the Roanoke Valley Harley Owners Group is deemed to be an appropriate use of the site.

Recommendation:

By a vote of 6-0-1 (Mr. Rife abstaining), the Commission recommends that City Council approve the amendment of proffers on the subject property.

Respectfully submitted,

Robert B. Manetta
RBM

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

attachments

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
Edward A. Natt, Attorney for the Petitioner

SECOND AMENDED PETITION TO AMEND PROFFERS

RECEIVED
CITY CLERKS OFFICE
'02 NOV 18 A8:40

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Amendment of Proffered Conditions for parcel of land lying on the east side of Peters Creek Road, N.W., in the City of Roanoke, designated as Tax Map No. 6380101 (1925 Peters Creek Road), containing a total of 9.1218 acres, more or less.

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

Your Petitioners herein, L. D. Shiffer and Kathy L. Shiffer, have heretofore had rezoned to C-2, with proffered conditions, property now consolidated as Tax Map No. 6380101. Said parcel of land contains 9.1218 acres and is located on Peters Creek Road. A map of the property is attached hereto as **Exhibit 1**.

Your Petitioners further request that the conditions relating to said property be amended as hereinafter set out.

Your Petitioners believe that the subject amendment of proffers will further the intent and purposes of the City Zoning Ordinance and its Comprehensive Plan in that it will allow for a better use of the subject property.

Your Petitioners hereby request that Proffer No. 2 of the Proffers set out in Ordinance No. 35030-090500 be amended as follows:

2. That the property shall be used only for the purpose of selling motorcycles, motorcycle parts and accessories and other related items and including the servicing of motorcycles, and clubs, lodges and fraternal organizations incidental to, and accessory to, the use of the property to sell motorcycles, motorcycle parts and accessories and other related items, and servicing of motorcycles, subject to the following restrictions:

(a) That no alcoholic beverages shall be permitted on the premises.

(b) That the use of the facility for club, lodge and fraternal organization activities shall not extend beyond 10:00 PM.

All other proffers previously approved shall remain in full force and effect.

Attached as **Exhibit 2** is a legal description of the subject property.

Attached as **Exhibit 3** are the names, addresses and tax numbers of the owners or owners of all lots or property immediately adjacent to immediately across a street or road from the property to be rezoned.

WHEREFORE, your Petitioners request that the above-described amended proffer be approved as herein set out in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

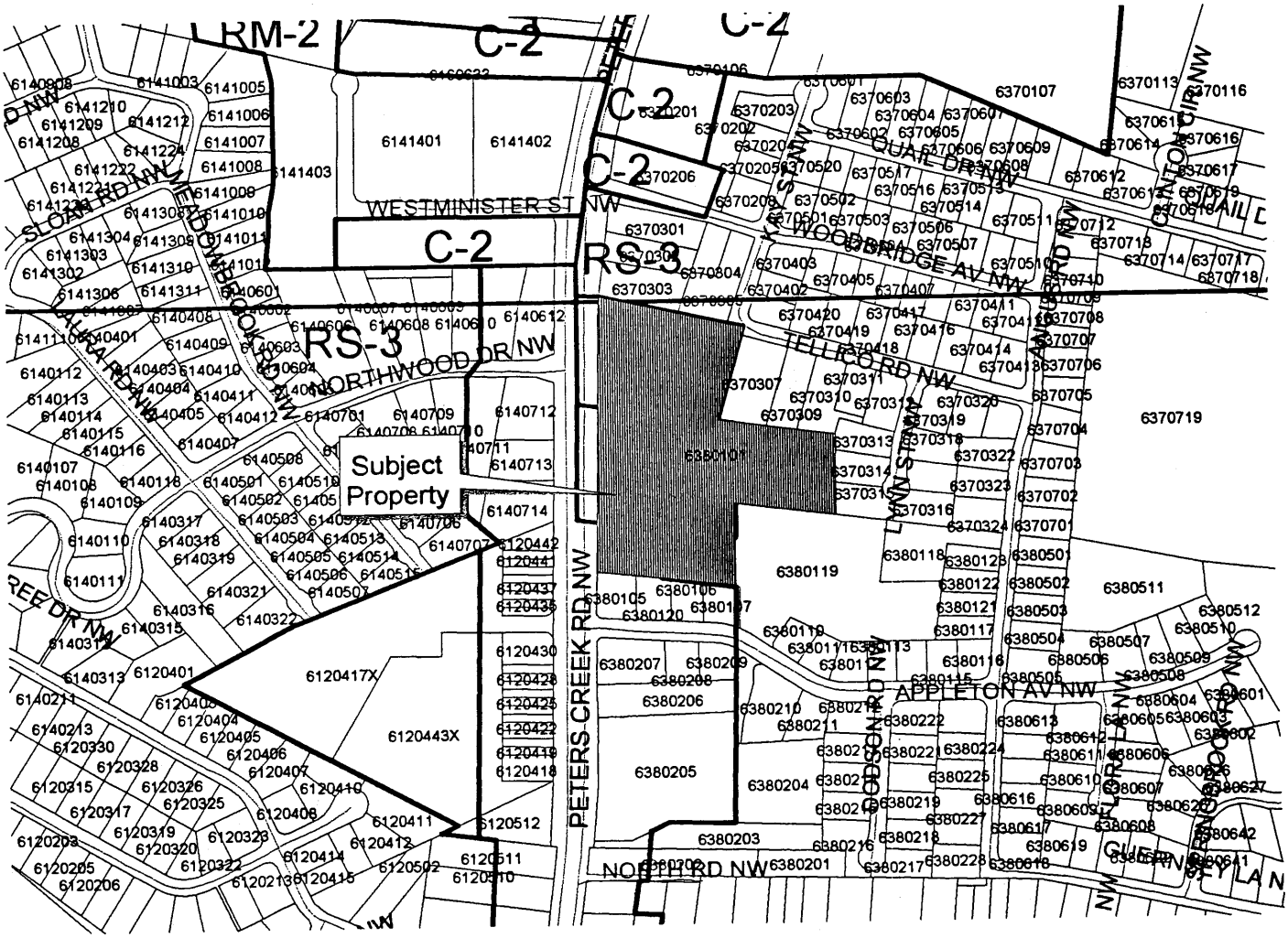
Respectfully submitted this 14th day of November, 2002.

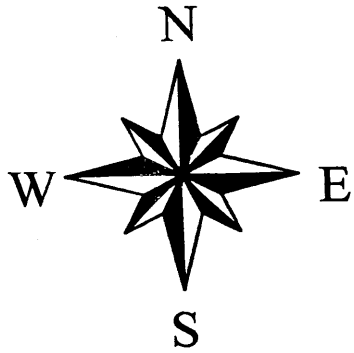
L. D. SHIFFER

KATHY L. SHIFFER

Edward A. Natt, Esq.
OSTERHOUDT, PRILLAMAN, NATT,
HELSCHER, YOST, MAXWELL &
FERGUSON, P.L.C.
P. O. Box 20487
Roanoke, VA 24018-0049
Phone: (540) 725-8180
Fax: (540) 772-0126
VSB #1104

1925 Peters Creek Rd, NW





IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 638, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally rezoned from RS-3, Single Family Residential District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

WHEREAS, L. D. Shiffer and Kathy L. Shiffer, filed an application to the Council of the City of Roanoke to amend certain conditions presently binding upon a tract of land located at 1925 Peters Creek Road, N.W., being further identified as Official Tax No. 6380101, which property was previously conditionally rezoned by the adoption of Ordinance No. 35030-090500, adopted September 5, 2000, subject to certain conditions proffered by the applicant; 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 December 16, 2002, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation

made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the conditions now binding upon the above-described property should be amended as requested.

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

1. Sections 36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 638 of the Sectional 1976 Zone Map, City of Roanoke, be amended, with respect to Official Tax No. 6380101, by amending No. 2 of the proffered conditions contained in Ordinance No. 35030-090500, adopted September 5, 2000, and replacing the same with the proffered conditions as more fully set forth in the Second Amended Petition filed in the Office of the City Clerk on November 18, 2002, and as set forth in the report of the Planning Commission dated December 16, 2002.

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

December 16, 2002

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 Bland A. Painter, III, Betty J. Painter, and FR-1 Investments, LLC, represented by Maryellen F. Goodlatte, attorney, that approximately 7.292 acres consisting of four (4) tracts of land on Franklin Road S.W. and identified as Official Tax Numbers 1272504, 1272505, 1150103, and a portion of 1150106 be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, such rezoning to be subject to certain conditions.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. The petitioner agreed to amend certain proffered conditions to be filed in the form of a Second Amended Petition. By a vote of 5-0 (Mr. Campbell and Mr. Hill absent), the Commission voted to recommend approval of the rezoning request, with amended proffers.

Land Use Considerations:

Surrounding zoning is commercial and manufacturing. The parcel abutting the subject property to the southwest, properties directly across Franklin Road, and the properties along Franklin Road to the southwest are zoned C-2, General Commercial. The abutting parcel to the northeast on Franklin Road is zoned LM, Light Manufacturing, along with the tracts north of the subject property.

Surrounding land uses include the vacant parcel owned by the petitioner at the intersection of Franklin Road and Wonju Street. Land uses along this area of

Franklin Road include a sign company, soccer shop, print shop, photo supplies store, audio shop, and auto upholstery shop. An industrial recycling operation is located across Broadway and Wonju from the subject site. Land uses along Franklin Road to the west of the Franklin/Wonju intersection include a medical clinic, medical supplies store, laundromat, and automobile dealerships,

The petitioner proposes to develop a shopping center on the site of the rezoning request (although such development is not proffered by site plan or in language). The proposed development also incorporates the property at the corner of Franklin Road and Wonju Street, which property is owned by the petitioner and is zoned C-2, General Commercial. The subject site is undeveloped, with the exceptions of a stone veneer structure that currently houses a massage and spa establishment (Tax Map Number 1150103) and a 32,882 square foot warehouse (formerly Holdren's) located on Tax Map Number 1150106. Two outdoor advertising structures are located on the site.

The site is located in a FEMA floodplain. Ore Branch, which traverses the site, would have to be accommodated under any development plan. Stream mitigation will be required to be able to enclose 1,000 feet of Ore Branch. Development of the site will require a new Conditional Letter of Map Revision (CLOMR) from FEMA, Section 404 (of the Clean Water Act) Stream Permit from the Corps of Engineers, and a Section 401 Virginia Water Protection Permit from the Department of Environmental Quality. Floodplain development details, including building floor elevations, would be considered during comprehensive site plan review, if a rezoning were granted.

The following factors underscore the significance of the subject site:

- Its location at a key intersection;
- Franklin Road's being a major corridor and a gateway to downtown;
- Its proximity to the South Jefferson Redevelopment Area; and
- Its 7.292-acre size and the major impact its development will have on the Franklin Road corridor and the South Roanoke neighborhood.

Traffic Considerations:

In its evaluation of a traffic impact analysis (contracted by the developer), the City's Transportation Division identified the following issues:

1) <u>The proposed driveway on Wonju Street</u> immediately opposite the unsignalized intersection of Broadway Avenue would accommodate left turns off of Wonju to enter the proposed development and would allow traffic on Wonju to turn right into and right out of the proposed development. This unsignalized driveway intersection would operate at an acceptable level of service when considering the phasing of the signalized Franklin Road/Wonju Street intersection and resulting gaps in traffic.

2) VDOT control of access along Wonju Street would require that VDOT approve a break in limited access for the proposed Wonju driveway. If the Wonju Street driveway were not approved, the traffic projected to use the Wonju driveway would be reassigned to the Franklin Road driveways.

3) Signalization of the proposed main entrance on Franklin Road is not justified in the traffic analysis. If justified at a later time, the developer should be required to provide for the design and construction of the subject signal.

Comprehensive Plan Considerations:

Vision 2001-2020 includes the following policies and actions regarding commercial development and redevelopment:

- 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)

- Explore redevelopment of areas identified for industrial, commercial, or mixed-use development or reuse such as Franklin Road between SJRA and Wonju Street. Area plans for these sites should include participation of stakeholders and design professionals. (p. 62, ED A33)

- Commercial corridors: Commercial development should be concentrated at key intersections... (p. 92, Commercial corridors)

Vision 2001-2020 also includes the following developmental principles and policies:

- Buildings and trees should shape the City's image rather than asphalt and signs. (p. 4, #2)

- Limit the amount of impervious surfaces to reduce runoff. (p. 50, EC A13)

- Parking: Roanoke will...discourage excessive surface parking lots. Maximum parking standards for development outside of downtown will be established. (p. 72, IN P4)

- Local/Regional commercial centers, Commercial corridors (pp. 91-92):
    - Maximize site development through reduced parking spaces, increased lot coverage, and parcels developed along street frontages.
    - Signs should be consolidated and attractively designed.

- Commercial corridors:

- Curb cuts should be minimized; shared parking lots...should be encouraged.

- Trees are an essential element of the streetscape and should be planted along all non-suburban streets. (p. 94, Trees, Signs, and Lighting)

- Signs should be limited in number and scaled in size to minimize visual clutter. (p. 95, Trees, Signs, and Lighting)

- Building location and design should be considered as important elements of the streetscape and should be used to define the street corridor as a public place, especially at major intersections. (p. 95, Buildings)

- Automobile-Oriented Village Center (p. 100):
  - Parking: Off-street parking is located on the side and at the rear of buildings shielded form the street by landscaping or low walls.
  - Buildings: New buildings are added to fill vacant spaces or expanses of surface parking. Buildings should not be set back...
  - Streetscape: An area identity is created by careful use of plant materials, lighting, street furniture, and signage.

Proffered Conditions:

A Petition to Rezone, with conditions, was filed on October 3, 2002. An Amended Petition, with conditions, was filed November 19, 2002. The Planning Commission heard the request on November 21, 2002, and recommended approval, subject to certain amended proffers. A Second Amended Petition was filed on December 5, 2002, with the following proffered conditions:

1. Petitioners proffer that the following C-2 uses will not be permitted on the property:

   a) Gas stations;
   b) Establishments primarily engaged in the sale or rental of automobiles, trucks, and construction equipment and including the incidental repair and maintenance of vehicles where the lot area is greater than twenty thousand (20,000) square feet;
   c) Automobile cleaning facilities;
   d) Automobile repair establishments except painting and body shops;
   e) Group care facilities subject to the requirements of section 36.1-560 et seq.
   f) Coliseums, stadiums, exhibition halls, and similar facilities;
   g) Outdoor recreational facilities including swimming clubs, tennis courts, athletic facilities and other similar uses;
   h) Drive-in movie theaters;

i) Open air markets selling farm produce, crafts, plants, secondhand merchandise and other miscellaneous items;
j) Neighborhood and highway convenience stores;
k) Outdoor advertising subject to the requirements of section 36.1-440 et seq.
l) Public parking lots;
m) Public parking structures;
n) Establishments engaged in the retail sale of building supplies where all or a portion of related storage and display activities are not wholly enclosed in a building provided the outdoor storage or display area is accessory to a building and has a maximum area no greater than ten (10) percent of the gross floor area of the building;
o) Establishments primarily engaged in the sale or rental of automobiles, trucks and construction equipment including the incidental repair and maintenance of vehicles where the lot area is less than twenty thousand (20,000) square feet;
p) Automobile painting and body shops provided that there shall be no outdoor storage of damaged automobiles, equipment, auto parts or other materials;
q) Mini-warehouses provided that the total gross floor area of storage buildings shall not exceed twelve thousand (12,000) square feet;
r) Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that:
    1. The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.
    2. The use is located on a major arterial road or highway.
s) Utility substations, transmission lines and towers, booster stations, relay stations and transformers, and similar uses provided that light, fumes, noise, unsightliness, or other associated activities or emissions are adequately screened from the surrounding neighborhood;
t) Funeral homes;
u) Veterinary clinics with no outside corrals or pens;
v) Kennels with no outside pens or "runs".

2. A gourmet/specialty grocery store which includes Wild Oats or a current or future competitor of Wild Oats with no more than thirty thousand (30,000) square feet shall be constructed on the property and shall receive a permanent certificate of occupancy within six years of the rezoning of the property. Until such time as said grocery store is developed, eighty thousand (80,000) square feet of the property shall be left undeveloped for that purpose.

3. The design of all buildings constructed on the property shall be architecturally integrated and compatible through the use of common

materials and style. Split face block shall not be used as the material for any building front.

4. There shall be no more than three (3) points of vehicular access to, or egress from, the property with those three (3) points limited to two (2) on Franklin Road and one (1) on Wonju Street.

5. The perimeter of the property along Franklin and Wonju shall be landscaped by a ten (10) foot buffer in depth, substantially in accordance with the attached plans prepared by Hughes Associate Architects, dated November 12, 2002, and marked Exhibit D, subject to changes that may be required by the City during the comprehensive site plan review. Said ten (10) foot landscape buffer shall include a wrought-iron-like fence, a hedge, and deciduous street trees (and/or southern magnolia trees) every forty (40) feet. Landscape plantings in the landscape buffer shall not include turf. The deciduous street trees to be used in the landscape buffer shall consist of any of the following species or of other trees of similar type and size at maturity:

   Acer rubrum varieties (red maple)
   Acer truncatum x platanoides (Shantung hybrid maple)
   Gleditsia triacanthos inermis (thornless honeylocust)
   Tilia cordata or *T. americana* (linden tree: little-leaf or American)
   Ulmus parvifolia (lacebark elm)

6. Internal parking areas shall be broken up by islands, landscaping or other decorative elements.

7. The parking ratio development shall not exceed 5.0 parking spaces per 1,000 square feet of gross floor area, except that, for restaurant uses, the parking ratio development shall not exceed 15.0 parking spaces per 1,000 square feet of gross floor area.

8. The two billboards currently located on the property shall be removed prior to final approval of a comprehensive site plan affecting the property on which each billboard is located.

9. At-grade sidewalks on the property and/or special paving both for pedestrians and bicycles will connect all building sites constructed on the property.

10. No more than five ground signs shall be permitted on the property, which ground signs shall be designed to contain the identification signs for all the tenant spaces on the property, and which ground signs shall not be located within the ten (10) foot landscape buffer. This shall not limit any overall development identification signage so long as said signage (for example, "Ivy Market") is incorporated within a landscaped retaining wall

or other landscaped element. Ground signs and the overall development identification signs for the property shall be limited to a total of 150 square feet of surface signage area on each side. Except for signage which is part of an architectural element of the project (such as a clock tower), ground signs shall not exceed twenty (20) feet in height.

11. Should the parcels which comprise the property be combined or subdivided, the proffered conditions shall apply to each subdivided or re-combined parcels. No matter how the property is subdivided or combined, the signage limitations of proffer number 10 shall apply to all property which is the subject of this rezoning petition.

Planning Commission Hearing:

Planning Commission held a public hearing on the rezoning request on November 21, 2002. Mrs. Maryellen Goodlatte, counsel for the petitioner, presented the request. Mrs. Nancy Snodgrass, City Planner, presented the staff report. Given the number of inappropriate C-2 uses that have been excluded by proffer and the subject property's location at a key intersection, commercial development of the subject property would be consistent with **Vision 2001-2020**. However, she noted that while the petition provided some assurances, the petition, both by omission and vagueness, did not provide a full, clear definition of subsequent development. Without assurances of development in a manner consistent with **Vision 2001-2020**, if the rezoning were granted, Mrs. Snodgrass stated that staff was unable to support the petition.

The Planning Commission opened the meeting for public comment.

- Mr. Price Hurst, who owns property at 2201, 2203, and 2205 Franklin Road which suffered flood losses in 1984, expressed concern about the effect of Ore Branch on his adjacent property if the subject site is developed. If Ore Branch is accommodated in a pipe and large areas of the subject site are paved, creating expanses of impervious surfaces, water that currently goes into the ground and into an open channel at this location will be directed onto his property at a greater volume and velocity.
- Ms. Jackie Logan, a South Roanoke resident, spoke in favor of a higher end gourmet grocery store coming to Roanoke.
- Mr. David Tinzer stated that, if the property is not rezoned, it is certain that Wild Oats is not coming, and he encouraged the Commission to find a way to support the rezoning request. He believes this to be a quality of life issue. He also spoke about the inappropriateness of LM, Light Manufacturing, uses currently allowed on the site. Mr. Tinzer presented a petition signed by 120 people in support of Wild Oats.
- Mr. Mike Nelson of Robin Hood Road stated that the community was excited about the proposed development.

- Mr. Randy Likens, Ideal Building Supply located at 2024 Winston Avenue which is downstream from this proposed development, stated he is concerned about storm water in that the business has suffered hundreds of thousands of dollars in water damages in the last two years. However, Mr. Likens stated his support for the rezoning in hopes that something will be built on the property that currently is unsightly.

Planning Commission discussion centered on the following:

- The grocery store that has been widely discussed among the community, Wild Oats, has not entered into a contract with the developer and is not an official part of the rezoning petition. The rezoning, if granted, does not guarantee that Wild Oats will come to Roanoke or build on this site, and the Commission wants to scrutinize what could happen on the site if Wild Oats does not locate there.
- Because the high level of enthusiasm is for a gourmet/specialty grocery store, a proffer is necessary that defines what is meant by a gourmet/ specialty grocery store and assures that the rezoning obligates the developer to construct such a store as a condition of the rezoning. The sequence of development, timelines, and land banking were discussed.
- Concerns were expressed about the lack of a proffered site plan or specificity within the petition.
- There is a certain amount of disconnect between the public perception of the project and the reality of the proffers in the petition.
- With no specificity as to architectural compatibility, the architectural style and materials could be predicated by the first structure built. Given the petition, conditions regulating the architectural integrity of the development would be determined by the developer. The Commission expressed a desire to have some assurance that split-face block would not be used.
- The parking cap appears to be high, higher than any national grocery chain, but not beyond reason. Although the proffered parking cap for restaurants appears high, the amount of parking does not appear to be out of line with other Roanoke restaurants. Retail uses do not want restaurants taking their parking spaces in a shared parking environment.
- Some additional C-2, General Commercial District, uses should be proffered out in the petition, including kennels, veterinary clinics, and funeral homes. Also, hotels and motels do not fit with the proposed concept of a shopping center.
- Mr. Manetta expressed concern that the five pole signs will create "clutter."
- The street trees should be defined in the landscaping plan in order to ensure sufficient tree canopy coverage at maturity.
- Although proffer #9 provides for the provision of sidewalks or special paving to connect buildings on the site for pedestrians and bicycles, the concept plan submitted with the petition appears very pedestrian and bicycle unfriendly, with its large expanses of parking.

In response to Planning Commission concerns, the petitioner's attorney agreed to file a Second Amended Petition incorporating revised proffers as agreed upon in the hearing, specifically amendments to Proffers #1 (additional proffered out uses), #2 (further defining of gourmet/specialty grocery store and holding of undeveloped land for that purpose), #3 (no split face block), and #5 (identification of street trees).

Recommendation:

By a vote of 5-0 (Mr. Campbell and Mr. Hill absent), the Commission recommends that City Council approve the rezoning request, with amended proffers.

Respectfully submitted,

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
Maryellen F. Goodlatte, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning approximately 7.292 acres consisting of four (4) tracts of land lying and being in the City of Roanoke, Virginia, and briefly described as:

Tax Map No. 1272504, 2331 Franklin Road, S.W.
Tax Map No. 1272505, Franklin Road, S.W.
Tax Map No. 1150103, Franklin Road, S.W.
A portion of Tax Map No. 1150106, 2309 Franklin Road, S.W.

from LM (Light Manufacturing District) to C-2 (General Commercial District).

SECOND AMENDED PETITION

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

Petitioners Bland A. Painter, III and Betty J. Painter own the following property in the City of Roanoke, Virginia: Tax Map Nos. 1272504, 1272505 and 1150103. Petitioner FR-1 Investments, LLC, owns tax map parcel 1150106.

Said tracts are currently zoned LM (Light Manufacturing District). A map of the property to be rezoned is attached as Exhibit A. A metes and bounds description of the portion of official tax map no. 1150106 to be rezoned is attached hereto as Exhibit B. Petitioners wish to down-zone this property from LM (Light Manufacturing District) to C-2 (General Commercial District).

For a number of years, the property which is the subject of this petition has been commercially unproductive and underdeveloped. Located at a key commercial intersection, the

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CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

property has the potential to visually enhance the Franklin Road corridor while providing significant economic benefit beyond its current use.

Petitioners wish to develop an upscale shopping center on this site. A mixed use development focusing on retail and office uses is envisioned. As of the filing of this petition, a gourmet natural foods grocery store and a national drug store are potential users of the site.

A concept plan showing the development is attached as Exhibit C.

Petitioners believe that the rezoning of said tracts of land will further the intent and purposes of the City's zoning ordinance and Vision 2001-2020 Comprehensive Plan. This commercial development, at a key intersection, will serve the needs of citizens and visitors in accordance with the policies of the Comprehensive Plan. It takes property that has been commercially unproductive and underdeveloped for a significant period of time and enhances the Franklin Road commercial corridor.

1. Petitioners proffer that the following C-2 uses will not be permitted on the property:

   a. Gas stations;

   b. Establishments primarily engaged in the sale or rental of automobiles, trucks, and construction equipment and including the incidental repair and maintenance of vehicles where the lot area is greater than twenty thousand (20,000) square feet;

   c. Automobile cleaning facilities;

   d. Automobile repair establishments except painting and body shops;

e. Group care facilities subject to the requirements of section 36.1-560 et seq.;

f. Coliseums, stadiums, exhibition halls, and similar facilities;

g. Outdoor recreational facilities including swimming clubs, tennis courts, athletic facilities and other similar uses;

h. Drive-in movie theaters;

i. Open air markets selling farm produce, crafts, plants, secondhand merchandise and other miscellaneous items;

j. Neighborhood and highway convenience stores;

k. Outdoor advertising subject to the requirements of section 36.1-440 et seq.

l. Public parking lots;

m. Public parking structures;

n. Establishments engaged in the retail sale of building supplies where all or a portion of related storage and display activities are not wholly enclosed in a building provided the outdoor storage or display area is accessory to a building and has a maximum area no greater than ten (10) percent of the gross floor area of the building;

o. Establishments primarily engaged in the sale or rental of automobiles, trucks and construction equipment including the incidental repair and maintenance of vehicles where the lot area is less than twenty thousand (20,000) square feet;

p. Automobile painting and body shops provided that there shall be no outdoor storage of damaged automobiles, equipment, auto parts or other materials;

q. Mini-warehouses provided that the total gross floor area of storage buildings shall not exceed twelve thousand (12,000) square feet;

r. Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that:

1. The total gross floor area of buildings on a lot shall not exceed twelve thousand (12,000) square feet.
2. The use is located on a major arterial road or highway.

s. Utility substations, transmission lines and towers, booster stations, relay stations and transformers, and similar uses provided that light, fumes, noise, unsightliness, or other associated activities or emissions are adequately screened from the surrounding neighborhood.

t. Funeral homes.

u. Veterinary clinics with no outside corrals or pens.

v. Kennels with no outside pens or "runs."

2. A gourmet/specialty grocery store which includes Wild Oats or a current or future competitor of Wild Oats and which consists of a building of no more than thirty thousand (30,000) square feet shall be constructed on the property and shall receive a permanent certificate of occupancy within six years of the rezoning of the property. Until such time as said grocery store is developed, eighty thousand (80,000) square feet of the property shall be left undeveloped for that purpose.

3. The design of all buildings constructed on the property shall be architecturally integrated and compatible through the use of common materials and style. Split face block shall not be used as the material for any building front.

4. There shall be no more than three (3) points of vehicular access to, or egress from, the property with those three (3) points limited to two (2) on Franklin Road and one (1) on Wonju Street.

5. The perimeter of the property along Franklin and Wonju shall be landscaped by a ten (10) foot buffer in depth, substantially in accordance with the attached plans prepared by Hughes Associates Architects, dated November 12, 2002, and marked Exhibit D, subject to changes that may be required by the City during the comprehensive site plan review. Said ten (10) foot landscape buffer shall include a wrought-iron-like fence, a hedge, and deciduous street trees (and/or southern magnolia trees) every forty (40) feet. Landscape plantings in the landscape buffer shall not include turf. The deciduous street trees to be used in the landscape buffer shall consist of any of the following species or of other trees of similar type and size at maturity:

Acer rubrum varieties (red maple)
Acer truncatum x platanoides (Shantung hybrid maple)
Gleditsia triacanthos inermis (thornless honeylocust)
Tilia cordata or *T. americana* (linden tree: little-leaf or American)
Ulmus parvifolia (lacebark elm)

6. Internal parking areas shall be broken up by islands, landscaping or other decorative elements.

7. The parking ratio development shall not exceed 5.0 parking spaces per 1,000 square feet of gross floor area, except that, for restaurant uses, the parking ratio development shall not exceed 15.0 parking spaces per 1,000 square feet of gross floor area.

8. The two billboards located on the property shall be removed prior to final approval of a comprehensive site plan affecting the property on which each billboard is located.

9. At-grade sidewalks on the property and/or special paving both for pedestrians and bicycles will connect all building sites constructed on the property.

10. No more than five ground signs shall be permitted on the property, which ground signs shall be designed to contain the identification signs for all the tenant spaces on the property, and which ground signs shall not be located within the ten (10) foot landscape buffer. This shall not limit any overall development identification signage so long as said signage (for example, "Ivy Market") is incorporated within a landscaped retaining wall or other landscaped element. Ground signs and the overall development identification signs for the property shall be limited to a total of 150 square feet of surface signage area on each side. Except for signage which is part of an architectural element of the project (such as a clock tower), ground signs shall not exceed twenty (20) feet in height.

11. Should the parcels which comprise the property be combined or subdivided, the proffered conditions shall apply to each subdivided or re-combined parcels. No matter how the property is subdivided or combined, the signage limitations of proffer number 10 shall apply to all property which is the subject of this rezoning petition.

Attached as Exhibit E 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, Petitioners 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 5th day of December, 2002.

Respectfully submitted,

Bland A. Painter, III
Betty J. Painter
FR-1 Investments, LLC

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

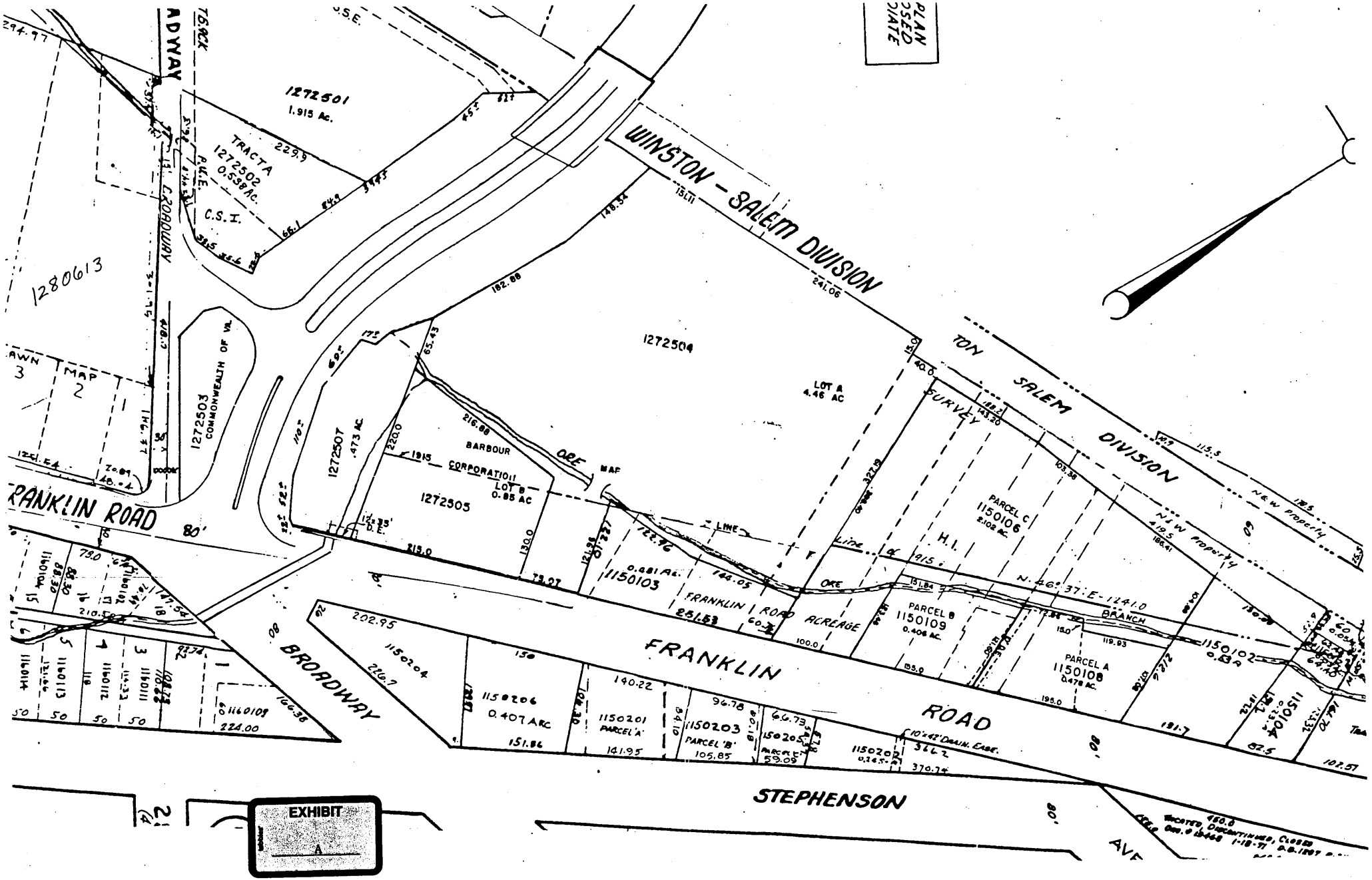
Bland A. Painter, III and Betty J. Painter and FR-1 Investments, LLC, owners of the property subject to this second amended petition, hereby consent to this rezoning petition and agree to be bound by the conditions that are proffered in this second amended petition.

Bland A. Painter, III

Betty J. Painter

FR-1 INVESTMENTS, LLC

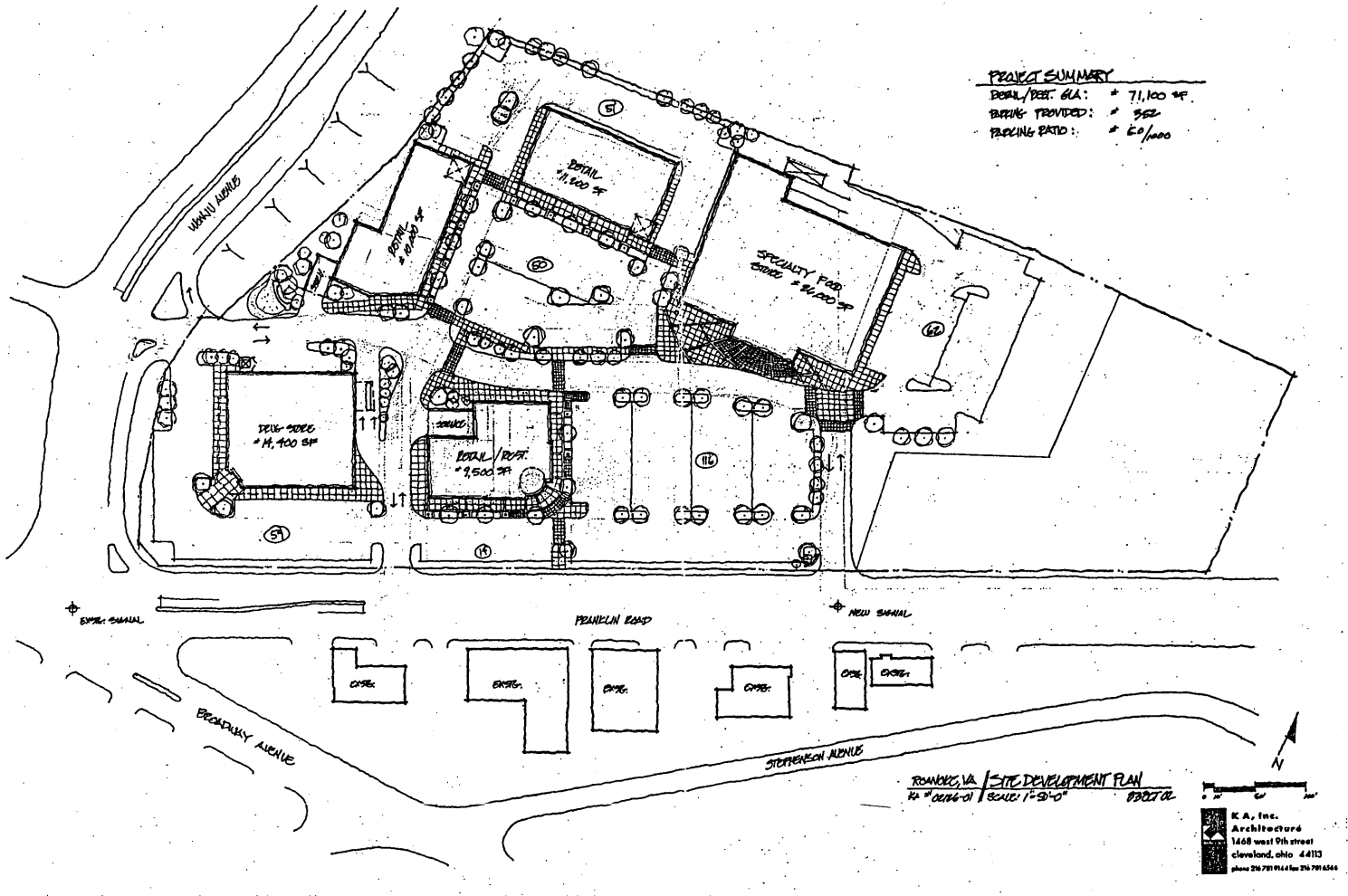
By: _____ its: Member/Manager


WINSTON - SALEM DIVISION
TON SALEM DIVISION
SURVEY
NEW PROPERTY
1272501
1.915 Ac.
TRACT A
1272502
0.558 Ac.
C.S.I.
1280613
1272503
COMMONWEALTH OF VA.
1272504
LOT A
4.46 AC
1272507
.473 AC
BARBOUR CORPORATION
LOT B
0.85 AC
1272505
FRANKLIN ROAD
80'
BROADWAY
FRANKLIN ROAD
STEPHENSON AVE
1150103
0.481 AC.
FRANKLIN ROAD ACREAGE
PARCEL C
1150106
2.102 AC.
PARCEL B
1150109
0.406 AC.
PARCEL A
1150108
0.478 AC.
1150102
0.83 A
1150104
1150204
1150206
0.407 ACR
1150201
PARCEL 'A'
1150203
PARCEL 'B'
1150205
PARCEL 'C'
1150202
N. 46° 37' E. 1241.0
BRANCH
10'-42' DRAIN. EASE.
EXHIBIT
A

BEGINNING at a point on Franklin Road, marking the common corner of tax map parcels numbered 1150106 and 1150103; thence leaving said Franklin Road and proceeding N. 22 deg. 36' 24" W. 388.40 feet to a point on the south edge of the Norfolk and Western Railway; thence proceeding along said railway, N. 67 deg. 27' 00' E. 143.20 feet to a point; thence N. 72 deg. 36' 00" E. 103.38 feet to a point; thence leaving said railway and proceeding S. 20 deg. 27' 08" E. 172.31 feet to a point; thence proceeding S. 48 deg. 13' 00" W. 151.84 feet to a point; thence S. 21 deg. 40' 53" E. 123.46 feet to a point on Franklin Road; thence proceeding with said Franklin Road, S. 47 deg. 54' 00" W. 100 feet to the POINT OF BEGINNING, and containing 1.5008 acres, or 65,373.5960 square feet.

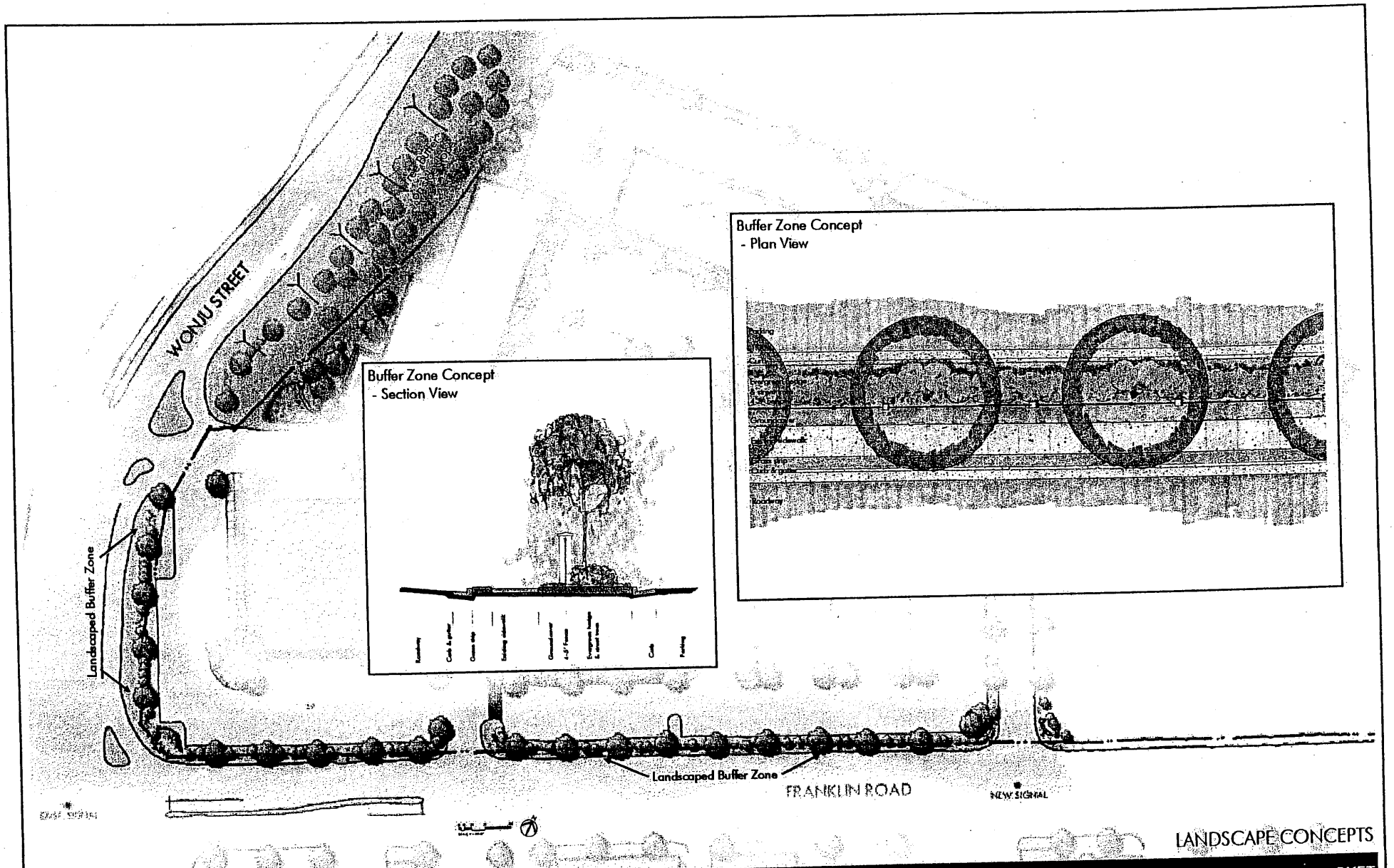
EXHIBIT

B


PROJECT SUMMARY
RETAIL/REST. GLA: ± 71,100 SF
PARKING PROVIDED: ± 352
PARKING RATIO: ± 5.0/1000
RETAIL ± 11,800 SF
RETAIL ± 10,000 SF
SPECIALTY FOOD STORE ± 26,000 SF
DEPT. STORE ± 14,400 SF
RETAIL/REST. ± 9,500 SF
WAHNU AVENUE
FRANKLIN ROAD
EXIST. SIGNAL
NEW SIGNAL
BROADWAY AVENUE
STEVENSON AVENUE
EXISTG.
ROANOKE, VA. | SITE DEVELOPMENT PLAN
KA # 0116-01 | SCALE: 1"=50'-0"
N
K A, Inc.
Architecture
1468 west 9th street
cleveland, ohio 44113

EXHIBIT

C



LANDSCAPE CONCEPTS

IVY MARKET
ROANOKE, VIRGINIA
12 NOVEMBER, 2002

PAINTER PROPERTIES
TROUTVILLE, VIRGINIA

HUGHES ASSOCIATES ARCHITECTS

EXHIBIT

D

ADJOINING PROPERTY OWNERS
TO
TAX PARCELS NUMBERED
1272504
1272505
1150103
1150106

Tax Map Number	Owners/Addresses
1150109	Douglas R. Irvin 2237 Franklin Road, S.W. Roanoke, VA 24014
1150108	Daniel L. Beamer 2219 Franklin Road, S.W. Roanoke, VA 24014
1150102	Price H. Hurst, Jr. 5835 Old Lock Court Roanoke, VA 24018
1150202	Mack D. Cooper, II 1410 Main Street, S.W. Roanoke, Virginia 24015
1150205	Samuel M. Garst Jeanette N. Garst 2944 Naff Road Boones Mill, VA 24065
1150203	Samuel M. Garst Jeanette N. Garst 2944 Naff Road Boones Mill, VA 24065
1150201	K. Wayne Booth 2326 Franklin Road, S.W. Roanoke, Virginia 24014

EXHIBIT
E

1150206	Harry Gerald Garrett 247 Thompson Road, S.E. Floyd, VA 24091
1150204	Crestar Bank - Trustees Trust RE Department P. O. Box 2867 Roanoke, VA 24001
1160109	HSW Enterprises 2502 Broadway Avenue, S.W. Roanoke, VA 24018
1160102	The Evelyn Lewis Cayton Revocable Trust Agreement 3630 Parkwood Drive, S.W. Roanoke, VA 24018
1280613	Fulton Properties, LLC 2525 Franklin Road Roanoke, VA 24014
1272503	Commonwealth of Virginia 215 Church Avenue, S.W., Room 250 Roanoke, VA 24011
1272502	TBC Associates, LLP 2580 Broadway Street, S.W. Roanoke, VA 24014
1272501	TBC Associates, LLP 2580 Broadway Street, S.W. Roanoke, VA 24014
1272507	Bland A. Painter, III J. Painter P. O. Box 477 Troutville, Virginia 24175

SJT 12/9/02

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. 127 and 115, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Bland A. Painter, III, Betty J. Painter and FR-1 Investments, L.L.C., have made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; 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 December 16, 2002, 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 Nos. 127 and 115 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That parcel of land containing 7.292 acres, more or less, identified as Official Tax Nos. 1272504, 1272505, 1150103, and a portion of 1150106, and located on Franklin Road, be, and is hereby rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to the proffers contained in the Second Amended Petition filed in the Office of the City Clerk on December 5, 2002, and that Sheet Nos. 127 and 115 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

December 16, 2002

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 Sections 36.1-206, Permitted uses, C-2, General Commercial District, and 36.1-228, Special exception uses, C-3, Central Business District, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, to provide standards for motor vehicle service station canopies in those zoning districts.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, November 21, 2002. By a vote of 7-0, the Commission voted to recommend approval of the text amendment.

Background:

The proposed amendment was initiated as a result of a July, 2002, joint meeting of the Architectural Review Board and City Council, with similar concerns reiterated at a joint meeting of the Planning Commission and City Council in August, 2002. The directive of those meetings was that the zoning ordinance needs to regulate the maximum height and illumination of canopies being constructed over gas pump islands. At a meeting of the Planning Commission's Ordinance and Names Committee in October, 2002, the Committee directed staff to address lighting under the canopies within the proposed text amendment, with the main concern being the direction of light under the canopy and its dispersal beyond the canopy/pump island area.

The proposed amendment provides regulations for canopies over gas pump islands in the districts where gas stations and neighborhood and highway convenience stores are currently permitted; namely, C-2, General Commercial District (permitted uses), and C-3, Central Business District (by special exception). More specifically, the proposed

amendment incorporates new regulations for motor vehicle service station canopies in the C-2, General Commercial District, permitted uses section, and modifies and expands current regulations of such canopies by special exception in the C-3, Central Business District.

The proposed amendment was discussed at a meeting of the Ordinance and Names Committee of the Planning Commission on October 9, 2002.

Planning Commission held a public hearing on the proposed standards for motor vehicle service station canopies on November 21, 2002. Mrs. Nancy Snodgrass, City Planner, presented the proposed text amendment and staff report. Staff recommended approval citing the following:

- The amendments will implement recommendations of **Vision 2001-2020** with regard to enhancement of streetscapes, reduction of visual clutter, limitation on the scale of signs, and reduction of light pollution.

The Planning Commission opened the meeting for public comment. No one spoke in support of or in opposition to the proposed text amendments.

The Planning Commission thanked staff for the prompt attention to drafting a text amendment to establish standards for canopies over gas pump islands.

Considerations:

The proposed regulatory standards for motor vehicle service station canopies are based on research by the planning staff. The fourteen (14) feet, six (6) inches maximum height for clearance is tied to three sources:

(1) The American Association of State Highway Transportation Officials' (AASHTO) standard for minimum clearance for bridges is fourteen (14) feet;

(2) The average height of a 53-foot trailer from road grade is thirteen (13) feet six (6) inches with an increase in wheel size sometimes resulting in a height of thirteen (13) feet eight (8) inches; and

(3) The Virginia Department of Transportation (VDOT) requires that bridges on non-interstates be at a height of fourteen (14) feet six (6) inches from road grade to the bottom of the beams or the lowest part of the bridge.

VDOT sets its minimum to exceed the standard of AASHTO to ensure a higher degree of safety. Staff recommends that the standards to regulate the maximum clearance height for motor vehicle service station canopies incorporate the same level of safety.

The proposed sixteen (16) feet six, (6) inches maximum overall height of such canopies is tied to the proposed standard that the fascia of the canopy not exceed two feet in height. Staff believes this to be a reasonable size for the fascia of the canopy.

To reduce the prevailing use of such canopies as a marketing and advertising tool and to reduce light pollution, the proposed regulations do not allow the fascia of the canopy or signs attached to or on such canopy to be directly illuminated, backlit, or internally lit.

In response to concerns regarding the direction of light under the canopy and its dispersal beyond the canopy/pump island area, the proposed text amendment minimizes light pollution from underneath such canopies by requiring lighting fixtures on the underside of the canopy to be recessed into the ceiling of the canopy and requiring such lighting to be directed downward toward the pump islands.

Vision 2001-2020 includes the following policies and actions:

1. "Revise zoning ordinance to encourage the development of higher-density, mixed use village centers and strengthen site development, landscaping, and signage requirements in village centers." (p. 41, NH A1)

2. "Encourage reduced light pollution from development, particularly in residential neighborhoods, by improving development or ordinances." (p. 50, EC A10)

The *City Design* chapter of **Vision 2001-2020** includes the following statements:

1. "The overall goal of Vision 2001-2020 is to make Roanoke an attractive place for people of all ages, backgrounds, and income levels to live, work, shop, and play. This vision requires not only sound social and economic policies but also a strong commitment to excellence in community design and appearance." (p. 88)

2. "Good design is not optional." (p. 88)

3. "The community expects the highest level of excellence in building design, streetscapes, pedestrian amenities, preservation of special places, and enhancement of community distinctiveness." (p. 88)

4. "Visual clutter and excessive lighting should be discouraged. Signs should be consolidated and attractively designed." (*Local commercial centers/Design principles,* p. 91; *Regional commercial centers/Design principles,* p. 92)

5. "Visual clutter and excessive lighting should be discouraged. Signs should be attractively designed and co-located on single displays or monuments." (*Commercial corridors/Design principles,* p. 92)

6. "Lighting should be decorative and pedestrian-scaled in downtown, commercial centers, and village centers." (*Streets/Design Principles/Trees, Signs, and Lighting,* p. 94)

7. "Signs (private and public) should be limited in number and scaled in size to minimize visual clutter." (*Streets/Design Principles/Trees, Signs, and Lighting,* p. 95)

Recommendation:

By a vote of 7-0, the Commission recommends that City Council approve the proposed text amendments. The amendments will enhance streetscapes, reduce visual clutter, limit the scale of signs, and reduce light pollution, consistent with the recommendations of **Vision 2001-2020.**

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman PBT
Roanoke City Planning Commission

attachments
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

SST 12/14/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-206, Permitted uses, of Subdivision C, C-2; General Commercial District, of Article III; District Regulations; and §36.1-228, Special exception uses, of Subdivision D, C-3; Central Business District, of Article III, District Regulations, of the Code of the City of Roanoke (1979), as amended, to provide standards for motor vehicle service station canopies in those zoning districts; 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 36.1-206, 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:

Sec. 36.1-206. Permitted uses.

The following uses shall be permitted as principal uses in the C-2 district:

* * *

(34) Neighborhood and highway convenience stores, provided that no motor vehicle service station canopy over a gas pump island shall be allowed, unless:

(a) Such canopy shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and a maximum overall height not to exceed sixteen (16) feet six (6) inches;

(b) There shall be no illumination of any portion of the fascia of the canopy;

(c) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site.

(d) The vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and

(e) Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.

* * *

(36) Gas stations, provided that no motor vehicle service station canopy over a gas pump island shall be allowed, unless:

(a) Such canopy shall have a maximum clear, unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and a maximum overall height not to exceed sixteen (16) feet six (6) inches;

(b) There shall be no illumination of any portion of the fascia of the canopy;

(c) Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling. All such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site.

(d) The vertical dimension of the fascia of such canopy shall be no more than two (2) feet; and

(e) Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.

* * *

Section 36.1-228, Special exception uses.

The following uses may be permitted in the C-3 district by special exception granted by the board of zoning appeals subject to the requirements of this section:

* * *

(2) Gas stations provided:

(a) The gas station is located no closed than fifteen hundred (1,500) feet to another gas station.

(b) No motor vehicle service station canopy over a gas pump island shall be allowed, unless (i), such canopy shall have a maximum clear unobstructed height to its underside not to exceed fourteen (14) feet six (6) inches and a maximum overall height not to exceed sixteen (16) feet six (6) inches; (ii) there shall be no illumination of any portion of the fascia of the canopy; (iii) any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling; (iv) all such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site; (v) the vertical dimension of the fascia of such canopy shall be no more than two (2) feet; (vi) no sign shall be attached to or on such canopy; (vii) such canopy shall be set back a minimum of ten (10) feet from the street.

* * *

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.

o-ca-canopies