ROANOKE CITY COUNCIL
REGULAR SESSION

November 19, 2001
2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Charles H. Ward, Associate Pastor, 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, November 22, 2001, at 7:00 p.m., and Saturday, November 24, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

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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 CITY COUNCIL AGENDA PACKAGE ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS THE 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 TO OBTAIN AN APPLICATION.

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2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Proclamation declaring the month of November as National Home Care Month. P 12

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 A communication from the Honorable Ralph K. Smith, Mayor, 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. P.13

RECOMMENDED ACTION: Concur in request.

C-2 A communication from James D. Grisso tendering his resignation as Director of Finance, effective February 1, 2002. P.14

RECOMMENDED ACTION: Receive and file the communication and accept the resignation.

C-3 A communication from J. Clayton Grogan tendering his resignation as a member of the Board of Zoning Appeals, effective immediately. P.15

RECOMMENDED ACTION: Receive and file the communication and accept the resignation.

C-4 A communication from the City Manager recommending that a public hearing be advertised for Monday, December 17, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with the proposed conveyance of City-owned property, identified as Official Tax No. 2760603, to Paul Honaker. P.16

RECOMMENDED ACTION: Concur in request.

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C-5 A communication from the City Manager requesting that Council convene in Closed Meeting to discuss expansion of an existing business, where no previous announcement of the expansion has been made, pursuant to Section 2.2-3711(A)(5), Code of Virginia (1950), as amended.

P.17

RECOMMENDED ACTION: Concur in request.

C-6 A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending concurrence in the reappointment of William L. Lee as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2004.

P.18

RECOMMENDED ACTION: Concur in request.

C-7 Qualification of the following persons:

Troy A. Harmon as Municipal Auditor for a term beginning October 18, 2001 and ending September 30, 2002;

S. Deborah Oyler as a Director of the Industrial Development Authority of the City of Roanoke for a term ending October 20, 2005;

William D. Poe as a member of the Board of Zoning Appeals to fill the unexpired term of Willard G. Light ending December 31, 2002;

Stuart G. Boblett, III, as a member of the Roanoke Civic Center Commission to fill the unexpired term of Edward L. Lambert ending September 30, 2003; and

Paula L. Prince as a member of the Roanoke Neighborhood Partnership Steering Committee for a term ending November 30, 2004.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

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5. PETITIONS AND COMMUNICATIONS:

a. A request of Total Action Against Poverty to address Council regarding the Western Virginia Education Classic which was held on September 1, 2001. Annette Lewis, Director, TAP This Valley Works, Spokesperson. P.19

b. A communication from the Roanoke City School Board requesting appropriation of $7,915.00 for the 2001-02 Western Virginia Regional Science Fair; and a report of the Director of Finance recommending that Council concur in the request. P.21 B/O - 24

c. A communication from Harwell M. Darby, Jr., Attorney, representing the Industrial Development Authority, requesting approval of a plan to assist the Catholic Diocese of Richmond in constructing, equipping and furnishing a multipurpose building at the Roanoke Catholic School, by issuance of industrial development revenue bonds by the City of Salem Industrial Development Authority, in an amount not to exceed $5,000,000.00; and $100,000,000.00 to assist Carilion Medical Center for bonds which will be allocated to Carilion Roanoke Memorial Hospital, Carilion Roanoke Community Hospital, Carilion Giles Memorial Hospital, Bedford Memorial Hospital and Carilion Franklin Memorial Hospital to include certain refinancings for outstanding bonds. P.26 R – 28 R - 31

d. A communication from Vice-Mayor William H. Carder recommending the closing of certain City offices on Monday, December 24, 2001, and providing for additional holiday leave for all City employees. P.35 R - 36

e. A communication from Vice-Mayor William H. Carder proposing an amendment to the Roanoke City Charter in connection with the position of Director of Finance. P.37

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

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ITEMS RECOMMENDED FOR ACTION:

1. A communication with regard to service charges on certain tax exempt properties. — P.50; R-60 O-61

2. A communication recommending amendment to Section 14.1-16(b), Code of the City of Roanoke (1979), as amended, with regard to Solid Waste - Recycling. — P. 63 O-64

3. A communication recommending authorization to acquire property rights for Airport Road Storm Drain Extension Project, in the amount of $100,000.00; and transfer of funds in connection therewith. — P.66; B/O-69 O-70

4. A communication in connection with acceptance of property owned by the Roanoke Redevelopment and Housing Authority. — P.72; O-76

5. A communication recommending authorization for donation of transportation equipment items, with the exception of the No. 611 Class A Steam Locomotive, to the Virginia Museum of Transportation. — P.77; O-81

6. A communication recommending appropriation of funds in connection with acceptance of the Fiscal Year 2002 Fire Program Fund Grant from the Virginia Department of Fire Programs. — P.83; B/O-85 R-86

7. A communication of the City Manager recommending an amendment to the Special Military Leave Pay. — P.87; R-88

8. A communication with regard to Amendment No. 1 to the Parking Agreement between the City of Roanoke and Carilion Health System dated September 1, 1998. — P.90; O-95

9. A communication recommending adoption of a resolution authorizing nomination of a portion of downtown and two properties on First Street, N. W. (Henry Street), for inclusion on the National Register of Historic Places. — P.97; R-101

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10. A communication with regard to a cooperative venture between the Roanoke Valley Society for the Prevention of Cruelty to Animals, the Counties of Botetourt and Roanoke, the Town of Vinton, and the City of Roanoke, in connection with housing and providing care for pound animals. P.103; R-148; R-149

11. A communication with regard to appropriation and transfer of funds in connection with the design process for Phase II, Civic Center Improvements. P.150; B/O-152; R-154

12. A communication recommending authorization to purchase property in the vicinity of Orange Avenue, described as Official Tax Nos. 2041817 and 2041816 for construction of a multipurpose stadium/amphitheater facility, in the amount of $275,000.00; and appropriation of funds in connection therewith. P.156; B/O-159; O-160; R-161

13. A communication recommending execution of an agreement with the Grandin Theater Foundation, Inc., to provide total financial support of $500,000.00 to the Foundation over a six-year period, upon certain terms and conditions. P.163; B/O-171; O-172

7. REPORTS OF COMMITTEES:

a. A report of the Roanoke Neighborhood Partnership Steering Committee with regard to the benefits of living in Roanoke's neighborhoods. Barbara N. Duerk, Chair. P.173

b. A report of the Legislative Committee transmitting the proposed 2002 Legislative Program. Council Member William White, Sr., Chair, Legislative Committee. P.181; R-199

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

a. Ordinance No. 35624, on second reading, establishing the annual salaries of the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2002. P.200

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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.

P.201

11. CITY MANAGER COMMENTS:

12. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

CERTIFICATION OF CLOSED SESSIONS.

THE MEETING OF COUNCIL WILL BE DECLARED IN RECESS TO BE RECONVENED AT 5:00 P.M., IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, FOR A BRIEFING WITH REGARD TO THE EXTENSION OF THE LINEAR RAILWALK; AND A FOLLOW-UP BRIEFING WITH REGARD TO THE ROANOKE CENTRAL BUSINESS DISTRICT PARKING STUDY.

P.210;
P.211;
P.212

FOLLOWING THE BRIEFINGS, THE COUNCIL MEETING WILL BE DECLARED IN RECESS 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.

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ROANOKE CITY COUNCIL
REGULAR SESSION

November 19, 2001
7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member C. Nelson Harris.

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. Tonight's meeting will be replayed on Channel 3 on Thursday, November 22, 2001, at 7:00 p.m., and Saturday, November 24, 2001, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

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A. PUBLIC HEARINGS:

1. Public hearing on the request of the Boys and Girls Clubs of Roanoke Valley, Inc., for designation of property identified as Official Tax Nos. 4240101 and 4240105, located at 1714 9th Street, S. E., to be exempted from taxation. Floyd A. Johnson, Executive Director, Spokesperson. — P.213; R-215

2. Public hearing on the request of Unified Human Services Transportation System, Inc., for designation of property identified as Official Tax Nos. 1311221, 2410101, 2410301- 2410306, inclusive, to be exempted from taxation. Wilburn C. Dibling, Jr., Attorney. — P.218; R-220

3. Public hearing on the request of AMVETS-Post #40, John Harvey Memorial, to rezone property located at 917 Tazewell Avenue, S. E., identified as Official Tax No. 4112106, from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District. Wilburn C. Dibling, Jr., Attorney. — P.223; O-252

4. Public hearing on the request of A.Victor Thomas, Dorothy L. Thomas, Annie B. Dudley and TLC Properties, Inc., to rezone properties on Orange Avenue, N. E., identified as Official Tax Nos. 3210101, 3210105 - 3210119, inclusive, and an undeveloped portion of Light Street, N. E., from LM, Light Manufacturing District, to C-2, General Commercial District. W. F. Mason, Jr., Attorney. — P.241; O-252

5. Public hearing on the request of the City Planning Commission to rezone properties located on Vinyard Avenue, N. E., described as Official Tax Nos. 7040601 - 7040606, inclusive, from LM, Light Manufacturing District, to RS-3, Residential Single Family District. Christopher L. Chittum, City Planner, Department of Planning, Building, and Development, Spokesperson. — P.254; O-264

6. Public hearing with regard to a proposed amendment of Section 36.1-397, Zoning, Code of the City of Roanoke (1979), as amended, by adding a new subsection (11) manufacturing establishments as a permitted use in the INPUD, Institutional Planned Unit Development District. Darlene L. Burcham, City Manager. — P.266; O-269

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7. Public hearing with regard to conveyance of City-owned property, containing 0.858 acre, identified as Official Tax No. 4010205, to the Western Virginia Foundation for the Arts and Sciences for design, development and construction of a new building or complex to house the art museum and IMAX Theatre. Darlene L. Burcham, City Manager.

P.271; O-273

8. Public hearing to request the General Assembly of Virginia to make amendments to the Roanoke Charter of 1952, as amended, in order to remove archaic language and outdated, outmoded and unnecessary provisions therein; to conform certain provisions in the Charter to current State enabling laws; to streamline the City's legislative process; to require that certain Council-appointed officers reside within the City; to provide for the appointment of a deputy and assistant city managers; to increase the threshold for bidding and contracts for public improvements from thirty to fifty thousand dollars; to increase the threshold for change orders that must be approved by City Council from twenty-five thousand dollars to fifty thousand dollars or twenty-five per cent of the contract, whichever is greater; to increase the size of the City's Board of Zoning Appeals to seven members and delete the requirement that the Board authorize special exceptions to the City's zoning ordinance; and, in general, to make more efficient the operation of City government. William White, Sr., Chair, Legislative Committee.

P.274

B. OTHER HEARING OF CITIZENS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. IT IS A TIME FOR CITIZENS TO SPEAK AND A TIME FOR COUNCIL TO LISTEN. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR ANY NECESSARY AND APPROPRIATE RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

THE MEETING OF COUNCIL WILL BE DECLARED IN RECESS UNTIL MONDAY, NOVEMBER 26, 2001, AT 9:00 A.M., AT THE VIRGINIA EXPLORE PARK, 3900 RUTROUGH ROAD (BLUE RIDGE PARKWAY), AT WHICH TIME COUNCIL WILL HOLD A JOINT RETREAT WITH THE ROANOKE CITY SCHOOL BOARD.

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Office of the Mayor

CITY OF ROANOKE

Proclamation

WHEREAS, *Carilion Home Care Services will celebrate its 20th anniversary of service to the Roanoke Valley during the month of November; and*

WHEREAS, *Carilion Home Care Services provides home-based expert nursing and personal care to approximately 3000 persons in the Roanoke Valley each year; and*

WHEREAS, *Carilion Home Care Services employs 65 Roanoke-based employees who made more than 42,000 home visits last year providing the latest medical equipment for patients ranging from premature infants to the elderly, allowing patients to receive care and recover from illness and injury at home with their families, and providing services that previously could only be performed in a hospital setting; and*

WHEREAS, *Carilion Home Care Services is accredited by the Joint Commission on Accreditation of Healthcare Organizations; and*

WHEREAS, *The National Association for Home Care has declared November as National Home Care Month.*

NOW, THEREFORE, I, *Ralph K. Smith, Mayor of the City of Roanoke, Virginia, encourage all citizens to honor the healthcare heroes who provide home care to millions of patients and families across America, and do hereby proclaim November 2001, throughout this great All-America City, as*

NATIONAL HOME CARE MONTH.

Given under our hands and the Seal of the City of Roanoke this nineteenth day of November in the year two thousand and one.

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

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C-1

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

MARY F. PARKER, CMC
City Clerk

STEPHANIE M. MOON
Deputy City Clerk

November 19, 2001

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

Dear Members of Council:

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

Sincerely,

Ralph K. Smith
Mayor

RKS:sm

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C-2

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

JAMES D. GRISSO
Director of Finance

JESSE A. HALL
Deputy Director

November 5, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Council Members:

The City of Roanoke provided me an excellent employment opportunity for more than twenty-seven years, it is with very mixed emotions that I must advise that I have accepted an offer from the American Somoa Government Employees' Retirement Fund. Therefore, I formally submit my resignation as your Director of Finance, effective February 1, 2002.

This decision is not one that I have taken lightly. My work as your Director of Finance has always been interesting and challenging. It has been an honor and a privilege to be the team leader for the Office of Billings and Collections and the Department of Finance for the past nine years. This Council and previous Councils have granted me the independence and authority to accomplish the financial function without political interference. For the opportunity of public service, I shall be forever indebted to this Council and previous Councils I have been honored to serve.

I leave this position with the City in a strong financial position and a experienced and dedicated professional financial staff. During the next three months we will complete the June 30, 2001 Comprehensive Annual Financial Statements, Bond Offering Prospectus, Bond Ratings, and the issuance of the General Obligation Bonds to fund your adopted five year Capital Improvement Program.

Our long association has been a very happy one for me and I leave you with the sincere gratitude and best wishes for your continued progress of our City.

Respectfully Submitted,

James D. Grisso
Director of Finance

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C-3

RECEIVED
CITY CLERKS OFFICE

'01 NOV -6 PM2:39

J. Clayton Grogan, ASLA
1611 Winslow Drive
Blacksburg, VA 24060

November 2, 2001

Mr. Ben Motley
Chairman
Board of Zoning Appeals
City of Roanoke
215 Church Avenue
Roanoke, VA 24011-1595

RECEIVED
NOV 0 6 2001
Planning and
Code Enforcement

Re: Board Resignation

Dear Ben:

I respectfully submit to you my resignation as a member of the Roanoke City Board of Zoning Appeals. This shall be effective as of the date of this letter. I appreciate and enjoyed the opportunity to serve with you as well as the other members of the Board. I feel that my time on the Board was productive and educational and that we had a positive impact on the community. Good luck to you and the other members and continue to strive for excellence.

Sincerely,

J. Clayton Grogan, ASLA

Cc: Evelyn Dorsey – Zoning Administrator
Steve Talevi – Asst. City Attorney

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C-4

ROANOKE
VIRGINIA, CHARTERED 1882

RECEIVED
CITY CLERKS OFFICE

Office of the City Manager

'01 NOV 14 A9:55

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Conveyance of City Property to Paul Honaker Tax Map No. 2760603

Pursuant to the requirements of the Virginia Code, the City of Roanoke is required to hold a public hearing on the proposed conveyance or vacation of property rights. This is to request that a public hearing be advertised on the above matter for Council's regular meeting to be held on Monday, December 17, 2001. A full report will be included in the December 3, 2001, agenda material for your consideration.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/MPC/na

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Maureen Castern, Project Manager

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

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Office of the City Manager

November 19, 2001

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Request for closed meeting

Dear Mayor Smith and Council Members:

This is to request that City Council convene a closed meeting for a discussion concerning expansion of an existing business, where no previous announcement of the expansion has been made, pursuant to §2.2-3711.A.5, Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham
City Manager

DLB/f

c: City Attorney
Director of Finance
City Clerk
Economic Development Specialist

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

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C-6

Blue Ridge Behavioral Healthcare

RECEIVED
CITY CLERKS OFFICE

William L. Lee *Chairman*
Meredith B. Waid *Vice Chairman*
John M. Hudgins, Jr. *Treasurer*
Rita J. Gliniecki *Secretary*
Executive Director
S. James Sikkema, LCSW

'01 NOV 14 P2:24

November 13, 2001

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

Dear ~~Ms. Burcham:~~ Darlene

According to our records, the current term of William L. Lee as an at-large representative on the Blue Ridge Behavioral Healthcare Board of Directors will expire on December 31, 2001. Reverend Lee is currently serving as Chairman of our Board, and he is slated for reappointment to that office for the coming year.

According to §37.1-196 of the Code of Virginia as amended in 1998, Community Services Board members are now eligible for three full three-year terms. We respectfully request that Roanoke City Council ratify the reappointment of William Lee for his third term, which will run from January 1, 2002 through December 31, 2004.

The by-laws of the Board require that appointments of members at-large be ratified by all five participating localities, so this request is being sent for action by our other four governments as well.

Sincerely,

S. James Sikkema
Executive Director

C: The Honorable Ralph K. Smith, Mayor
Mary F. Parker, City Clerk
William L. Lee

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

The Community Services Board serving the Cities of Roanoke and Salem, and the Counties of Botetourt, Craig and Roanoke

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5.a.

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

MARY F. PARKER, CMC
City Clerk

STEPHANIE M. MOON
Deputy City Clerk

November 19, 2001

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

Dear Mayor Smith and Members of Council:

We jointly recommend that the request of Total Action Against Poverty to address Council regarding the Western Virginia Education Classic which was held on September 1, 2001, be included on the City Council agenda for Monday, November 19, 2001, at 2:00 p.m., under Petitions and Communications.

Sincerely,

William D. Bestpitch
Council Member

Linda F. Wyatt
Council Member

WDB/LFW:sm

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5.a.

TOTAL ACTION AGAINST POVERTY

November 9, 2001

Honorable Mayor and Members
Roanoke City Council
Roanoke, VA 24016

Dear Mayor Smith and Members of Council:

The City of Roanoke was a co-sponsor of the Western Virginia Education Classic held September 1, 2001. TAP would like to formally thank the City Council and Darlene Burcham for their support. I will give comments about the support and outcome of their support. I will also give a gift to each member of City Council and Darlene on behalf of the Western Virginia Education Classic Steering Committee.

Thanks,

Annette Lewis, Director
TAP This Valley Works
Higher Education Center
108 N. Jefferson St.
P. O. Box 2868
Roanoke, VA 24001
767-6221 phone
767-6239 fax

P.O. BOX 2868 • ROANOKE, VIRGINIA • 20001
PHONE: 540-767-6221 • FAX: 540-767-6239

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NOV-14-2001 14:02 ASST SUPT BISHOP 5.b.

Sherman P. Lea, Chairman
Ruth C. Willson, Vice Chairman
Charles W. Day
Marsha W. Ellison
Gloria P. Manns
Melinda J. Payne
Brian J. Wisr
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

RECEIVED
CITY CLERKS OFFICE
'01 NOV 14 P2:33

November 19, 2001

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

Dear Members of Council:

The School Board at its November 13 meeting approved to request the Roanoke City Council to appropriate $7,915.00 for the 2001-02 Western Virginia Regional Science Fair. This continuing grant will be funded by participating school districts, corporate and individual contributions, and local match.

The Board appreciates the approval of this request. .

Sincerely,

Cindy H. Lee

Cindy H. Lee, Clerk

re

cc: Mr. Sherman P. Lea
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy
Mr. William L. Murray
Mrs. Darlene L. Burcham
Mr. William M. Hackworth
Mr. James D. Grisso
Mrs. Ann H. Shawver (with accounting details)

Preparing Students for Success

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ROANOKE CITY SCHOOL BOARD
Roanoke, Virginia

APPROPRIATION REQUEST
2001-02 Western Virginia Regional Science Fair
6833

030-062-6833-6311-0313	Contracted Services	$	232.00	2.9 %
030-062-6833-6311-0554	Travel Expenses		5,183.00	65.5 %
030-062-6833-6311-0581	Membership Fees		500.00	6.3 %
030-062-6833-6311-0614	Instructional Supplies		2,000.00	25.30 %
Appropriation Unit X87		$	7,915.00	100.0 %
030-062-6833-1101	Local Match	$	2,000.00	25.3 %
030-062-6833-1103	Fees		5,915.00	74.7 %
		$	7,915.00	100.0 %

The 2001-02 Western Virginia Regional Science Fair is being hosted by Roanoke City. Participating School Districts and corporate and individual contributions will contribute toward the cost of the fair, with a local match cost to Roanoke City Schools in the amount of $2,000 to be taken from account 030-062-6001-6111-0588. The grant period will end December 31, 2002. This is a continuing grant program.

November 13, 2001

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5.b.

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) 853-2940

JAMES D. GRISSO
Director of Finance

JESSE A. HALL
Deputy Director

November 19, 2001

The Honorable Ralph K. Smith, Mayor
The Honorable William H. Carder, Vice Mayor
The Honorable William O. Bestpitch, Council Member
The Honorable C. Nelson Harris, Council Member
The Honorable W. Alvin Hudson, Council Member
The Honorable William H. White, Sr., 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:

$7,915 for the 2001-02 Western Virginia Regional Science Fair. This continuing grant will be funded by participating school districts, corporate and individual contributions, and local match.

We recommend that you concur with this request of the School Board.

Sincerely,

James D. Grisso
Director of Finance

JDG/JSY/pac

Attachment

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

AHS

5.b.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 School Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Education	$140,855,558
Instruction (1)	46,407,319
Western Virginia Regional Science Fair (2001-02) (2-5)	7,915

Revenues

Education	$139,311,434
Western Virginia Regional Science Fair (2001-02) (6-7)	7,915

1) Matching Funds	(030-062-6001-6111-0588)	$ (2,000)
2) Other Professional Services	(030-062-6833-6311-0313)	232
3) Conventions/ Education	(030-062-6833-6311-0554)	5,183
4) Dues and Association Membership	(030-062-6833-6311-0581)	500
5) Educational Recreational Supplies	(030-062-6833-6311-0614)	2,000
6) Local Match	(030-062-6833-1101)	2,000
7) Fees	(030-062-6833-1103)	5,915

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

5.c.

GLENN
FELDMANN
DARBY &
GOODLATTE

210 1st Street S.W.
Suite 200
Post Office Box 2887
Roanoke, Virginia 24001
540.224.8000
Fax 540.224.8050
gfdg@gfdg.com

RECEIVED
CITY CLERKS OFFICE
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HARWELL M. DARBY, JR.
Direct Dial (540) 224-8006
E-mail hdarby@gfdg.com

November 14, 2001

HAND DELIVERED

Mary F. Parker
City Clerk, City of Roanoke, Virginia
456 Municipal Building
215 Church Avenue, S.W.
Roanoke, VA 24011

RE: Industrial Development Authority of the City of Roanoke, Virginia
Request for TEFRA approvals by the City Council

Dear Mary:

The Industrial Development Authority of the City of Roanoke, Virginia is asking the City Council on November 19, 2001 to approve two proposed bond issues.

The first would be for the Catholic Diocese of Richmond for bonds to be issued by the City of Salem Industrial Development Authority in an amount not to exceed $5,000,000. Enclosed are (1) the Certificate of Public Hearing with exhibits and (2) a certified copy of the Salem IDA's resolution. The City of Salem IDA is financing the project as an accommodation to the City of Roanoke and the Catholic Diocese of Richmond, in order to lend its "bank qualified" allocation to the transaction (the City of Roanoke having used its "bank qualified" allocation earlier in this calendar year). The Federal Tax Code requires, however, that the City of Roanoke IDA hold a public hearing (which was done November 14) and that a Report of Public Hearing be made to the City Council and that City Council approve the transaction in the form of resolution enclosed.

The second bond issue is a not to exceed $100,000,000 transaction for Carilion Medical Center for bonds which would be allocated to hospital facilities at Carilion Roanoke Memorial Hospital as well as Carilion Roanoke

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DARBY &
GOODLATTE

Mary F. Parker
November 14, 2001
Page 2

Community Hospital and Carilion Giles Memorial Hospital, Bedford Memorial Hospital, and Carilion Franklin Memorial Hospital and will include certain refinancings for outstanding bonds on those hospital facilities. Enclosed is the Certificate of Public Hearing.

The City Council resolutions for both transactions are being supplied by Mrs. Fulford in the City Attorney's office.

Very truly yours,

Harwell M. Darby, Jr.

HMDJR:lww:0042104, 0042106

WMK

5.c.1.

IN THE CITY COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION approving the issuance of a revenue note by the Industrial Development Authority of the City of Salem (the "Issuer"), under the Industrial Development and Revenue Bond Act, as amended (the "Act"), requested by the Roanoke Catholic School (the "School") and the Catholic Diocese of Richmond (the "Diocese") to refinance certain indebtedness incurred by the School in connection with the construction, equipping, and furnishing of a multipurpose building (the "Project") at the School's facilities located in the City of Roanoke, Virginia, and to pay other costs of the Project, pursuant to Section 147(f) of the Internal Revenue Code of 1986 and Section 15.2-4906 of the Code of Virginia (1950), as amended.

WHEREAS, the Roanoke Catholic School (the "School") and the Catholic Diocese of Richmond (the "Diocese") have requested The Industrial Development Authority of the City of Salem, Virginia (the "Issuer"), to issue its revenue note (the "Note") under the Industrial Development and Revenue Bond Act, as amended (the "Act"), to refinance certain indebtedness incurred by the School in connection with the construction, equipping and furnishing of a multipurpose building (the "Project") at the School's facilities located in the City of Roanoke, Virginia, and to pay other costs of the Project; and

WHEREAS, the School and the Diocese have requested the City Council (the "Council") of the City of Roanoke, Virginia (the "City"), to approve the issuance of the Note to comply with Section 15.2-4905 of the Virginia Industrial Development and Revenue Bond Act, as amended (the "Act"); and

WHEREAS, a copy of the Issuer's resolution of October 8, 2001, approving the issuance of the Note has been filed with the Council; and

WHEREAS, the Issuer issues its bonds on behalf of the City of Salem, Virginia, and the City Council of the City of Salem, Virginia, has adopted a resolution approving the issuance of the Note by the Issuer for the benefit of the School and the Diocese; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires in this case that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of the Note is located approve the issuance of such note; and

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WHEREAS, the Industrial Development Authority of the City of Roanoke, Virginia (the "Roanoke Authority"), on November 14, 2001, held a public hearing on the issuance of the Note; and

WHEREAS, the Roanoke Authority has recommended that the Council approve the issuance of the Note to comply with Section 147(f) of the Code; and

WHEREAS, a copy of the Roanoke Authority's resolution of November 14, 2001, recommending the issuance of the Note, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Note have been filed with the Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke, Virginia, as follows:

1. The Council hereby approves the issuance of the Note by the Issuer to the extent required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, and concurs with the resolution adopted by the Issuer on October 8, 2001, to the extent required by Section 15.2-4905 of the Act.

2. The approval of the issuance of the Note does not constitute an endorsement of the Note or the creditworthiness of the School or the Diocese. As required by Section 15.2-4909 of the Act, the Note shall provide that neither the City nor the Roanoke Authority shall be obligated to pay the Note or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the City or the Roanoke Authority shall be pledged thereto.

3. This Resolution shall take effect immediately upon its adoption.

ATTEST:

City Clerk.

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CERTIFICATE

The undersigned Clerk of the City Council of the City of Roanoke, Virginia (the "Council"), hereby certifies as follows:

1. A regular meeting of the Council was held on November 19, 2001, at which meeting the following duly elected members were present or absent:

PRESENT:

ABSENT:

Attached hereto is a true, correct and complete copy of a resolution adopted by a majority of the members of the Council present and voting at such.

2. The resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on this date and constitutes the only resolution adopted by the Council relating to the issuance by The Industrial Development Authority of the City of Salem, Virginia, of its revenue note for the benefit of Roanoke Catholic School and the Catholic Diocese of Richmond.

WITNESS the following signature this ___ day of _____, 2001.

[SEAL]

_____
Clerk, City Council of the City of Roanoke, Virginia

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5.c.2.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION of the City Council of the City of Roanoke, Virginia authorizing, among other things, the issuance of not to exceed $100,000,000 aggregate principal amount of Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Carilion Health System Obligated Group) Series 2002A to the extent required by Section 147 of the Internal Revenue Code of 1986, as amended.

WHEREAS, the City of Roanoke, Virginia (the "City") is a political subdivision of the Commonwealth of Virginia exercising public and essential governmental functions pursuant to the Constitution and laws of the Commonwealth of Virginia; and

WHEREAS, the Industrial Development Authority of the City of Roanoke, Virginia (the "Roanoke Authority") is a political subdivision of the Commonwealth of Virginia and is authorized under Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), to issue revenue bonds for the purpose of facilitating the financing or refinancing of certain projects required or useful for health care purposes; and

WHEREAS, Carilion Medical Center ("CMC") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates health care facilities located in the City of Roanoke, Virginia; and

WHEREAS, Carilion Giles Memorial Hospital ("CGMH") is a private nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility located in the Town of Pearisburg, Giles County, Virginia; and

WHEREAS, Bedford Memorial Hospital ("BMH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility located in the City of Bedford, Virginia; and

WHEREAS, Carilion Franklin Memorial Hospital ("CFMH") is a private, nonstock corporation duly incorporated and validly existing under and by virtue of the laws of the Commonwealth of Virginia, which owns and operates a health care facility located in the Town of Rocky Mount, Franklin County, Virginia; and

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WHEREAS, the Roanoke Authority has by resolution adopted July 26, 2001 evidenced its desire to issue one or more series of its revenue bonds for the purposes described therein; and

WHEREAS, the Roanoke Authority has by resolution adopted November 14, 2001 (the "Roanoke Authority Resolution") authorized the issuance of the Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Carilion Health System Obligated Group), Series 2002A (the "Bonds") in an aggregate principal amount not to exceed $100,000,000 for the following purposes: (I) (a) financing for CMC in the approximate amount of $85,500,000 a portion of the costs of (i) (A) renovating and/or expanding certain portions of Carilion Roanoke Memorial Hospital, an approximately 1,050,000 square foot health care facility and/or (B) acquiring certain capital equipment for use in or in connection with Carilion Roanoke Memorial Hospital (the "Carilion Roanoke Memorial Hospital Project"), (ii) paying costs of equipping and upfitting an imaging facility to be housed in a new medical office building to be located adjacent to Carilion Roanoke Memorial Hospital (the "CRMH Imaging Project") and (iii) (A) renovating and/or expanding certain portions of Carilion Roanoke Community Hospital, an approximately 413,000 square foot health care facility, and/or (B) acquiring certain capital equipment for use in or in connection with Carilion Roanoke Community Hospital (the "Carilion Roanoke Community Hospital Project"), (b) financing for CGMH in the approximate amount of $3,000,000 a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Giles Memorial Hospital, an approximately 76,000 square foot health care facility, and/or (ii) acquiring certain capital equipment for use in or in connection with Carilion Giles Memorial Hospital (the "Carilion Giles Memorial Hospital Project"), (c) financing for BMH in the approximate amount of $5,500,000 a portion of the costs of (i) renovating and/or expanding certain portions of the Bedford Memorial Hospital, an approximately 118,000 square foot health care facility, and/or (ii) acquiring certain capital equipment for use in or in connection with Bedford Memorial Hospital (the "Bedford Memorial Hospital Project"), and (d) financing for CFMH in the approximate amount of $6,000,000 a portion of the costs of (i) renovating and/or expanding certain portions of Carilion Franklin Memorial Hospital, an approximately 61,000 square foot health care facility, (ii) constructing a three-story, approximately 40,000 square foot addition to CFMH, which is to include a new entrance and lobby, specialty clinics and administrative offices, and/or (iii) acquiring certain capital equipment for use in or in connection with the Carilion Franklin Memorial Hospital (the "Carilion Franklin Memorial Hospital Project") (the Carilion Roanoke Memorial Hospital Project, the CRMH Imaging Project, the Carilion Roanoke Community Hospital Project, the Carilion Giles Memorial Hospital Project, the Bedford Memorial Hospital Project and the Carilion Franklin Memorial Hospital Project are hereinafter collectively referred to as the "Project"); (II) refinancing certain outstanding interim indebtedness incurred by CMC, CGMH, BMH and CFMH in connection with the financing of a portion of the cost of acquiring, constructing, renovating and equipping the Project; (III) paying a portion of the interest accruing on the Bonds during the acquisition, construction, renovation and equipping of the Project; (IV) funding a debt service reserve fund for the Bonds in the event the Authority determines at the time the Bonds are to be sold that a debt service reserve fund is warranted, and (V) paying certain expenses incurred in connection with the issuance of the Bonds, including credit enhancement fees with respect to the Bonds, if any; and

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WHEREAS, CMC owns and operates Carilion Roanoke Memorial Hospital and the location of the Carilion Roanoke Memorial Hospital Project is Jefferson Street and Belleview Avenue, S.E., Roanoke, Virginia; CMC will own the CRMH Imaging Project and the location of the CRMH Imaging Project is 2001 Crystal Spring Avenue, Roanoke, Virginia; CMC also owns and operates Carilion Roanoke Community Hospital and the location of the Carilion Roanoke Community Hospital Project is 101 Elm Avenue, S.E., Roanoke, Virginia; BMH owns and operates Bedford Memorial Hospital and the location of the Bedford Memorial Hospital Project is 1613 Oakwood Street, Bedford, Virginia; CGMH owns and operates Carilion Giles Memorial Hospital and the location of the Carilion Giles Memorial Hospital Project is 1 Taylor Avenue, Pearisburg, Virginia; and CFMH owns and operates Carilion Franklin Memorial Hospital and the location of the Carilion Franklin Memorial Hospital Project is 124 Floyd Avenue, Rocky Mount, Franklin County, Virginia; and

WHEREAS, the City Council of the City of Roanoke, Virginia (the "Roanoke City Council") must first approve the issuance of the Bonds before the Roanoke Authority can proceed with the financing; and

WHEREAS, the Roanoke Authority has delivered or caused to be delivered to the Roanoke City Council the following: (i) a reasonably detailed summary of the comments expressed at the public hearing held by the Roanoke Authority in connection with the issuance of the Bonds, (ii) a fiscal impact statement concerning the Project and the Bonds in the form specified in Section 15.2-4907 of the Act, and (iii) a copy of the Roanoke Authority Resolution, which constitutes the recommendation of the Roanoke Authority that the Roanoke City Council approve the financing of the Project and the issuance of the Bonds; and

WHEREAS, the Roanoke City Council has determined that it is necessary at this time to approve the issuance by the Roanoke Authority of not to exceed $100,000,000 aggregate principal amount of the Bonds to promote the improvement of the health and living conditions of the people of the City of Roanoke and the Commonwealth of Virginia, increase opportunities for gainful employment, improve health care and otherwise aid in improving the prosperity and welfare of said City and Commonwealth and its inhabitants by improving the hospital facilities of CMC, BMH, CGMH and CFMH, respectively;

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

SECTION 1. The Roanoke City Council hereby authorizes the issuance by the Roanoke Authority of the Industrial Development Authority of the City of Roanoke, Virginia Hospital Revenue Bonds (Carilion Health System Obligated Group), Series 2002A in an aggregate principal amount not to exceed $100,000,000 (the "Bonds") for the purpose of (i) financing a portion of the costs of the Project, (ii) refinancing certain outstanding interim indebtedness incurred by CMC, CGMH, BMH and CFMH in connection with the financing of a portion of the cost of acquiring, constructing, renovating and equipping the Project, (iii) paying a portion of the interest accruing on

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the Bonds during the acquisition, construction, renovation and equipping of the Project, (iv) funding a debt service reserve fund for the Bonds in the event the Authority determines at the time the Bonds are to be sold that a debt service reserve fund is warranted and (v) paying certain expenses incurred in connection with the issuance of the Bonds, including credit enhancement fees with respect to the Bonds, if any.

SECTION 2. The Mayor or Vice Mayor and the Clerk or any Deputy Clerk to the Roanoke City Council are hereby authorized and directed, on behalf of the City, to take any and all action necessary, including the execution of any documents, to consummate the issuance and sale of the Bonds in conformity with the provisions of this resolution.

SECTION 3. The approval of the issuance of the Bonds, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and the Act, does not constitute an endorsement to any prospective purchaser of the Bonds or the creditworthiness of CMC, BMH, CGMH or CFMH, and, as required by the Act, the Bonds shall provide that neither the Commonwealth of Virginia, the City nor the Roanoke Authority shall be obligated to pay the principal of, the redemption premium, if any, or the interest on the Bonds or other costs incident thereto except from the revenues and funds pledged therefor and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the City nor the Roanoke Authority shall be pledged thereto.

SECTION 4. This Resolution shall take effect immediately upon its passage.

ATTEST:

City Clerk.

H:\r-idabonds111901

5.d

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W., 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
C. Nelson Harris
W. Alvin Hudson, Jr.
William White, Sr.
Linda F. Wyatt

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

In recognition of the organization's significant efforts to accomplish Council's goals during the past year, I would like to recommend that Council provide an additional holiday to city employees on Monday, December 24, 2001, for the upcoming holiday season.

Accordingly, I will be introducing the attached resolution at the meeting Monday. I would appreciate your support of this item.

Sincerely,

Bill Carder

William H. Carder
Vice-Mayor

WHC:ca

Attachment

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
James D. Grisso, Director of Finance

5.d

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION closing certain City offices on Monday, December 24, 2001, and providing for additional holiday leave for all City employees.

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

1. City offices that are not engaged in performing emergency services or other necessary and essential services of the City shall be closed on Monday, December 24, 2001.

2. City personnel who are not engaged in performing emergency services or other necessary and essential services for the City shall be excused from work for eight hours on Monday, December 24, 2001.

3. With respect to emergency service employees and other employees performing necessary and essential services who cannot for reasons of public health, safety or welfare be excused from work on Monday, December 24, 2001, such employees, regardless of whether they are scheduled to work on Monday, December 24, 2001, shall be accorded equal time off at a later date. Employees of the Fire/EMS Department working the three platoon system shall receive twelve hours of holiday time due to their work schedule.

4. Adherence to this resolution shall cause no disruption or cessation of the performance of any emergency, essential or necessary public service rendered or performed by the City.

ATTEST:

City Clerk.

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5.e.

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W., 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
C. Nelson Harris
W. Alvin Hudson, Jr.
William White, Sr.
Linda F. Wyatt

November 19, 2001

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

Dear Mayor Smith and Members of Council:

As you are aware, James D. Grisso has tendered his resignation as the Director of Finance, effective February 1, 2002.

I would like to propose an amendment to the Roanoke City Charter to allow for a change in authority of the Council-appointed position of Director of Finance to a directorate under the City Manager.

I have asked the City Attorney to draft the necessary changes to the City Charter, and copies of the sections of the Charter that would need to be amended, showing these changes, are attached for your consideration.

With kindest regards, I am

Sincerely,

Bill Carder

William H. Carder
Vice-Mayor

WHC:SMM:mh

Attachment

§7. Limitations of the powers of the council.

Neither the mayor, the council, nor any of its members, shall dictate, urge or suggest the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager, or prevent ~~him~~ the city manager from exercising his or her judgement in the appointment of officers or employees in the administrative service; provided, however, that the city manager's appointments of ~~directors of directorates~~ deputy or assistant city managers, but not of department heads, shall be subject to confirmation by a majority of the members of the council. Except for the purpose of inquiry, the mayor, the council and its members shall deal with the administrative service solely through the city manager, and neither the mayor, the council, nor any member thereof, shall give orders to any of the subordinates of the city manager either publicly or privately.

§8. Officers elective by council; rules[; journal of council proceedings; quorum of council].

The council shall elect a city manager, a city clerk, ~~a director of finance~~, a municipal auditor, and a city attorney, none of whom need be a resident of the city at the time of their election ~~or during their tenure in such office~~ but who shall take up residence within the city within three (3) months of their election if not already a resident. Unless herein otherwise specifically provided, the council shall also appoint the members of such boards and commissions as are hereafter provided for. All elections by the council shall be viva voce and the vote recorded in the journal of the council. The council may determine its own rules of procedure; may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a journal of its proceedings. A majority of all of the members of the

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council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

Upon a vacancy occurring in any such office the council shall elect a person to fill the unexpired portion of any term created by such vacancy; or, in the council's discretion, it may elect a person as an acting city manager, city clerk, ~~director of finance,~~ municipal auditor, or city attorney to hold such office for such lesser term and for such compensation as the council shall then determine; and any person so elected shall have, during the term for which he was elected, all of the authority and shall be charged with all of the duties and responsibilities of the office for which he was elected.

§9. Elections by council, when held, terms, et cetera~~[; maximum age of officers elected by council]~~.

During the month of September, nineteen hundred seventy-four and during the month of September of every second year thereafter, the council shall elect a city clerk, ~~a director of finance,~~ a municipal auditor, and a city attorney, each of whom shall serve for a term of two years from the first day of October next following the date of ~~his~~ their election and until ~~his~~ their successor shall have been elected and qualified. ~~Prior to the first day of September, nineteen hundred seventy-four, the council may elect a director of finance and a municipal auditor whose terms shall expire on the last day of September nineteen hundred seventy-four, or at such time thereafter as their successors shall have been elected and qualified~~.

~~No officer elected by the council pursuant to §§ 8, 9 or 21.1 of this charter shall be more than sixty-five years of age at the time of such election; and any such officer attaining the age of~~

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responsible to the city manager for the administration of all city affairs placed in ~~his~~ their charge by the city manager or under this charter. During the absence~~, disqualification or disability~~ of the city manager, ~~he~~ the deputy or an assistant city manager shall perform the duties of that office unless the city manager has designated in writing some other city officer to serve as acting city manager.

§22. Investigations.

The council, the city manager, and any other officer, board or commission authorized by them, or either of them, shall have power to make investigations as to city affairs, and for that purpose to subpoena witnesses, administer oaths, and compel the production of books and papers.

Any person refusing or failing to attend, or to testify or to produce such books and papers, may by summons issued by such board or officer be summoned before the ~~municipal~~ general district court of the city by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be fined by a ~~municipal~~ judge not exceeding one hundred dollars or imprisoned not exceeding thirty days, such person to have the right to appeal to the ~~hustings~~ circuit court of the city. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury.

§23. Creation of departments and department heads; ~~directorates of departments and directors~~; deputies and assistants.

The council may by ordinance provide for administrative departments, and when such departments are created may define the functions which such departments are to administer, may provide for the appointment of heads for such departments and define their duties and responsibilities. ~~; and, further, the council may provide for the city manager's administration of the~~

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~~various departments under directorates, the heads of which shall be known as directors.~~, ~~In addition~~ ~~t~~The council may by ordinance provide for the appointment of one or more assistants or deputies in the offices of the city attorney, ~~the director of finance,~~ the municipal auditor and the city clerk and may define their duties and responsibilities. Such assistants or deputies, when acting in such official capacity, shall possess all of the power and authority and shall be subject to all of the duties and responsibilities given to or imposed upon their respective superiors under this charter.

§24. City clerk.

The city clerk shall be elected at the time, in the manner, and for the term provided by section nine of this charter. ~~He~~ The city clerk may by and with the consent of the council appoint one deputy and such number of assistants as may be provided for by ordinance. ~~He~~ The city clerk shall be the clerk of the council; shall keep a record of its proceedings, and either h~~e or his~~ the city clerk or the deputy city clerk shall attend all meetings thereof. ~~He~~ The city clerk shall keep all books and papers which by the provisions of this charter or by direction of the council, are required to be kept by or filed with ~~him~~ the city clerk. ~~He~~ The city clerk shall be the keeper of the city seal, and shall affix and attest the same when so directed by the council. ~~He~~ The city clerk shall transmit copies of all ordinances or resolutions to such officers and persons as are affected thereby. ~~He~~ The city clerk shall give information to persons presenting communications or petitions to the council of the final action of the council thereon. ~~He~~ The city clerk shall, except as otherwise expressly provided in this chapter, publish or cause to be published, all reports, ordinances, and other documents required by this charter to be published, and also such other reports as the council may by ordinance or resolution direct. ~~He~~ The city clerk shall perform such other duties as are required by this charter, and in general shall perform such acts and duties as the council shall by ordinance or resolution require of

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~~him~~ the city clerk. Any of the duties of ~~said~~ the city clerk may be performed by ~~his~~ the deputy city clerk. The city clerk and ~~his~~ deputy city clerk shall receive such compensation and give such bond as the council may by ordinance provide.

§25.1 ~~Director of finance.~~ Finance.

~~The director of finance shall be elected by the council at the time, in the manner, and for the term provided by §9 of this charter; provided, however, that the term of the first director of finance elected hereunder, if elected prior to the first day of September, nineteen hundred seventy-four, shall expire on the last day of September, nineteen hundred seventy-four, or at such time thereafter as his successor shall have been elected and qualified.~~.

(a) The ~~director of finance~~ city manager shall have charge and shall maintain control of the keeping of all accounts and financial records of the ~~City of Roanoke~~ city, in accordance with generally accepted principles of accounting, wherein shall be stated, among other things, the appropriations for the year for each distinct object and branch ~~of~~ expenditures, and also the receipts from each and every source of revenue, so far as it can be ascertained. All such accounts and financial records shall be public records, and shall be subject to the examination of the ~~city manager and~~ members of the city council, or other person or persons required by order of the city manager or ordinance of the council to make such examination.

(b) The ~~director of finance~~ city manager shall be charged with and shall exercise a general fiscal supervision over all the officers, departments, offices, agencies and employees of the city charged in any manner with the assessment, receipt, collection or disbursement of the city revenues, and with the collection and return of such revenues into the city treasury; and ~~he~~ the

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~~director~~ city manager shall prescribe such system and regulation as is necessary for the proper reporting and accounting for all city revenues and receipts.

(c) The ~~director of finance~~ city manager shall have the power to and shall examine and audit all accounts, claims and demands for or against the city; and, unless otherwise provided by law or by this charter, no money shall be drawn from the treasury or be paid by the city to any person unless the balance due and payable by the city be first settled and adjusted by the ~~said director of finance~~ city manager.

(d) The ~~director of finance~~ city manager shall draw a ~~warrant~~ check on the treasury for such money as is determined by ~~him~~ the city manager to be due and payable to any person, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the ~~warrant~~ check of the ~~director of finance~~ city manager as aforesaid, countersigned by the city manager. The ~~director of finance~~ city manager is forbidden to issue ~~his warrant~~ a check for the payment of any money in excess of the appropriation on account of which such money is drawn.

(e) It shall be the duty of the ~~director of finance~~ city manager to charge all officers in receipt of revenues or moneys of the city with the whole amount, from time to time, of such receipts. ~~He~~ The city manager shall also require of all officers in receipt of city moneys that they submit reports thereof, with vouchers and receipts of payment therefor into the city treasury, daily, weekly or monthly, or at such times as may be otherwise provided by ordinance of the council; and if any such officer shall neglect to make adjustment of his accounts, when required, ~~as aforesaid,~~ and to pay over such moneys as received, it shall then be the duty of ~~said~~ the ~~director of finance~~ city manager to issue notice in writing, directed to such officer and ~~his~~ such officer's surety or sureties, requiring him or them within ten days to make settlement of his ~~said~~ or their accounts with the ~~director of~~

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~~finance~~ city manager, and to pay over the balance of moneys found to be due and in his or their hands belonging to ~~said~~ the city, according to the books of ~~said~~ the ~~director of finance~~ city manager; and in case of the refusal or neglect of such officer to adjust his ~~said~~ accounts or to pay over such balance into the treasury of the city, as required, it shall be the duty of the ~~director of finance~~ city manager to make report of the delinquency of such officer to the council, ~~the city manager~~, the municipal auditor and the city attorney. For good cause appearing, the city attorney shall at once take action to have such officer suspended from office, and shall proceed forthwith to institute the necessary proceedings for the removal of such officer from office, and shall institute suit in the name of the city against such officer and his surety or sureties to recover the balance of moneys so found by the ~~director of finance~~ city manager to be due ~~and in his hands~~ belonging to ~~said~~ the city.

(f) The ~~director of finance~~ city manager shall prepare an annual statement, promptly after the end of each fiscal year, giving full and detailed statement of all the receipts and expenditures during the year, ~~which statement he shall forthwith file with the city manager and he~~ and shall lay the same before the next meeting of the council. When required by the council, such annual statement shall be certified by independent certified public accountants.

(g) It shall be the duty of the ~~director of finance~~ city manager, each and every month, to prepare a monthly statement, giving a full and detailed account of all moneys received, from what sources and on what account received, and of all moneys ordered to be paid or drawn by ~~warrant~~ check ~~by him~~, and on what account the same have been paid; and ~~he~~ the city manager ~~shall deliver said~~ such ~~statement to the city manager, and~~ shall lay the same before the council at its next meeting.

(h) No contract, agreement or other obligation involving the expenditure of money shall be entered into nor shall any ordinance of the council or order of any officer of the city authorizing

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the city's obligation for expenditure of money be effective until and unless the ~~director of finance~~ city manager shall have certified in writing that the money required for such contract, agreement, obligation or expenditure is in the city treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certification may be endorsed on or recited in such ordinance, endorsed upon the contract, agreement or other instrument creating such obligation or upon such order, or may be contained in separate certification filed and preserved in the office of the city clerk; provided, however, that requirement of such certification shall not be applicable to the city's execution or issuance of bonds or notes under §47 of this charter. The sum so certified shall not thereafter be considered unencumbered, until the city is discharged from the contract, agreement or obligation.

(i) For the purpose of the certification required in subsection (h), ~~supra,~~ of this section, all moneys actually in the treasury to the credit of the fund from which they are to be drawn and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation from taxes, assessments, license fees or from sales of property or of services, products, or by-products of any city undertaking and all moneys to be derived from lawfully authorized bonds or from other sources, shall be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

(j) Unless otherwise provided in this charter, the ~~director of finance~~ city manager shall have all of the duties, responsibilities, powers and authority heretofore imposed upon or lodged in the ~~city auditor~~ director of finance by this charter or by the ordinances and resolutions of the council heretofore ~~or hereafter~~ adopted, ~~prior to the council's election of a director of finance~~.

(k) The ~~director of finance~~ city manager shall have the power and the authority to use any and all collection methods available to the treasurers of the counties and cities under general law to

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collect delinquent real estate taxes, provided the responsibility for such collection has been transferred to the ~~director of finance~~ city manager by ordinance adopted by city council.

§25.2. Municipal auditor.

The municipal auditor shall be elected by the council at the time, in the manner and for the term provided by §9 of this Charter. ~~; provided, however, that the term of the municipal auditor first elected hereunder, if elected prior to the first day of September, nineteen hundred seventy-four, shall expire on the last day of September, nineteen hundred seventy-four, or at such time thereafter as his successor shall have been elected and qualified.~~

(a) The municipal auditor shall have such qualifications as the council shall from time to time establish.

(b) It shall be ~~his~~ the duty of the municipal auditor:

(1) To examine and audit all accounts, books and records of the city that reflect transactions involving financial activities of the city, including those for which the city has a responsibility as an agent, custodian or trustee, ~~said~~ such audit to be made in a timely manner or as prescribed by ordinance.

~~(c)~~ (2) ~~It shall be his duty~~ To work closely with the ~~director of finance~~ city manager in promulgation of systems and procedures employed in the accounting for revenue received and expenditures made by the city.

~~(d)~~ (3) When so directed by the council, ~~it shall be his duty~~ to see to implementation of and to supervise all systems recommended to be established by independent public accountants making audits for city functions.

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acting under ~~his~~ the chief's authority or against the city therefor. ~~But any person interested in the property so destroyed may within one year thereafter apply in writing to the council to assess and pay the damages he has sustained. The council may thereupon pay to the claimant such sum as may be agreed upon between him and the council. If no agreement be effected, such claimant may give to the city attorney of said city ten days' written notice of his intention to apply to the circuit court of said city for the appointment of commissioners to ascertain and assess his said damage. Upon it appearing that such notice has been given, the circuit court of said city shall appoint five disinterested freeholders, residents of said city, any three or more of whom may act, for the purpose of ascertaining and assessing the amount of such damages. Thereupon the said commissioners shall proceed to ascertain and assess the amount of such damages in the same manner as is now or may hereafter be provided by law in the case of taking private property for public use, and the procedure upon the filing of the report of said commissioners shall conform as nearly as may be to the procedure under the statutes of Virginia relating to eminent domain.~~

The council may establish, within the fire department, ~~a rescue squad, emergency squad or first aid crew to aid the injured and ill~~ an emergency medical service.

§33. The annual budget.

The city manager, at least sixty days prior to the beginning of each fiscal year, shall submit to the council a budget for the ensuing fiscal year. It shall be the duty of the head of each department, the judge of each court, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the commissioner of the revenue, the city treasurer, the sheriff, the attorney for the Commonwealth and clerk of courts to file with the ~~director of finance~~ city manager by March 15 of each year estimates of revenue and expenditure for

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that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on forms furnished by the ~~director of finance~~ city manager and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information required to be submitted thereon. The ~~director of finance~~ city manager shall assemble and compile all such estimates and supply such additional information relating to the financial transactions of the city as may be necessary and present them to the city manager for the timely preparation of the budget. The city manager, ~~with the assistance of the director of finance~~, shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as ~~he~~ the city manager may deem proper subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board budget ~~he~~ the city manager may recommend a revision in category totals only.

The budget submitted to the council shall contain the following:

(a) An itemized statement of the appropriations recommended with comparative statements showing appropriations made for the current and next preceding year.

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements of the taxes and other revenues for the current and next preceding year, and of the increases or decreases estimated or proposed.

(c) A fund statement showing a condition of the various appropriations, the amount of appropriations remaining unencumbered, and the amount of revenues remaining unappropriated.

(d) ~~Explanatory text relative to the conditions, reasons, et cetera, connected with~~ An explanation of the estimates for the ensuing year; also a work program showing the undertakings to be begun and those to be completed during the next year and each of several years in advance.

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The school ~~trustees of said~~ board members of the city school board shall be a body corporate under the name and style of the School Board of the City of Roanoke, and shall have all of the powers, perform all of the duties and be subject to all of the limitations now provided, or which may hereafter be provided by law in regard to school boards of cities and except that all real estate with the buildings and improvements thereon heretofore or hereafter purchased with money received from the sale of bonds of this city, appropriated by the council or received from any other source for the purpose of public education, shall be the property of the ~~said~~ city of Roanoke, unless such money so received from any other source be received on other conditions. The school board shall transmit to the council and to the city ~~director of finance~~ manager a detailed statement of all moneys received by ~~said~~ the board or placed to its credit. Separate accounts shall be kept by the ~~said~~ board of moneys appropriated by the council, and moneys received from other sources, and every such statement shall show the balance of each class of funds on hand or under control of ~~said~~ the board as of the date thereof.

The school board shall on or before March 15 of each fiscal year prepare and submit to the council or its designee for its information in making up its proposed annual budget a detailed estimate, in such form as ~~said~~ the council or its designee shall require, of the amount of money required for the conduct of the public schools of the city for the ensuing fiscal year, with an estimate of the amount of all funds which will probably be received by ~~said~~ the board for the purpose of public education from sources other than appropriations by the council.

The council may, at its discretion, by ordinance provide for an audit of the affairs and records of the school board by the municipal auditor or by any other competent person or firm selected by the council.

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Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Policy on Tax Exemption of Property for Non-Profit Organizations

At a regular meeting of City Council on July 16th, 2001, Council Member White requested a review of the City's current policy with respect to supporting requests of non-profit organizations to exempt certain property from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia. This policy was adopted by Council on February 18, 1992. It requires that such organizations agree to pay an annual service charge equal to 20% of the real estate tax levy on the property to be exempted as a condition to receiving a resolution from Council supporting its request for tax exemption to the General Assembly.

This tax exemption policy is one of several types of tax relief the City of Roanoke offers to its citizens. Other types of relief are listed below along with the amount of tax foregone by the City.

Type of Tax Relief		FY 2002 Tax Loss	
Elderly	$	365,751	(see note)
Disabled	$	61,492	(see note)
Agricultural	$	54,214	
Rehabilitation	$	440,434	
Tax Exempted Properties	$	*10,262,267*	(detail to follow)
Total	$	**11,184,158**	

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

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Note: City Council expressed an interest during FY 2002 budget study in further adjusting eligibility requirements for these two taxes, specifically increasing the current $30,000 local cap on total combined income to be more inline with the state maximum of $50,000. A memo was sent to Council on October 23, 2001, with recommendations on this issue.

Much of the information that follows is excerpts taken from a January 22, 1985 Council Report prepared by Wilburn C. Dibling Jr., the former City Attorney.

Current State Law Regarding Tax Exempted Properties

Exemptions from property taxation are provided for in Article X, Section 6 (a) of the Constitution of Virginia. Four classes of property are automatically exempted from taxation without action of the General Assembly. These are:

1. Properties owned by the Commonwealth or any political subdivision thereof;
2. Properties owned and exclusively occupied or used by churches or religious bodies, for worship or for the residences for their ministers;
3. Private or public burying grounds or cemeteries not operated for profit; and
4. Property owned by public libraries or by institutions of learning not conducted for profit.

Article X, Section 6(a)(6) also states that property used by its owner for charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes may be determined to be exempt from taxation by the General Assembly if approved by a three-fourths vote of both houses upon request of the property owner. Section 30-19.04 of the Code of Virginia further states that the property owner must first approach the governing body of the locality where the property is situated to seek its support for property tax exemption. A resolution detailing any action taken by the governing body must be forwarded to the General Assembly along with the request for property tax exemption. It is not necessary for the local governing body to approve the request for it to be considered by the General Assembly, but it must adopt a resolution stating its position.

During the 2001 General Assembly, House Joint Resolution 503 was introduced to amend this section of the Constitution to place responsibility for determining the appropriateness of tax exemption with local governing bodies, essentially removing the General Assembly from the process altogether. HJR 503 was approved but, since it involves a constitutional amendment, it must be reconsidered in the 2002 General Assembly. If approved again, it must then be put to public referendum. Conceivably, this change could be approved during

calendar year 2002, with an undetermined effective date.

Once a property has attained tax-exempt status, such status continues indefinitely without time limitation subject to several important restrictions:

1. When any exempt property is sold to a person not having tax-exempt status, it shall immediately become subject to taxation and be assessed.

2. When a part of the property, which is tax-exempt, is leased or otherwise a source of revenue or profit, it shall be liable for taxation.

3. When it is designated as tax exempt by the General Assembly, such designation remains valid only as long as the property is used exclusively for its tax-exempt purpose.

Under Section 58.1-3605 the Code of Virginia authorizes a locality, through adoption of a local ordinance, to require an entity, other than governmental, which owns tax exempt real and personal property, to file triennially an application with the Commissioner of the Revenue for retention of the exempt status of the property. Upon review of the applications, the local governing body may submit to the General Assembly a list of the organizations that should be removed from its tax exempt property list. Currently, the City does not have an ordinance that implements this provision.

Current State Law Regarding Service Charges on Tax Exempted Properties

Section 58.1-3400 of the Code of Virginia authorizes local governments to impose and collect a service charge upon the owners of all real estate exempted from property taxation, subject to certain limitations. Generally, the City may levy a service charge against tax exempt real estate of (a) any political subdivision; (b) a non-profit private or public cemetery; (c) public libraries, law libraries of local bar associations when the same are used or available for use by a State court or its judges, medical libraries of local medical associations when used or available for use by State health officials, incorporated colleges or other institutions of learning not conducted for profit; (d) a benevolent or charitable association operated under the lodge system; (e) an organization exempted from taxation under Article 3 of Chapter 36 of Title 58.1, Code of Virginia (1950), as amended, (volunteer rescue squads, certain boys and girls clubs, Societies for the Prevention of Cruelty to Animals, Boy Scouts of America, Girl Scouts of the United States of America, the American National Red Cross, Habitat for Humanity, etc.); and (f) any property owned by an organization exempted from taxation by designation of the General Assembly pursuant to Article X, Section 6(a)(6), Constitution of Virginia. The service charge may be imposed only if the Commissioner of the Revenue publishes and lists all exempt real estate in the land books of the locality in the same manner as taxable real estate, prior to imposing the

service charge.

Subsequently, Section 58.1-3402 of the Code of Virginia provides exemptions from the above mentioned assessment of service charges for properties lawfully owned and held by churches and property used or operated exclusively for nonprofit educational or charitable purposes. This Code section eliminates many of the agencies cited as eligible that fall into the category of a charitable organization. The locality has the option to choose to exempt any class of organization from the service charge, but may not exempt certain properties within any given class.

The charge must be based on a calculation of costs which take into account the expenditures for police and fire protection and disposal of refuse for all real estate in the City. According to the Code, with the exception of faculty and staff housing for educational facilities, the service charge cannot exceed twenty (20) percent of the real estate tax rate of the city. Current calculations based on Section 58.1-3401.B of the Code of Virginia indicate the actual service charge rate should be 80% of the real estate tax rate to recover this cost, not 20% as allowed by state law.

Current City Policy Regarding Tax Exemption and Service Charges for Certain Non-Profit Organizations

From time to time, non-profit organizations request that City Council adopt a resolution in support of that organization's request to the General Assembly to be designated exempt from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia. Prior to 1992, Council had not adopted any policy with respect to the terms and conditions under which Council would support an organization's request for tax exempt status. Therefore, organizations requesting Roanoke's support were evaluated on an individual basis. Traditionally, these organizations volunteered to pay a service charge of 5% of the real estate levy. Service charges have never been imposed by the City on any agency with tax exempt property.

In February 1992, to insure that organizations seeking tax-exempt status would be treated uniformly, City Council established a written policy with respect to supporting requests of non-profit organizations to exempt property from taxation. The policy, effective March 1, 1992, and not adopted retroactively, states that as a condition to receiving a resolution from City Council supporting its request of the General Assembly for designation as exempt from taxation, organizations must agree to pay Roanoke an annual service charge in an amount equal to twenty percent (20%) of Roanoke's real estate tax levy for so long as the organization's real property is exempted from state and local taxation. As an additional condition of the policy, the value of all exempted taxes would be deducted from any funding provided by Roanoke to the organization. However, this provision has not been enforced since the adoption of the policy. Since its implementation, 12 charitable agencies

have received City Council support for tax exemption. Of those 12 organizations 10 remain tax exempt resulting in $48,653 in annual tax relief.

Roanoke's Tax Exempt Properties

There are over 2,000 properties in the City valued at $848.1 million that are tax-exempt, amounting to seventeen percent of all real estate. $661.5 million of this total is comprised of properties that are exempted from a service charge. Currently, 18 organizations pay a total of $30,793 in service charges. A detailed chart illustrating this information is Attachment A.

It is important to note that an agency does not need City Council's support to approach the General Assembly, only a resolution stating City Council's position. So, based on current city policy an agency could choose to not pay the voluntary service charge and still receive General Assembly approval for tax exemption.

City of Roanoke
Tax Exempt Property
2001-2002

CATEGORY	PARCELS	VALUE
Governmental	1,114	$490,910,300
Religious	637	$153,570,800
Charitable	139	$24,752,700
Educational	2	$17,041,800
Other	142	$161,845,600
TOTAL	**2,034**	**$848,121,200**
Tax that would be due if property were not tax exempt		**$10,262,267**
Percentage of tax exempt real estate in City		**17.13%**
Service Charges Collected (18 organizations)		**$30,793**

Over the past ten years, the percentage of tax-exempt properties in the City has increased from 14.2% to 17.13%. In the Charitable and Other categories above, 17 organizations are receiving additional financial assistance from the city and only 6 of those are paying service charges.

Percentage of Tax Exempt Real Estate
2000-2001

1991-1992	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000	2000 – 2001
14.2%	14.13%	15.5%	15.19%	16%	16.35%	16.45%	16.2%	16.95%	17.13%

Percentages of tax exempt properties in other Virginia localities:

In 1999, the percentage of tax-exempt properties in a locality ranged from 55% in the City of Lexington to 3% in Rappahannock County. The following chart illustrates the percentage of tax-exempt properties for select localities:

Jurisdiction	Percentage
Roanoke County	8.85%
Lynchburg	19.39%
Richmond	19.92%
Salem	21.07%
Norfolk	46.65%
City average throughout Virginia	22.10%
County average throughout Virginia	10.62%

Recommendation:

The following options were developed with assistance from the City Attorney, Director of Finance, Commissioner of the Revenue, and the Director of Real Estate Valuation to address the concerns of City Council.

1. Amend the current city policy by removing the provision that states the value of all exempted taxes should be deducted from any funding provided by Roanoke to the organization. After reviewing the policy, enforcement of this provision could have a negative impact on these agencies.

2. Adopt an ordinance allowing the city to implement a triennial review performed by the Director of Real Estate Valuation as allowed by the Code of Virginia Section 58.1-3605. The owner of the property will be required to provide any information which would be relevant to the continuance of the exemption granted. This will allow the city to conduct periodic reviews of the current status of properties to ensure that the tax exempt status has not changed.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:as

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Barry M. Key, Director, Management & Budget

ATTACHMENT A

Roanoke City Tax Exempt Charitable and Other Agencies
FY 2002

Organization	Constitution or Code Section	Year	Value	Levy	Paid Service Charge	City Assistance	CDBG 2000-01	CDBG 2001-02
Edgewood Water Co.	58.1-3606.A.1		500	6.05				
Fifth District Planning Commission	58.1-3606.A.1		352,200	4,261.62				
Roanoke County Board of Supervisors	58.1-3606.A.1		25,000	302.50				
Roanoke Regional Airport Commission	58.1-3606.A.1		343,800	4,159.98				
Roanoke Valley Resource Authority	58.1-3606.A.1		4,317,400	52,240.54				
Board of Trustees Woodlawn	58.1-3606.A.3		500	6.05				
Campbell Heirs Cemetery	58.1-3606.A.3		500	6.05				
Clifton Grubb Cemetery	58.1-3606.A.3		1,500	18.15				
Coon Barnhardt Cemetery	58.1-3606.A.3		500	6.05				
First Baptist Cemetery	58.1-3606.A.3		100	1.21				
FV Cemetery Co.	58.1-3606.A.3		375,000	4,537.50				
Logan Heirs	58.1-3606.A.3		500	6.05				
Lowry Cemetery	58.1-3606.A.3		500	6.05				
Morman Heirs Cemetery	58.1-3606.A.3		6,700	81.07				
Persinger Heirs Cemetery	58.1-3606.A.3		17,500	211.75				
Peters Creek Church of the Brethren	58.1-3606.A.3		3,000	36.30				
Samara L C	58.1-3606.A.3		33,200	401.72				
Temple Emanuel Cemetery	58.1-3606.A.3		100	1.21				
Unknown Cemetery	58.1-3606.A.3		34,000	411.40				
Adult Care Center of Roanoke Valley	58.1-3606.A.5		129,800	1,570.58		6,000.00		
Carilion Services	58.1-3606.A.5		49,720,200	601,614.42	1,593.54			
Childrens Home Society of Va	58.1-3606.A.5		111,900	1,353.99				
Community Housing Corporation	58.1-3606.A.5		367,800	4,450.38				
Free Clinic of Roanoke Valley	58.1-3606.A.5		492,700	5,961.67		22,500.00		
Greenvale Nursery School	58.1-3606.A.5		695,800	8,419.18		9,000.00		
Hunton, William YMCA	58.1-3606.A.5		89,000	1,076.90		9,000.00		
Northwest Child Development Center	58.1-3606.A.5		309,800	3,748.58				25,000.00
Roanoke Council of Garden Clubs	58.1-3606.A.5		698,600	8,453.06				
Roanoke Hospital Association	58.1-3606.A.5		71,448,200	864,523.22				
Roanoke Memorial Hospital	58.1-3606.A.5		13,127,600	158,843.96				
Roanoke Mental Hygiene Service	58.1-3606.A.5		1,873,900	22,674.19				
Roanoke Valley Speech and Hearing Center	58.1-3606.A.5		376,800	4,559.28		3,500.00		
The Salavation Army	58.1-3606.A.5		2,297,100	27,794.91		28,000.00		
The Samaritans Inn	58.1-3606.A.5		61,700	746.57				

ATTACHMENT A

Roanoke City Tax Exempt Charitable and Other Agencies
FY 2002

Organization	Constitution or Code Section	Year	Value	Levy	Paid Service Charge	City Assistance	CDBG 2000-01	CDBG 2001-02
United Way of Roanoke	58.1-3606.A.5		269,500	3,260.95				
Young Mens Christians Assn	58.1-3606.A.5		2,998,500	36,281.85			42,352.00	44,727.00
Young Womens Christian Assn.	58.1-3606.A.5		585,700	7,086.97			17,139.00	19,000.00
Alleghany & Dunbar Corp	58.1-3606.A.7		67,500	816.75				
Ancient & Accepted Rite of Free Masons	58.1-3606.A.7		519,600	6,287.16				
Fraternal Order of Police	58.1-3606.A.7		111,800	1,352.78				
Kazim Temple Corporation	58.1-3606.A.7		699,600	8,465.16				
Masonic Lakeland Lodge	58.1-3606.A.7		124,600	1,507.66				
Old Dominion Lodge #1	58.1-3606.A.7		22,500	272.25				
Order of Odd Fellows Mt. Dale Lodge #49	58.1-3606.A.7		184,000	2,226.40				
Oseola Lodge	58.1-3606.A.7		53,000	641.30				
Rnk. Lodge #197 Benevolent and Protective Elks	58.1-3606.A.7		1,044,800	12,642.08				
St. John Grand Lodge Free Masons	58.1-3606.A.7		42,900	519.09				
Virginia Heights Lodge	58.1-3606.A.7		137,000	1,657.70				
Williamson Road Masonic	58.1-3606.A.7		224,100	2,711.61				
AMVETS Post #4	58.1-3607		184,600	2,233.66	456.40			
Blue Ridge Post #484	58.1-3607		78,500	949.85				
Veterans of Foreign Affairs Post #1264	58.1-3607		87,900	1,063.59				
Roanoke Life Saving and First Aid	58.1-3610		167,300	2,024.33				
Williamson Life Saving Crew	58.1-3610		218,600	2,645.06				
Roanoke Valley SPCA	58.1-3613		141,000	1,706.10				
Blue Ridge Mountains Council of Boy Scouts	58.1-3614		956,400	11,572.44				
American National Red Cross	58.1-3616		2,838,900	34,350.69				
City Rescue Mission	58.1-3617		4,709,800	56,988.58				
Va. United Methodist Home	58.1-3617		129,800	1,570.58				
Blue Ridge Housing and Development Corp.	58.1-3650.904	1999	284,500	3,442.45	688.48		93,920.00	200,304.00
Crisis Pregnancy Center	58.1-3650.904	1996	269,500	3,260.95	652.16			
Eye Bank of Virginia	58.1-3650.904	1978	293,100	3,546.51				
Friendship Manor Apartments	58.1-3650.904	1983	4,193,800	50,744.98	2,537.20			
Habitat for Humanity	58.1-3650.904	1996	354,900	4,294.29	938.17			
League of Older Americans	58.1-3650.904	2000	103,700	1,254.77	264.72	29,000.00		
Mountain Manor Homes	58.1-3650.904	1993	336,200	4,068.02	813.58			
Northwest Recreation Club Inc.	58.1-3650.904	1997	283,000	3,424.30	684.82			
Planned Parenthood	58.1-3650.904	1996	1,609,100	19,470.11	3,894.02	4,000.00		

ATTACHMENT A

Roanoke City Tax Exempt Charitable and Other Agencies
FY 2002

Organization	Constitution or Code Section	Year	Value	Levy	Paid Service Charge	City Assistance	CDBG 2000-01	CDBG 2001-02
Roanoke Valley Council of Community Service	58.1-3650.904	1992	170,200	2,059.42	102.94	13,369.00		
Showtimers of the Roanoke Valley	58.1-3650.904	1991	146,700	1,775.07	88.74			
Total Action Against Poverty	58.1-3650.904	1991	1,360,700	16,464.47	1,889.68	216,015.00	24,124.00	41,000.00
Virginia Museum of Transportation	58.1-3650.904	1997	2,121,600	25,671.36	5,134.26	85,000.00		
West End Center	58.1-3650.904	1976	348,600	4,218.06		35,000.00	109,833.00	27,000.00
Western Va. Foundation for the Arts	58.1-3650.904	1983	9,539,300	115,425.53			250,000.00	
Gilmer Housing Asso.	Transfer		75,100	908.71				
Larry Beckner	Transfer		3,500	42.35				
Lifestyles Enterprises Inc.	Transfer		100,600	1,217.26				
Mary Neil	Transfer		44,100	533.61				
Natalie Foster	Transfer		100	1.21				
Robert Anthony Johnson	Transfer		8,200	99.22				
Shenandoah Crossings	Transfer		1,040,500	12,590.05				
Subtotals			186,598,300	2,257,839.43	19,738.71	460,384.00	537,368.00	357,031.00
Pay service charges but are not part of Charitable or Other category								
Harrison Museum of African Culture	58.1-3650.904	2000	64,200	776.82	160.18	22,479.00		
Melrose/Rugby Neighborhood Rugby Forum	58.1-3650.904	2000	33,100	400.51	80.10			
Our Lady of the Valley	58.1-3650.904	1988	4,690,100	56,750.21	2,847.92			
Virginia Synod Lutherine Home	58.1-3650.904	1985	13,166,800	159,318.28	7,965.88			
Subtotals			17,954,200	217,245.82	11,054.08	22,479.00	0.00	0.00
Grand Total			**204,552,500**	**2,475,085.25**	**30,792.79**	**482,863.00**	**537,368.00**	**357,031.00**

WMH

6.a.1

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION amending Resolution No. 30884-121892, adopted February 18, 1992, which established the policy of the City with respect to supporting requests of certain non-profit organizations to exempt certain property from taxation pursuant to Article X, §6(a)(6), of the Constitution of Virginia.

WHEREAS, this Council by the adoption of Resolution No. 30884-021892, on February 18, 1992, established the policy of the City with respect to supporting requests of non-profit organizations for tax exempt status for their property; and

WHEREAS, Paragraph 2(a) of such resolution provided that if Council adopted a resolution supporting an organization's request, and the request was granted by the General Assembly, that the "value of all exempted taxes shall be deducted from any funding provided by the City to the organization"; and

WHEREAS, Council desires to amend its policy to delete the provisions of Paragraph 2(a) of Resolution No. 30884-021892.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that Resolution No. 30884-021892, adopted February 18, 1992, be, and it hereby is, amended by the deletion of Paragraph 2 (a).

ATTEST:

City Clerk.

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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining Chapter 32. Taxation, Article II, Real Estate Taxes Generally, of the Code of the City of Roanoke (1979), as amended, by adding a new section entitled §32-26. Triennial application for exemption, providing for the periodic filing of applications with the Director of Real Estate Valuation as a requirement for the retention of tax exempt status, 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 32. Taxation, Article II, Real Estate Taxes Generally, of the Code of the City of Roanoke (1979), as amended, is amended and reordained by adding a new section entitled §32-26. Triennial application for exemption, which shall read and provide as follows:

CHAPTER 32. TAXATION
ARTICLE II. REAL ESTATE TAXES GENERALLY

* * *

§32-26. Triennial application for exemption.

(a) Any entity which owns real or personal property exempt pursuant to Title 58.1, Chapter 36, Code of Virginia (1950), as amended, shall, after receiving sixty (60) days' written notice, file triennially an application with the director of real estate valuation as a requirement of retention of the tax exempt status of the property. The application shall show the ownership and usage of the property and shall be filed within sixty (60) days preceding the tax year for

which such exemption or the retention thereof is sought on a form furnished by the director of real estate valuation.

(b) This requirement shall not apply to the United States or to the state or any of its political subdivisions.

* * *

2. Pursuant to the provisions of §12 of the Charter, the second reading of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.

6.a.2.

ROANOKE
VIRGINIA, CHARTERED 1882

RECEIVED
CITY CLERKS OFFICE

Office of the City Manager

'01 NOV 14 PM 3:19

November 14, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment to City Code Solid Waste – Recycling

Background:

The Solid Waste Management Division (SWM) of Public Works has re-engineered the recycling collection program for all residential households. As of July 2, 200l, SWM began the collection of commingled (mixed) recyclables. City Code Section 14.1-16(b) indicates that certain alleys designated by the City Manager may be used for automated collection container service, but not recyclables collection.

Considerations:

Residents that continue to have their trash collection service provided in the alley indicate that they have difficulty placing their recycling container at the curb due to topographic conditions (steps, walls, etc.). In an effort to further increase the collection of recyclables, alley collection of recyclables has been provided; however a change to the Solid Waste Ordinance is needed to continue this service in the alley.

Recommendation:

Adopt the ordinance change attached to this report.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/FWD/mc
c: Mary F. Parker, City Clerk
James D. Grisso, Director of Finance
William M. Hackworth, City Attorney
Robert K. Bengtson, Director, Public Works

#CM01-00268

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

SJT

6.a.2.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining subsections (r) and (s) of §14.1-1, Definitions, and subsection (b) of §14.1-16, Placement for collection generally, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, 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. Subsections (r) and (s) of §14.1-1, Definitions, and subsection (b) of §14.1-16, Placement for collection generally, of Chapter 14.1, Solid Waste Management, of the Code of the City of Roanoke (1979), as amended, are hereby amended and reordained to read and provide as follows:

§14.1-1, Definitions.

* * *

(r) *Recyclables* shall mean those items identified in regulations promulgated by the City Manager as recyclable and acceptable to the City for recycling.

(s) *Recycling container* shall mean a cart or bin which is provided by or through the City or is otherwise approved by the City Manager. In no case shall a recycling container be larger than thirty-two (32) gallons.

* * *

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§14.1-16. Placement for collection generally.

* * *

(b) Certain alleys designated by the City Manager may be used for automated collection container service and recycling container service, but not bulk items, and when alleys are so designated, occupants of property contiguous to such designated alleys shall place all such solid waste for collection within five (5) feet of the edge of the alley, as close as possible to the point of ingress and egress. In case of property having a fence or wall on the property line adjacent to the alley, and no point of ingress or egress in such fence or wall, the City Manager shall designate a point of collection. Automated collection containers and recycling containers placed in such alleys shall be so placed in accordance with subparagraph (a) of this section.

* * *

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

ATTEST:

City Clerk.

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6.a. 3

ROANOKE
VIRGINIA, CHARTERED 1882

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Property Rights Acquisition for Airport Road Storm Drain Extension Project

Drainage problems in the vicinity of Airport Road and Towne Square Boulevard have hampered the development of properties in this area. The design of a project to improve drainage is sufficiently complete to identify the property rights that need to be acquired for construction of the project.

Authorization is needed to move forward with procurement of title work, appraisals, and document preparation related to acquisition of the necessary property rights. See Attachment 1 for a list of properties affected. See Attachment 2 for exhibit of properties.

Estimated expenses related to the acquisition of property are not expected to exceed $100,000, which is available in capital project account number 008-052-9627, Innotech Expansion.

Recommended Action:

Authorize the City Manager to acquire all property rights as shown on the attached list. Said property rights may be acquired following a satisfactory environmental site inspection by negotiation or eminent domain, and include fee simple, permanent easements, permanent access easements, temporary construction easements, rights of way, licenses or permits, etc.

Transfer funding of $100,000 from 008-052-9627 to an account to be established by the Director of Finance entitled "Airport Road Storm Drain Extension Project".

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/sef

Attachments: 2

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Sarah E. Fitton, Engineering Coordinator

#CM01-00269

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CityWeb:www.ci.roanoke.va.us

ATTACHMENT 1

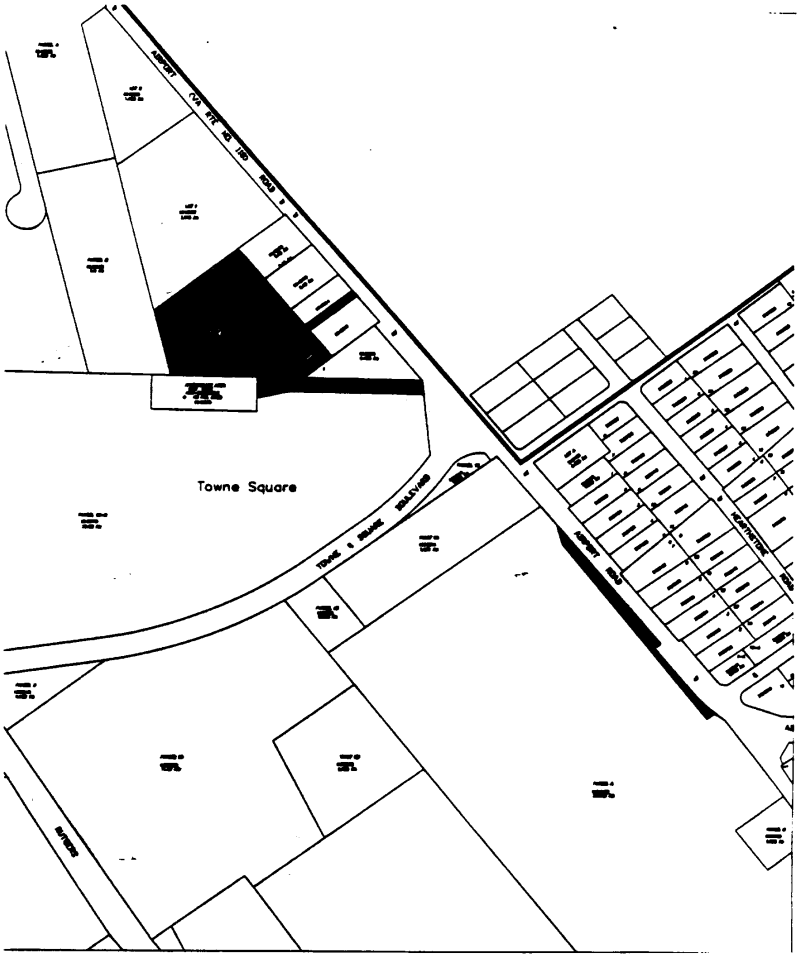
AIRPORT ROAD STORM DRAIN EXTENSION PROJECT

Tax No.	Property Owner	Property Rights
6640112	A & M Enterprises, LLC	FS
6640113	A & M Enterprises, LLC	FS
6640114	A & M Enterprises, LLC	PAE, TCE
6640116	RVA One, LLC	DE, TCE
6660103	George D. Zamias	DE, TCE

Legend:
DE – Drainage Easement
PAE – Permanent Access Easement
FS – Fee Simple
TCE – Temporary Construction Easement

Attachment 2

Airport Road Storm Drain Extension Project



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AHS

6.a.3.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Economic Development	$ 27,195,963
Innotech Expansion (1).	468,000
Stormwater Management	$ 3,463,825
Airport Road Storm Drain Extension Project (2).	100,000

1) Appropriated from General Revenue	(008-052-9627-9003)	$ (100,000)
2) Appropriated from General Revenue	(008-530-9782-9003)	100,000

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE providing for the acquisition of certain property rights needed by the City for the Airport Road Storm Drain Extension Project; setting a limit on the consideration to be offered by the City; providing for the City's acquisition of such property rights by condemnation, under certain circumstances; and dispensing with the second reading of this ordinance by title.

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

1. To provide for the improvement of storm drainage in the vicinity of Airport Road and Towne Square Boulevard, the City wants and needs certain property rights across property bearing Roanoke City Tax Nos. 6640112, 6640113, 6640114, 6640116, and 6660103, as set forth in the City Manager's report and attachment thereto dated November 19, 2001. The proper City officials are authorized to acquire these property rights for such consideration as the City Manager may deem appropriate, subject to the limitation set out below and subject to applicable statutory guidelines. All requisite documents shall be upon form approved by the City Attorney.

2. A public necessity and use exists for the acquisition of the property rights and immediate acquisition by purchase or condemnation is necessary and expedient.

3. The City Manager is directed on behalf of the City to offer the landowners such consideration for the property rights as deemed appropriate; provided, however, the total consideration offered or expended and any and all necessary closing costs, including but not

limited to appraisals, title reports, preparation of necessary documents and recordation costs, shall not exceed $100,000.00 without further authorization of Council. Upon the acceptance of an offer and upon delivery to the City of deeds, approved as to form and execution by the City Attorney, the Director of Finance is directed to pay the consideration to the owners of the interests conveyed, certified by the City Attorney to be entitled to the same.

4. Should the City be unable to agree with the landowners as to the compensation to be paid for acquisition of such property rights, or other terms of purchase or settlement, or should the owners be persons under a disability lacking capacity to convey said property rights, or should the whereabouts of the owners be unknown, the City Attorney is authorized and directed to institute condemnation or legal proceedings to acquire for the City the appropriate property rights.

5. In instituting or conducting any condemnation proceeding, the City Attorney is authorized to make motion on behalf of the City for a right of entry pursuant to Section 25-46.8 or Section 33.1-119 of the Code of Virginia (1950), as amended, for the purpose of commencing the project. The Director of Finance, upon request of the City Attorney, shall be authorized and directed to draw and pay into Court the appropriate sums in connection with such proceedings.

6. 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.

N:\CAPS\ORDINANCES\O-LA Airport Road Storm Drain(DLC) - 111201.wpd

6.a. 4

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

SUBJECT: Acceptance of Property Owned by Roanoke Redevelopment & Housing Authority

Dear Mayor Smith and Members of City Council:

The Roanoke Redevelopment and Housing Authority (RRHA) is the current owner of two parcels of land purchased with Community Development Block Grant funds. RRHA has requested that the City accept donation of these two parcels. Parcel #1 is identified by TM# 2013938, is adjacent to Wometco, contains 0.719 acres, and is valued at $2,000. Acceptance of this parcel would allow it to be combined with adjacent City property that could then potentially be developed. See Attachment #1. Parcel #2 is identified by TM# 3041224, is located in Deanwood Industrial Park, contains 0.378 acres, and is valued at $4,900. This parcel serves as the stormwater management system for the industrial park, which has been completed and will be maintained by the City. See Attachment #2.

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CityWeb:www.ci.roanoke.va.us

Recommended Action(s):

Authorize the City Manager to execute the appropriate documents to accept the donation of the property, subject to an acceptable environmental inspection, in a form acceptable to the City Attorney.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/sef

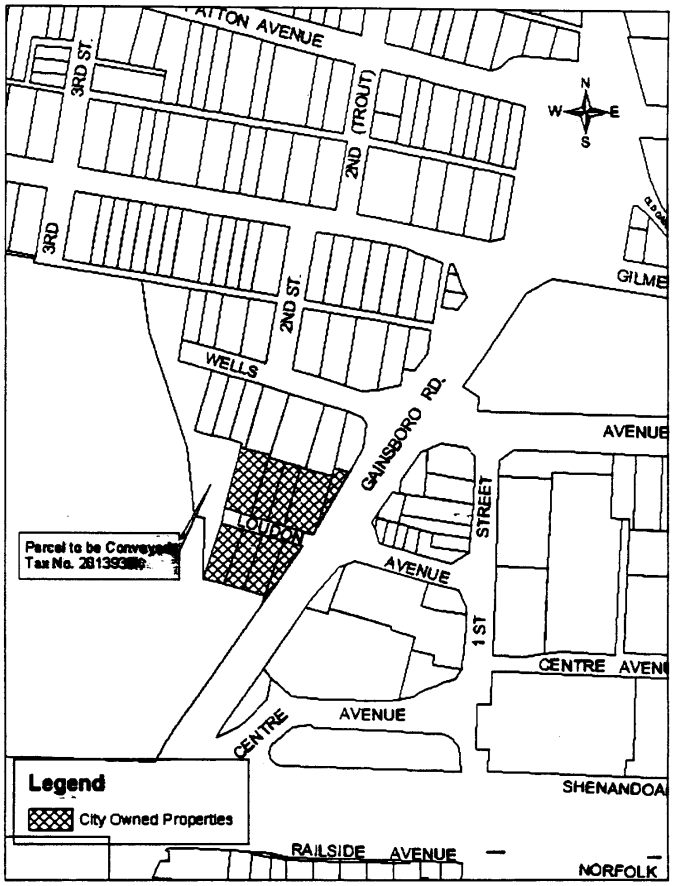
Attachment(s): 2

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
James D. Grisso, Director of Finance
Sarah E. Fitton, Engineering Coordinator

CM01-00261

Attachment 1

RRHA Property Adjacent to Wometco



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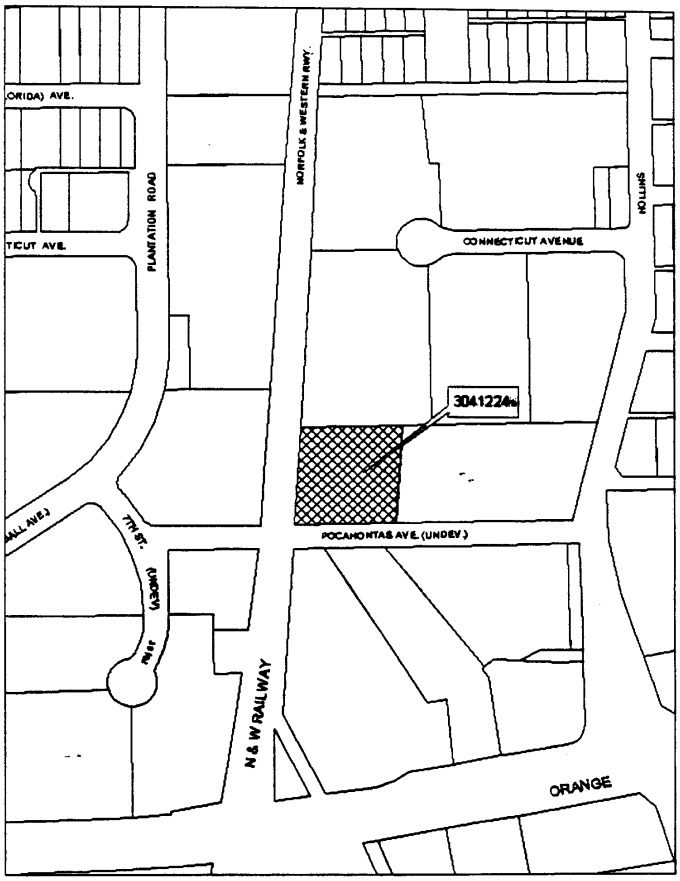
Attachment 2

RRHA Property in Deanwood Industrial Park



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6.a.4.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute the appropriate documents for the acceptance of a donation of certain properties by Roanoke Redevelopment and Housing Authority to be used for developmental purposes by the City; 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 is hereby authorized to execute the appropriate documents to accept the donation of two parcels of land from Roanoke Redevelopment and Housing Authority, bearing Official Tax Map Nos. 2013938 and 3041224, for the consideration of $1.00 each, as more particularly stated in the City Manager's letter to City Council dated November 19, 2001. All requisite documents shall be upon form approved by the City Attorney.

2. Acceptance of these parcels is conditioned upon receiving a satisfactory environmental assessment and title exam.

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.

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6.a. 5

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Donation of Property to Virginia Museum of Transportation

Background:

On June 4th, 2001, City Council authorized the City Manager to execute an agreement to accept the donation of the 1218 locomotive from Shenandoah-Virginia Corporation. The Virginia Museum of Transportation agreed to exhibit the locomotive in its rail yard, and insure and maintain it as part of the Museum's collection, while ownership of the locomotive will remain with the city because of the locomotive's historical significance to Roanoke.

The Museum currently houses and maintains a number of other transportation equipment items owned by the city – see Attachment A. This property has been acquired from time to time over the years, and we cannot find any documents relating to its acquisition by the City. We are also not aware of any restrictions on these items that would prohibit them from being donated to the museum. However, there is currently no formal agreement between the Museum and the city regarding maintenance and insurance of this equipment, as is the case with the 1218 locomotive. Most of this equipment should be donated to the Museum to simplify equipment maintenance and insurance issues, with the understanding that if the Museum should close, ownership of the equipment would revert to the city. Ownership of the No. 611 Class A Steam Locomotive should be retained by the city because of its historical significance.

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CityWeb:www.ci.roanoke.va.us

Considerations:

Section 15.2-953 of the Code of Virginia (1950), as amended, allows localities to donate funds, personal property or real estate to organizations such as the Virginia Museum of Transportation. The Museum has agreed to accept the donation of the transportation items listed in Attachment A, with the exception of the No. 611 Class A Steam Locomotive, and maintain and insure them – see Attachment B.

Recommended Action:

City Council approve the attached ordinance authorizing the donation of transportation equipment items detailed in Attachment A, with the exception of the No. 611 Class A Steam Locomotive, to the Virginia Museum of Transportation. Ownership of the items will revert to the city should the Museum ever close, and if the equipment items are still in place.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:blk

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance

CM01-00266

Attachment A

Items Housed and Maintained by the Virginia Museum of Transportation
For the City of Roanoke
As of September 4, 2001

Item Description:

Extended Roof Rockaway (Carriage)
Stick Seat Box Buggy (ca. 1885)
Studebaker Wagon (ca. 1870)
Galax Buggy Co. Carriage
Jas. Cunningham Hearse (ca. 1895)
Covered Wagon (ca. 1900)

1920 Buick Touring Car
1930 Chevrolet Stake Bed Truck
1924 Ford Model T Chassis
1927 White Motor Co. Truck
1938 Cadillac Fire Truck
1922 White Dump Truck

1940 Seagrave Fire Truck
1950 Oren Fire Truck

Celanese 0-4-0 Tea Kettle
1914 Panama Canal Mule
VGN 0-8-0 Steam Loc. #4
N&W Steam Loc. #6
Wabash E-8A #1009
N&W Caboose #518391
N&W RPO Car
N&W Class PG Coach
No. 611 Class A Steam Locomotive (ownership to remain with city)

2 Railway Express Carts

Virginia Museum of Transportation, inc.

November 1, 2001

Darlene Burcham, City Manager
Room 364, Municipal Building
215 Church Ave.
Roanoke, VA 24011-1584

Dear Darlene:

As you and I have discussed in the past, the Virginia Museum of Transportation, Inc. began as the City's Transportation Museum. The Museum originally was located at Wasena Park and housed transportation artifacts that were owned by the City, City citizens or businesses in the City. These artifacts were placed at the Museum so that the items would be preserved and exhibited to the public. The Museum became the official transportation museum for the Commonwealth in the mid-80's and subsequently moved to its current location after a devastating flood in 1996.

In the last ten years that I have been involved with the Museum we have focused on our mission and have sought ways to better maintain, preserve and exhibit our artifacts. We have built a restoration workshop, hired a full time Director of Restoration, and will complete a cover for our railside collection, the Robert B. Claytor and Graham Claytor, Jr. Pavilion in the summer of 2002. Maintaining our sizeable collection is a constant and costly challenge and the Museum seeks in-kind and volunteer help to meet our mission. Since its inception the Museum has insured and maintained to the best of its ability the City's sizeable collection and will continue to do so.

The Museum is in the process of becoming accredited. Adequate record keeping is of critical importance for any museum. At this time the Museum does not have a formal agreement with the City regarding equipment maintenance and insurance issues. It would greatly facilitate the Museum's mission to maintain and preserve these artifacts if we had a formal agreement with the City regarding these artifacts giving us full dominion over the artifact. Attachment A lists the artifacts currently housed and maintained at the Museum that are owned by the City. This list does not include the 611 or the 1218 which should arrive here in the summer.

As always, we so appreciate the constant support of the City of Roanoke for the Virginia Museum of Transportation, Inc. and our region's rich transportation heritage.

With kindest regards,

Katherine F. Strickland
Executive Director

303 Norfolk Avenue • Roanoke, VA 24016 • 540.342.5670 • 540.342.6898 fax • www.vmt.org

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the donation of certain City-owned transportation equipment to the Virginia Museum of Transportation, Inc., upon certain terms and conditions; dispensing with the second reading by title of this ordinance; and providing for an effective date.

WHEREAS, a number of items representing different methods of transportation over the years which have been donated to the City are currently housed and maintained by the Virginia Museum of Transportation, Inc.;

WHEREAS, in order to simplify equipment maintenance and insurance coverage issues, the equipment should be donated to the Virginia Museum of Transportation, Inc.;

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

1. With regard to the transportation equipment owned by the City currently housed and maintained by the Virginia Museum of Transportation, Inc., with the exception of the 1218 locomotive donated by the Shenandoah-Virginia Corporation in 2001, and the No. 611 Class A Steam Locomotive, both of which shall remain the property of the City of Roanoke, the remaining items are hereby donated to the Virginia Museum of Transportation, Inc., in accordance with the recommendation contained in the City Manager's letter to Council dated November 19, 2001, and as identified therein.

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2. Ownership of the transportation equipment, identified on the attachment entitled "Items Housed and Maintained by the Virginia Museum of Transportation for the City of Roanoke as of September 4, 2001", to the above referenced City Manager letter, shall revert to the City of Roanoke in the event the Virginia Museum of Transportation should ever close. The Museum shall not dispose of such equipment without the prior written approval of the City.

3. This ordinance shall not become effective until such time as a duly authorized officer of the Virginia Museum of Transportation, Inc., has executed this ordinance on behalf of the Museum, agreeing to the conditions set out herein.

4. Pursuant to §12 of the City Charter, the second reading of this ordinance is hereby dispensed with.

ATTEST:

City Clerk.

ACCEPTED and **AGREED** to by the undersigned this ____ day of _____, 2001.

ATTEST: **VIRGINIA MUSEUM OF TRANSPORTATION, INC.**

_____ By_____

Harry G. Norris, Secretary Katherine F. Strickland, Executive Director

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6.a. 6

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Fire Programs Grant

Background:

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

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

The City of Roanoke's allocation of $131,794.71 was deposited into account 035-520-3232-3232 from the Department of Fire Programs.

Considerations:

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

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

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The Honorable Mayor and Members of Council
November 19, 2001
Page 2

Recommended Action:

Authorize the City Manager to accept the grant and appropriate grants funds of $131,794.71 with corresponding revenue estimates in accounts established by the Director of Finance in the Grant Fund.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:jsf

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

#CM01-00247

AHS

6.a.6.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Grant Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Public Safety	$ 2,943,107
Fire Program Fund FY02 (1-5).	131,795

Revenues

Public Safety	$ 2,943,107
Fire Program Fund FY02 (6)	131,795

1) Expendable Equipment <$5,000	(035-520-3232-2035)	$ 26,795
2) Training and Development	(035-520-3232-2044)	10,000
3) Wearing Apparel	(035-520-3232-2064)	30,000
4) Recruiting	(035-520-3232-2065)	5,000
5) Regional Fire Training Facility	(035-520-3232-9073)	60,000
6) State Grant Revenue	(035-520-3232-3232)	131,795

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

6.a.6.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of the FY2002 Fire Programs Funds Grant made to the City of Roanoke by the Virginia Department of Fire Programs and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

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

1. The City of Roanoke hereby accepts the offer made by the Virginia Department of Fire Programs of the FY2002 Fire Programs Funds Grant in the amount of $131,794.71.

2. The City Manager or the Assistant City Manager for Operations is hereby authorized to accept, execute and file on behalf of the City any documents setting forth the conditions of the FY2002 Fire Programs Funds Grant.

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

ATTEST:

City Clerk.

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6.a. 7

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Special Military Leave Pay Amendment

Background:

City Council approved Special Military Pay on November 5, 2001, to provide supplemental pay for military reservists called to active duty related to the war on terrorism. An amendment was requested to limit this pay to employees in service with the City of Roanoke before receiving military orders.

Recommended Action:

Approve amendment to special policy to pay military reservists. Covered employees would be those who are called to active duty related to our country's war on terrorism subsequent to the employee's employment with the City of Roanoke.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:bka
c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Kenneth S. Cronin, Director of Human Resources

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C.a. 7

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing payment of supplementary compensation and restoration of certain benefits to employees called to active military duty; and repealing Resolution No. 35637-110501, adopted November 5, 2001.

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

1. The City shall pay, upon request, to any City employee who, between October 1, 2001, and September 30, 2002, is called to active duty related to our country's war on terrorism, subsequent to that employee's employment with the City, a supplement equal to the difference between regular City salary and military base pay plus any other compensation received for such service. This supplement shall not be paid for any days that regular City salary must be paid to such employees. Employees shall provide the Department of Human Resources with the necessary documentation to establish their eligibility for the supplement.

2. Any City vacation or paid leave used by such employees during active duty related to our country's war on terrorism shall be restored.

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

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

5. Resolution No. 35637-110501, adopted on November 5, 2001, is hereby REPEALED.

ATTEST:

City Clerk.

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6.a. 8

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment 1 to September 1, 1998 Parking Agreement between the City of Roanoke and Carilion Health System

Background:

On September 1, 1998 The City of Roanoke and Carilion Health System entered into a Parking Agreement giving Carilion the right to purchase a minimum of 310 and a maximum of 440 parking permits for use in certain city owned and/ or controlled parking garages during normal business hours. Carilion has purchased the maximum number of permits allowed by this Agreement and now intends to create and /or move additional job positions downtown and requires the ability to purchase up to an additional sixty (60) parking permits above the 440 provided for in the Parking Agreement.

Considerations:

The City wishes to make these additional permits available to Carilion pursuant to the same terms and conditions as set forth in the Parking Agreement except that such additional permits will be made available for purchase by Carilion Health System at the approved prevailing monthly parking rate for the particular parking garage for which such permits are issued less ten (10) percent. The rates for these additional parking permits will also be subject to any and all rate changes which may be approved by City Council during the life of this Parking Agreement. Carilion Health System may request these additional supplemental permits in writing through the City's Director of Economic

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Development and may cancel any or all of such permits at the time Carilion makes their annual report to the City as specified in section 7 (b) of the Parking Agreement.

Recommended Action:

City Council approve Amendment 1 (as contained in Attachment 1 to this letter) to the September 1, 1998 Parking Agreement Between the City of Roanoke and Carilion Health System providing Carilion the ability to acquire an additional sixty (60) parking permits under the terms and conditions stated above and in Amendment 1 as attached to this letter.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB: djm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Elizabeth Neu, Director, Economic Development

#CM01-00251

AMENDMENT 1 TO SEPTEMBER 1, 1998, PARKING AGREEMENT BETWEEN CITY OF ROANOKE AND CARILION HEALTH SYSTEM

This is Amendment 1 to the September 1, 1998, Parking Agreement between the CITY OF ROANOKE, VIRGINIA, a municipal corporation organized and existing under the laws of the Commonwealth of Virginia, hereinafter referred to as the "City," and CARILION HEALTH SYSTEM, a nonprofit Virginia corporation, hereinafter referred to as "Carilion," and is dated November ____, 2001.

WITNESSETH:

WHEREAS, the City and Carilion entered into a parking agreement dated September 1, 1998, giving Carilion the right to purchase a minimum of 310 and up to a maximum of 440 parking permits for use in the Tower Parking Garage, Church Avenue Parking Garage, and Century Station Parking Garage during normal business days and hours (hereafter - "Parking Agreement"); and

WHEREAS, Carilion has purchased the maximum amount of 440 parking permits, but now intends to create and/or move additional job positions downtown and requires the ability to purchase up to an additional 60 parking permits above the 440 provided for by the Parking Agreement; and

WHEREAS, the City wishes to make such additional parking permits available to Carilion pursuant to the terms and conditions set forth in this Amendment 1 and that the cost of the 60 additional supplemental permits will be ten percent (10%) less than the approved prevailing monthly rate then in effect, as such rate may be increased or decreased from time-to-time, for the particular parking garage for which such permits are issued.

NOW, THEREFORE, in consideration of the promises and covenants contained herein and in the original Parking Agreement, the City and Carilion agree as follows:

SECTION 1. Amendment to Number of Parking Permits and Costs.

Subject to the terms of this Amendment 1, the number 440 in Section 3(a) of the Parking Agreement is hereby increased to 500. Furthermore, Section 5 of the Parking Agreement is amended to add a new subsection 5(a)(5) which shall be as follows:

5. During the remaining term of this Parking Agreement, Carilion may purchase from the City up to 60 additional supplemental parking permits (additional supplemental permits), with the total of all types of parking permits under the Parking Agreement not to exceed 500, and provided that such additional supplemental permits will only be for use in the Church Avenue Parking Garage and Century Station Parking Garage or such other parking garages as the City may designate in the future. For each of the additional supplemental permits which Carilion may receive from the City pursuant to this Amendment 1 and the Parking Agreement, Carilion agrees to pay the City the approved prevailing monthly rate then in effect, as such rate may be increased or decreased from time-to-time, for the particular parking garage for which such permits are issued less ten percent (10%) of such rate. The additional supplemental permits will only be made available at those rates after Carilion has provided sufficient documentation that it has created or relocated additional qualifying positions in Roanoke's Enterprise Zone One over and above the minimum 310 qualifying positions required by this Parking Agreement for each additional supplemental permit it requests. Furthermore, these additional supplemental permits will only be provided by the City if available and the City, in its sole discretion, determines that such additional supplemental permits should be made available. Carilion may request in writing such additional supplemental permits at any time through the City's Director of Economic Development. However, once any additional supplemental permits are provided to Carilion by the City, Carilion may only cancel any or all of such permits only at the time Carilion makes the annual report to the City referred to in Section 7(b) of the Parking Agreement. Such additional supplemental permits will be subject to the other terms and conditions of the Parking Agreement, including that should Carilion violate any of the provisions of the Parking Agreement or Amendment 1, Carilion will pay the City the full approved prevailing monthly rate for such additional supplemental permits in the same manner as Carilion would be required to pay for supplemental permits referred to in Section 7 of the Parking Agreement.

SECTION 2. Continuation of Terms and Conditions of the Parking Agreement.

All the terms and conditions of the Parking Agreement dated September 1, 1998, shall continue in full force and effect for the term of the Parking Agreement, except as modified above.

IN WITNESS WHEREOF, the parties hereto have signed this Amendment 1 by their authorized

representatives:

ATTEST:

_____
Mary Parker, City Clerk

CITY OF ROANOKE, VIRGINIA

By:_____
City Manager

ATTEST:

_____

_____
Printed Name and Title

CARILION HEALTH SYSTEM

By:_____

_____
Printed Name and Title

SEAL

Approved as to Form:

_____
City Attorney

Approved as to Execution:

_____
City Attorney

Appropriation and Funds Not Required
For this Contract:

_____
Director of Finance

_____ _____
Date Acct. #

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D.T.

6.a.8.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the City Manager to execute Amendment 1 to the September 1, 1998, Parking Agreement between the City of Roanoke and Carilion Health System; and providing for an emergency.

WHEREAS, the City and Carilion entered into a Parking Agreement dated September 1, 1998, giving Carilion the right to purchase a minimum of 310 and up to a maximum of 440 parking permits for use in the Tower Parking Garage, Church Avenue Parking Garage, and Century Station Parking Garage during normal business days and hours (Parking Agreement); and

WHEREAS, Carilion has purchased the maximum amount of 440 parking permits, but now needs additional parking permits for additional job positions it has or will move downtown and requires the ability to purchase up to an additional 60 parking permits above the 440 provided for by the Parking Agreement; and

WHEREAS, the City wishes to make such additional parking permits available to Carilion pursuant to the terms and conditions set forth in Amendment 1 as referred to in the City Manager's letter to Council dated November 19, 2001.

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

1. The City Manager and the City Clerk are authorized to execute and attest, respectively, an Amendment 1 to the Parking Agreement of September 1, 1998, between the City of Roanoke and Carilion Health System which will provide that Carilion may purchase up to 60 additional parking permits at the approved prevailing monthly rate then in effect, as such rate may be

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increased or decreased from time-to-time, for the particular parking garage for which such permits are issued less 10% of such rate, all as more particularly set forth in the City Manager's letter to Council dated November 19, 2001.

2. Amendment 1 to the Parking Agreement with Carilion will be substantially similar to the one attached to the above mentioned City Manager's letter, and shall be approved as to form by the City Attorney.

3. In order to provide for the usual daily operation of the municipal government, an emergency is deemed to exist, and this ordinance shall be in full force and effect upon its passage.

ATTEST:

City Clerk.

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Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Resolution authorizing the nomination of a portion of downtown and two properties on First Street, NW (Henry Street) for inclusion on the National Register of Historic Places

Background:

Roanoke has many historically significant places that consist of individual buildings, such as St. Andrew's Catholic Church, or consist of many buildings, such as the City Market and Old Southwest. These landmarks are designated on the National Register of Historic Places. Places that currently have this designation include:

- City Market
- Old Southwest/Mountain View
- Hotel Roanoke/Higher Education Center/GOB South
- Warehouse Row
- Historic Gainsboro

In July 2000, Roanoke entered into a 50/50 cost-share program with the Virginia Department of Historic Resources (VDHR) for surveying portions of downtown for possible inclusion on the National Register. The project area contains 200 properties that would "fill the gaps" between our existing National Register districts (see map). Roanoke committed $15,000 with a state match of $15,000 for a total project budget of $30,000. Hill Studio was retained to conduct the survey.

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CityWeb:www.ci.roanoke.va.us

Survey work was also completed on a proposed Henry Street district, which is made up of the Dumas Hotel and Ebony Club properties.

Once an area is surveyed, a "Preliminary Information Form" is submitted to VDHR, which determines eligibility. An official nomination is made once VDHR determines eligibility. Survey work has been completed for the Downtown West District and the Henry Street District. The Preliminary Information Forms have been prepared and must be endorsed by City Council in order to proceed.

Considerations:

Designation on the National Register provides many benefits including economic incentives and promoting community pride. National Register designation encourages investment by making State and Federal tax incentive programs available, which can offset up to 45% of the cost of rehabilitation. These tax credit programs have been very successful at spurring rehabilitation projects. Major examples of recent successful tax credit projects include the Roanoke Higher Education Center, Shenandoah Hotel, and Spectrum Design. Many of these projects would not have been feasible without the tax credits made available through the National Register designation.

It is important to note that inclusion on the National Register does not necessarily mean that Roanoke's H-1 and H-2 zoning district overlays will apply. No control over design is imposed on property owners unless federal funds are involved. Use of federal funds or participation in a tax credit project will require that an owner comply with rehabilitation standards adopted by the U.S. Secretary of the Interior.

The **Vision 2001 Comprehensive Plan** supports the survey and designation of the National Register Historic District through the following recommendations:

- Economic Development: Complete survey of historic structures in the downtown.
- Housing and Neighborhoods: Develop economic incentives in downtown to encourage residential development.
- Environmental and Cultural Resources: Undertake a comprehensive inventory of historic and cultural properties and districts in the city and consider historic districts, where applicable. Solicit neighborhood input and stakeholders in the inventory, where applicable. Promote local, state and federal incentives to include tax credits to encourage rehabilitation of historic districts.

Timing is an issue as the State Review Board meets quarterly. City Council endorsement of the application is required to proceed.

Recommendation:

Adopt a resolution endorsing the nominations of the Downtown West Historic District and the Henry Street Historic District for inclusion on the National Register of Historic Places, and authorizing the City Manager to sign documents related to the nominations on behalf of City Council.

Respectfully submitted,

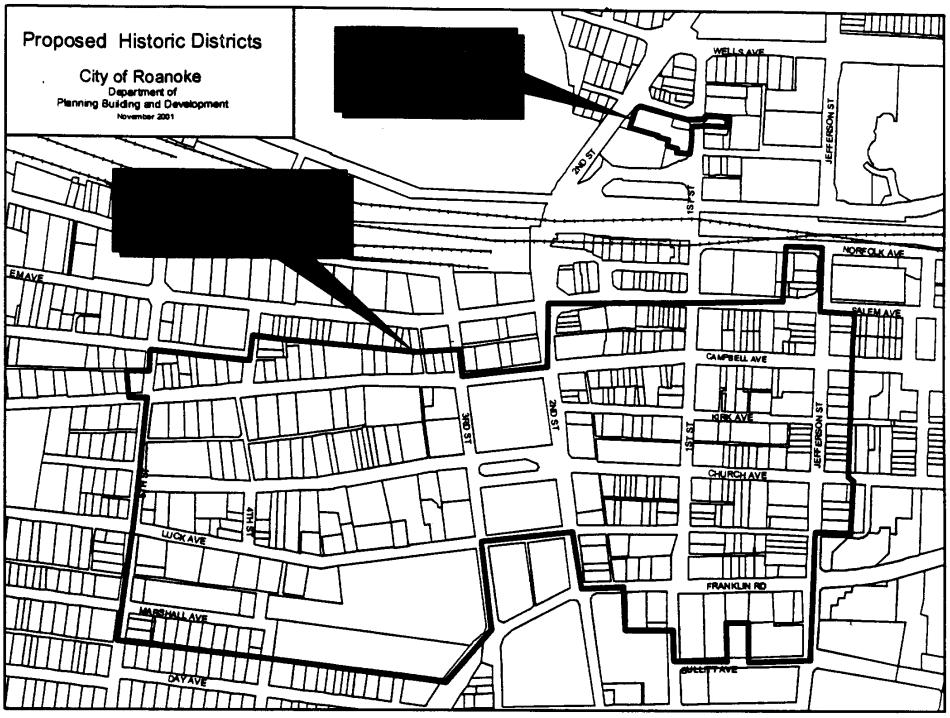
Darlene L. Burcham
City Manager

DLB:clc

Attachment

c: William M. Hackworth, City Attorney
Rolanda A. Johnson, Assistant City Manager for Community Development
Evelyn S. Lander, Director, Planning Building & Zoning
Steven J. Talevi, Assistant City Attorney
James D. Grisso, Director of Finance
Mary F. Parker, City Clerk

CM01-00264



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SJT

6.a.9

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION endorsing the inclusion of the Downtown West and the Henry Street Districts as landmarks on the Virginia Landmarks Register and the National Register of Historic Places; and authorizing the proper City Official to execute the appropriate documents to include those areas on the Virginia Landmarks Register and the National Register of Historic Places.

WHEREAS, designation on the Virginia Landmarks Register and the National Register of Historic Places provides many benefits, including economic incentives and increased community pride;

WHEREAS, the City of Roanoke is applying to the Virginia Department of Historic Resources for official designation of the Downtown West and the Henry Street Districts as landmarks on the Virginia Landmarks Register and the National Register of Historic places; and

WHEREAS, inclusion on the Virginia Landmarks Register and the National Register of Historic Places would recognize the cultural and architectural importance of the Downtown West and Henry Street Districts in the City of Roanoke's early history.

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

1. This Council is of the opinion that the Downtown West and Henry Street Districts have considerable cultural, architectural and historical significance and are worthy

of inclusion on the Virginia Landmarks Register and the National Register of Historic Places;

2. This Council enthusiastically endorses inclusion of the Downtown West and Henry Street Districts on the Virginia Landmarks Register and the National Register of Historic Places; and

3. The City Manager is hereby authorized to execute on behalf of the City of Roanoke any and all appropriate documents necessary for inclusion of the Downtown West and Henry Street Districts on the Virginia Landmarks Register and the National Register of Historic Places, as more particularly set forth in the letter to this Council dated November 19, 2001.

ATTEST:

City Clerk

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Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice-Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of Council:

Subject: Cooperative agreement between the Roanoke Valley Society for the Prevention of Cruelty to Animals (RVSPCA), the Counties of Botetourt and Roanoke, the Town of Vinton, and the City of Roanoke for regional animal pound services

Background:

For the past 40 years, RVSPCA has operated out of a converted farmhouse built in 1917 and located at 1313 Eastern Avenue. At various periods during that time, RVSPCA has accepted the responsibility to house and provide care for pound animals for Roanoke and Botetourt County, the Town of Vinton and the City of Roanoke. The facility is now dilapidated and inadequate. The State Veterinarian's inspectors have consistently rated the animal care provided by the RVSPCA as excellent; however, the physical facility was rated as deficient. The state has notified the participating local governments that it will begin levying fines for noted deficiencies. Both the RVSPCA and local governments have been independently seeking new facilities for the past several years as a result of the existing deficiencies.

After extensive research, planning and numerous meetings, the RVSPCA and the various local governments have a progressive plan to develop a state of the art facility for animal management in the valley.

These facilities, located next to the current facility, will house the RVSPCA operations as well as the pound operations of Roanoke County, Botetourt County, the Town of Vinton, and the City of Roanoke. The RVSPCA will continue to care for animals through its subsidiary, Animal Care

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CityWeb:www.ci.roanoke.va.us

Services, Inc. (ACS). The two operations will be adjacent, sharing a roofline and other items in order to contain costs. This public private partnership will provide an improvement in the services for the animals and community in a manner that is more humane, efficient and economical.

This co-location relationship will also facilitate the coordinated efforts of the RVSPCA and local governments in mutual projects such as: increased licensing, return of animals to owners, community wide humane education, and humane investigation.

The RVSPCA has been actively pursuing the goal of building a new shelter and raising the necessary funds for many years. Their executive director and staff played a major role in researching successful animal welfare organizations with emphasis on the development of both physical plant and program plans for the new facility.

Considerations:

The current building is located in the flood plain and has experienced several floods. The facility is in violation of state regulations and the items must be quickly addressed.

The following attachments contain detailed information regarding the project:

- Attachment A, is a copy of the site plan and floor plan.
- Attachment B, is a copy of the preliminary capital budget in an amount not to exceed $3,600,000.00
- Attachment C is a copy of the preliminary operating budget with an annual cost of $478,618.00.
- Attachment D, is a copy of the draft Roanoke Valley Regional Pound Facility Services Agreement, which has been reviewed by the local governments' respective attorneys. Note that schedule A of the agreement defines the percentage payments for the local governments based upon historic use of the current facility. The percentages will be adjusted every three years based upon actual use of the facility. The current City percentage is 51%. The term of the Agreement begins with the issuance of the obligations or the first day of the month after the new facility is placed in service and continues through June 30, 2032. The Agreement provides that the participating localities will indemnify and hold harmless the RVSPCA, and the RVSPCA will indemnify and hold harmless the participating localities, for the negligent of willful acts of omission or commission committed by the other party.

The RVSPCA will be the property owner and construction manager with a development and construction period estimated at 12 - 18 months and a summer 2003 completion date. The RVSPCA has already launched the Public Phase of its Capital Campaign.

The RVSPCA contemplates a financing through issuance of bonds by the Botetourt County Industrial Development Authority. The Botetourt IDA passed a resolution authorizing issuance of industrial development revenue bonds in an amount not to exceed $3,800.000.00. The IDA's authorization is subject to the concurrence of this Council since the facility will be located within the City of Roanoke. City of Roanoke appropriations will be addressed in the FY 2003 budget.

This joint partnership assists in accomplishing the goals of all parties. If each locality tried to build and operate separate facilities, the cost would be prohibitive.

The City's Purchasing Manager has determined that the RVSPCA is the only source practicably available to perform pound facility services.

Recommendations:

City Council concur in the determination of the City's Purchasing Manager on the sole source issue and authorize the City Manager to enter into the Services Agreement, the form of which shall be approved by the City Attorney, with the RVSPCA, the Town of Vinton, Botetourt County and Roanoke County; and that City Council concur in the resolution adopted by the IDA of the County of Botetourt approving the loan by the IDA to benefit the RVSPCA.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/RJ/ds
Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Robert White, Purchasing
Rolanda Johnson, Assistant City Manager for Community Development

#CM01-00270

Estimated Capital and Startup Cost for Municipal Regional Pound

11/19/2001

Construction Cost*	Regional Pound Main Building 18,523 sq.ft. X $115.00	$2,130,145
	Outside building for farm animals, goats, pigs, etc. 600 sq.ft. X $ 60	$36,000
	1/2 cost of 480 sq.ft bldg connection to SPCA shelter (240 X $115)	$27,600
Site Grading	19,363 sq.ft. x $28.00	$542,164
Furnishings	Office areas for Animal Control, ACS's staff & citizen intake & release areas	$50,000
Equipment & Supplies	Cages, tables, computers, software, phones, etc. and installation	$276,698
Pre-Construction Costs	Architect Fees, Attorney Fees, Land Purchase Costs	$400,000
Construction Pd. Interest		$75,000
Debt Issuance Costs		$100,000
Operating Reserve Fund	Opening Balance (90 days x $460,000 annual operating budget)	$115,000
Debt Reserve Fund	Opening Balance (estimate)	$100,000
Startup Cost		$40,000
		$3,892,607

* This budget is based on cutting the present Pound plans from 20,872 sq. ft. to 18,523 sq. ft. by taking out one row of dog runs and by cutting the number of unloading bays from three to two.

RVSPCA
New Regional Pound Facility Revised Operating Budget
11/19/2001

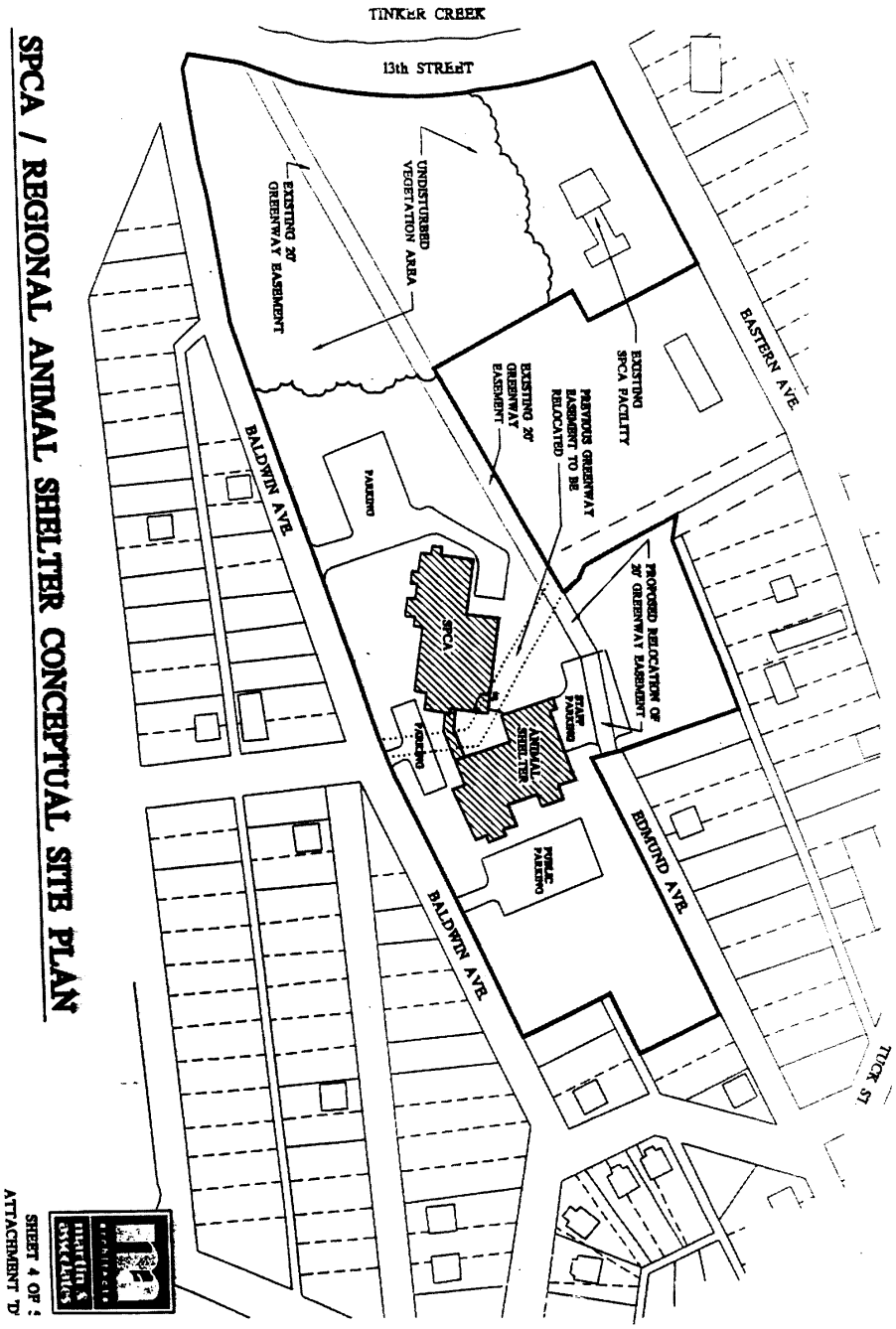
Revised budget estimate

	Budget
Salaries/Wage	$256,058.00
Payroll Tax	$22,300.00
Hospitalization Insurance	$23,860.00
Dental Insurance	$2,800.00
Workman Comp.	$3,800.00
Staff Medical Shots (Rabies)	$4,500.00
Wearing Apparel	$1,500.00
Utilities	$30,000.00
Telephone	$5,000.00
Animal Food/Cat Litter	$8,000.00
Cleaning Supplies	$6,000.00
Refuse Service	$4,500.00
Pest Control	$1,000.00
Syringes, Needles, Gloves	$2,500.00
Educational Expense	$1,000.00
Euthanasia Supplies	$4,500.00
Miscellaneous	$3,000.00
Office Supplies/Printing	$3,200.00
Postage	$800.00
Insurance	$7,500.00
Repairs/Maintenance	$3,000.00
Taxes, Licenses, Permits	$400.00
Vehicle Gas	$700.00
Vehicle Insurance	$1,800.00
Vehicle Repairs	$1,000.00
Dues & Subscriptions	$200.00
Shelter Equipment Expense	$2,000.00
Legal Fees/Audit	$6,300.00
Pager Service	$900.00
Prof Service Building	$1,000.00
Travel / Training	$1,800.00
Advertising	$2,000.00
Vet Fees - Injured Animals	$3,200.00
Flea & Tick Control	$6,000.00
Service Contract Fees	$2,500.00
	$424,618.00
Administration Fee:	$54,000.00
Administrator	
Accountant	
TOTAL	**$478,618.00**

Revised salary estimate

		Salaries/Wages	
Pound Manager	1	$29,640.00	$29,640
Front Desk Supervisor	1	$23,280.00	$23,280
Front Desk Clerk F/T	1	$19,240.00	$19,240
Front Desk Clerk P/T	1	$13,650.00	$13,650
Lead Animal Caretaker	1	$21,320.00	$21,320
Animal Caretaker	5	$18,720.00	$93,600
Animal Caretaker P/T	3	$12,376.00	$37,128
Janitorial, Grounds and Maintenance F/T	1	$18,200.00	$18,200
			$256,058

Operating Budget based on a projection of the new municipal regional pound facility being operational in the Spring or early Summer of 2003. Unforeseen costs may develop in the areas of utilities, employment availability, changes in State Regulations, etc.



SPCA / REGIONAL ANIMAL SHELTER CONCEPTUAL SITE PLAN

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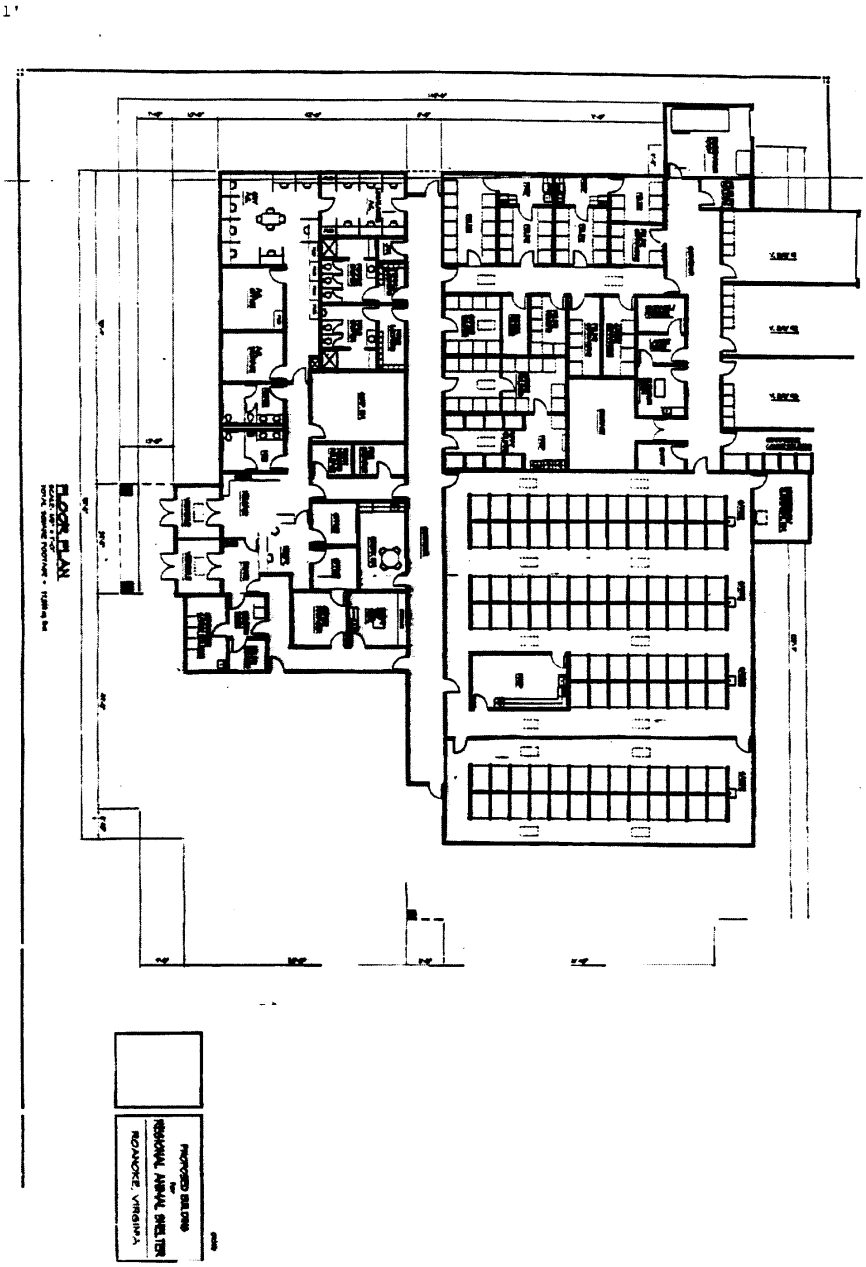

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ROANOKE VALLEY REGIONAL POUND FACILITY SERVICES AGREEMENT

THIS SERVICES AGREEMENT ("Agreement"), is made and entered into this ____ day of November, 2001, by and between the CITY OF ROANOKE, VIRGINIA, the TOWN OF VINTON, VIRGINIA, the COUNTY OF ROANOKE, VIRGINIA, the COUNTY OF BOTETOURT, VIRGINIA, each of which is a political subdivision of the Commonwealth of Virginia (each a "Participating Locality" and collectively, the "Participating Localities"), and the ROANOKE VALLEY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, INC., (the "RVSPCA").

WHEREAS, the RVSPCA has been operating the existing pound facility for many years, and has housed, cared for, disposed of and offered for adoption animals from several local governments, including the Participating Localities, during all of that period due to the fact that said local governments have no facility in which to house said animals; and

WHEREAS, the need for secure space for the impoundment of animals running at large and released in the community or collected by the Participating Localities is an essential service which is required to be provided by the Participating Localities and is necessary pursuant to the provisions of Section 3.1-796.96 of the Code of Virginia (1950, as amended) and local statutes and ordinances; and

WHEREAS, the current demand for space has increased to the point that the existing pound facility is inadequate to serve the needs of the Participating Localities; and

WHEREAS, it is the desire of the parties to this Agreement that the RVSPCA erect a new pound facility (the "New Pound Facility") to be managed by the RVSPCA; and

WHEREAS, the Participating Localities desire to enter into a Service Agreement with the RVSPCA governing the parties' respective obligations before, during and after construction of the New Pound Facility; and

WHEREAS, the RVSPCA may enter into an agreement with a subcontractor to operate the New Pound Facility to be erected by the RVSPCA; and

WHEREAS, the RVSPCA and the Participating Localities desire to work together, with approval and/or input from an Advisory Board, in furtherance of this Agreement.

WITNESSTH:

NOW THEREFORE IN CONSIDERATION of the mutual covenants herein contained and subject to the conditions herein set forth, the parties mutually covenant and agree as follows:

ARTICLE I

Definitions

Section 1.1 Definitions

The capitalized terms in this Agreement have the meanings set forth below unless the context otherwise requires:

(a) **Advisory Board** – has the meaning set forth in Section 2.1.

(b) **Animals** – has the meaning set forth in Section 3.1.

(c) **Annual Budget** - has the meaning set forth in Section 7.1.

(d) **Applicable Laws** - means all applicable laws, ordinances, judgments, decrees, injunctions, writs and orders of any court, arbitrator or governmental agency or authority and all rules, regulations, orders, interpretations, licenses and permits of any federal, state, county, municipal, regional, foreign or other governmental body, instrumentality, agency or authority.

(e) **Authority** – means the Industrial Development Authority of Botetourt County, Virginia.

(f) **Bonds** - means the obligations issued by the Authority for the design, acquisition of the property, construction, equipping, financing and other costs of the New Pound Facility, including the Project Costs and Start Up Costs as well as refunding bonds and additional project bonds.

(g) **Cage** – means the holding areas used for the Animals in the New Pound Facility.

(h) **Construction Costs** – has the meaning set forth in Section 2.3.

(i) **Debt Service Reserve Fund** – means the reserve fund established in Section 7.5. This Fund shall be capitalized, to the extent allowed by law, in the borrowing for the New Pound Facility.

(j) **Debt Service Component** - means the portion of the Per Diem Charge that equals, in the aggregate for each Fiscal Year, the debt service on the Authority's Bonds or Notes for such Fiscal Year, plus the amount necessary during such period to fund or replenish the Debt Service Reserve Fund.

(k) **Expenses** - means all expenses which may reasonably be determined by RVSPCA, subject to approval from the Advisory Board which approval shall not be unreasonably withheld, to be attributable directly or indirectly to the ownership or

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operation of the New Pound Facility and payable as operating expenses in accordance with generally accepted accounting principles and shall also include debt service payments and other capital costs, required payments to the Reserve Funds and other reasonable or necessary payments required to comply with debt service coverage requirements imposed in connection with any Bonds.

(l) **Fiscal Year** - means the annual accounting period from July 1 of one year to June 30 of the following year.

(m) **Maintenance Reserve Fund** – means the reserve fund established in Section 7.4. This fund will not be capitalized in the borrowing for the New Pound Facility.

(n) **Net Expenses** - means Expenses reduced by an amount equal to revenue from: (i) jurisdictions other than Participating Localities, (ii) reimbursements from the Commonwealth of Virginia, and (iii) any other revenue from sources other than Participating Localities.

(o) **New Pound Facility** – means the new pound facility to be constructed and operated by the RVSPCA as provided herein.

(p) **Notes** - means short-term obligations of the Authority including notes issued in anticipation of receipt of revenues or bond anticipation notes issued by the Authority.

(q) **Obligations** - means the Notes or Bonds issued by the Authority.

(r) **Operating Component** - means the portion of the Per Diem Charge that reflects Net Expenses for each Fiscal Year as set forth in the Annual Budget less the debt service and Debt Service Reserve Fund expenses reflected by the Debt Service Component.

(s) **Operating Reserve Fund** - means the reserve fund established in Section 7.3. This Fund shall be capitalized, to the extent allowed by law, in the borrowing for the New Pound Facility.

(t) **Participating Localities** - means the City of Roanoke, Virginia; the Town of Vinton, Virginia; the County of Roanoke, Virginia; and the County of Botetourt, Virginia, each a political subdivision of the Commonwealth of Virginia, and every other political subdivision that becomes a Participating Locality in the future pursuant to Article XIII of this Agreement.

(u) **Participating Locality Default** - has the meaning given to such term in Section 16.2.

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(v) **Per Diem Charge** - means the uniform daily charge to each Participating Locality for the use of a Cage in the New Pound Facility for a day or any portion of a day as set forth in Section 7.1.1.

(w) **Placed in Service** - means the first day a certificate of occupancy is issued for the New Pound Facility and the New Pound Facility is approved by the applicable local governmental authorities for use by the RVSPCA.

(x) **Project Costs** - means reasonable and necessary costs incurred by the RVSPCA in connection with the New Pound Facility including, but not limited to, architect fees, engineering fees, legal fees, needs assessment costs, personnel costs incurred during construction until the New Pound Facility is completed, survey costs, design costs, financial service fees, and initial operating expenses of the New Pound Facility including the establishment of the Debt Service and Operating Reserve Funds.

(y) **Proportionate Share** – means the portion of the Annual Budget allocable to each Participating Locality which shall be calculated by multiplying the Annual Budget by the Use Percentage for a Participating Locality.

(z) **Reserve Funds** – means, collectively, the Debt Service Reserve Fund, the Maintenance Reserve Fund and the Operating Reserve Fund.

(aa) **RVSPCA Default** - has the meaning given to such term in Section 16.1.

(bb) **Start Up Costs** – means reasonable and necessary costs to open the New Pound Facility including, but not limited to, personnel costs incurred after construction is completed and before the New Pound Facility opens, utility costs and the like used in setting up the New Pound Facility for operation.

(cc) **Use Percentage** – means the percentage of each Participating Locality's historical pro-rata use of the regional pound facility as set forth and determined in accordance with Schedule A.

Article II

Preliminary Responsibilities

Section 2.1 Advisory Board Responsibilities

2.1.1 Upon execution of this Agreement, an Advisory Board shall be formed. Members of the Advisory Board are the RVSPCA, any approved subcontractor, if one is retained, and the Participating Localities. The Advisory Board shall consist of two representatives appointed by the RVSPCA, a representative appointed by any approved subcontractor retained by the RVSPCA to operate the New Pound Facility, and one representative appointed by each of the four Participating Localities. If the RVSPCA

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does not retain a subcontractor to operate the New Pound Facility, the RVSPCA shall appoint three representatives. Each representative shall serve at the will of the appointing member and may be summarily removed by the member, at any time, with or without cause. Additionally, the Executive Director of the RVSPCA shall serve as an ex-officio non-voting representative to the Advisory Board. The Advisory Board shall be responsible for general fiscal and management policy for the New Pound Facility and accordingly shall have the following duties:

(a) To hold regular meetings: (i) to facilitate communications between the RVSPCA, any approved subcontractor operating the New Pound Facility and the Participating Localities; (ii) to provide advice in furtherance of this Agreement; and (iii) to consider matters for approval when required by this Agreement.

(b) To consider for approval: (i) the final design, construction and equipping of the New Pound Facility; (ii) the employment and procurement of administrators; (iii) the initial adoption (prior to the New Pound Facility being Placed in Service) of rules, regulations, policies and guidelines for the operation and maintenance of the New Pound Facility; and (iv) the arrangements for financing the construction of the New Pound Facility. The RVSPCA may make changes in the design, construction and equipping of the New Pound Facility without the approval of the Advisory Board provided that: (i) such changes are minor and consistent with the original design and plans for the New Pound Facility; and (ii) each single change does not exceed Twenty Five Thousand Dollars ($25,000.000) in amount: and (iii) the aggregate amount of all changes that are not approved by the Advisory Board does not exceed One Hundred Thousand Dollars ($100,000.00).

(c) To consider for approval any subcontractors, other than Animal Care Services, Inc., pursuant to Section 2.5.

(d) To consider for approval the hours of operation for the New Pound Facility pursuant to Section 4.1.3.

(e) To receive, review, and consider reports received by it from the RVSPCA pursuant to Section 4.1.15.

(f) To receive, review, and consider for approval, which approval shall not be unreasonably withheld, all material reports to be filed by the RVSPCA with any federal, state or local department and/or agency as provided in Section 4.1.16.

(g) To provide input, advice and/or approval on a timely basis as required by Section 5.1.13 including, but not limited to, the approval of all material reports to be filed as set forth in Section 2.1.1(f) above.

(h) To consider for approval the Annual Budget and the Per Diem Charge for the next Fiscal Year for the New Pound Facility as set forth in Section 7.1.1.

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(i) To set the rate charged to other jurisdictions as provided in Section 7.2.

(j) To consider for approval, any unbudgeted disbursements from the Maintenance Reserve Fund as provided in Section 7.4.

(k) To receive, review and consider monthly financial reports received from the RVSPCA with regard to the New Pound Facility as provided in Section 4.1.6.

(l) To review, beginning with the fourth year of operation of the New Pound Facility and every three years thereafter, the usage criteria for the most recent three-year period and, if necessary, revise the Use Percentages as provided in Schedule A.

2.1.2 Except for the suspension of the voting rights of a representative of a Participating Locality that has failed to pay two or more payments (as discussed in Section 5.1.6), each representative shall have one vote on each matter coming before the Advisory Board. A Participating Locality whose representative's voting rights have been suspended may have its representative's voting rights reinstated immediately upon payment of all past due monthly installments of its Proportionate Share. Any representative entitled to vote and who is not present at a meeting may still vote on any matter by general or specific proxy or by specific instructions in writing. A quorum for the transaction of any particular business at a meeting of Advisory Board representatives shall exist if a majority of the representatives eligible to vote are present in person or represented by proxy or other written instruction. Except as otherwise provided herein, action of the Advisory Board shall be by majority vote of all the representatives eligible to vote.

2.1.3 Meetings of the Advisory Board shall be called at places within the Commonwealth of Virginia and at times fixed by resolution of the Advisory Board or upon call of the Chairman or a majority of the representatives. Representatives of the Advisory Board may participate in a meeting of the Advisory Board by, and the Advisory Board may conduct meetings through the use of, any means of communication whereby all persons participating in the meeting can simultaneously hear each other and participation at such meetings shall constitute presence in person at such meeting. A written record shall be made of any action taken at a meeting conducted by such means of communication. The order of business at a regular meeting shall be as follows: (a) roll call; (b) approval of minutes of the previous meeting; (c) public information period; (d) unfinished business; and (e) new business.

2.1.4 The Secretary or any representative performing the Secretary's duties shall give not less than 72 hours' notice in person or by letter or telephone, telegraph, teletype, or other form of wire or wireless communication of all meetings of the Advisory Board, provided that notice need not be given of regular meetings held at times and places fixed by resolution of the Advisory Board. Oral notice is effective when communicated if communicated in a comprehensible manner. Written notice is effective at the earliest of the following: (i) when received; (ii) three days after deposit in the United States mail, as evidenced by the postmark, if mailed post-paid and correctly addressed; (iii) on the date

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shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee. Meetings may be held at any time without notice if all the representatives are present, or those not present waive notice as provided in Section 2.1.6 hereof. Notice of meetings of the Advisory Board need not state the purpose of the meeting. Notwithstanding anything contained in this Section 2.1.4 to the contrary, a mandatory fifteen (15) day prior written notice of an Advisory Board meeting shall be provided by the Secretary or any representative performing the Secretary's duties to all Advisory Board representatives if the following items are discussed and voted upon at the Advisory Board meeting: (a) a change in the Annual Budget; (b) a change in the Per Diem Charge; or (c) use of Reserve Funds except in a manner provided for in the Annual Budget previously approved by the Advisory Board.

2.1.5 Any action that may be taken at a meeting of the Advisory Board may be taken without a meeting if one or more unanimous consents in writing, setting forth the actions that are taken, are signed either before or after such action by all of the Advisory Board representatives eligible to vote. The signed consents shall be delivered to the Secretary or other representative performing such duties for inclusion in the Advisory Board's records. Such actions shall be effective when the last representative signs the consent, unless the consent specifies a different effective date in which case the action taken shall be effective on the date specified therein. Any such consent shall have the same force and effect as a unanimous vote of the representatives.

2.1.6 A representative may waive any notice required by this Agreement before or after the date and time stated in the notice and such waiver shall be equivalent to the giving of such notice. Except as provided in the next sentence hereof, the waiver shall be in writing, signed by the representative entitled to the notice and filed with the Advisory Board records. A representative's attendance at or participation in a meeting waives any required notice to the representative of the meeting unless the representative at the beginning of the meeting or promptly upon his or her arrival objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or consent to action taken at the meeting.

2.1.7 A representative who is present at a meeting of the Advisory Board when an Advisory Board action is taken is deemed to have assented to the action taken unless: (a) the representative objects, either at the beginning of the meeting or promptly upon his or her arrival, to holding the meeting or transacting specified business at the meeting; or (b) the representative votes against, or abstains from, the action taken. The Secretary or any other representative performing the Secretary's duties shall maintain accurate records of all votes of the Advisory Board.

2.1.8 Third parties dealing with the Advisory Board shall be entitled to rely conclusively upon the power and authority of the representatives as set forth herein, subject only to the express limitations set forth in this Agreement or by law.

2.1.9 The Advisory Board shall elect a Chairman, a Vice Chairman and a Secretary from the representatives appointed by its members. They shall hold office until

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his or her successor is elected or he or she resigns, unless sooner removed from office as provided in Section 2.1.11. Following the initial election of officers, officers shall be elected at the regular meeting of the Advisory Board in June of each year. Officers shall serve for a term of one Fiscal Year. Officers may be re-elected to more than one term.

2.1.10 Any officer of the Advisory Board may be removed from their officer position summarily, with or without cause, at any time, by the Advisory Board. Officer vacancies may be filled by the Advisory Board.

2.1.11 The Chairman shall preside over all Advisory Board meetings and shall appoint from time to time such committees as he or she may deem appropriate. In addition, the Chairman shall perform such other duties as may be assigned to him or her from time to time by the Advisory Board including, but not limited to, providing monthly reports to the Advisory Board.

2.1.12 The Vice Chairman shall preside at all meetings of the Board when the Chairman is not in attendance and shall have such other powers or duties as may be assigned to him or her from time to time by the Advisory Board.

2.1.13 The Secretary shall act as secretary of all meetings of the Advisory Board. The Secretary shall prepare and preserve the minutes of all such meetings in permanent books. Copies of the minutes of a meeting shall be mailed to each representative prior to the next meeting of the Advisory Board. He or she shall see that all notices that are required to be given by the Advisory Board are duly given and served; shall have custody of all important Advisory Board documents; shall have charge of the books, records, and papers of the Advisory Board and shall in general perform all the duties incident to the office of Secretary and such other duties as from time to time may be assigned to the Secretary by the Advisory Board.

Section 2.2 RVSPCA Preliminary Responsibilities

Before the New Pound Facility is Placed In Service, the RVSPCA shall be responsible, subject to approval by the Advisory Board as provided in Section 2.1.1(b), for: (i) the final design, construction and equipping of the New Pound Facility; (ii) the employment and procurement of administrators; (iii) the initial adoption of rules, regulations, policies and guidelines for the operation and maintenance of the New Pound Facility; and (iv) the arrangements for financing the construction of the New Pound Facility.

Section 2.3 Agreement to Finance

The total costs for the acquisition of property for, design, construction and equipping of the New Pound Facility (the "Construction Costs") as well as the Project Costs and Start Up Costs are not to exceed $3,600,000.00. The RVSPCA intends to finance the cost of the purchase of the property for the New Pound Facility, the construction of the New Pound Facility, the equipping of the New Pound Facility, the

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Project Costs and Start Up Costs incurred by the RVSPCA, including expenses associated with the financing, through the issuance by the Authority of Bonds or other indebtedness. In addition, in advance of the issuance of Bonds or other indebtedness, the Authority may issue bond anticipation notes or other short-term obligations.

Section 2.4 Reimbursement to RVSPCA for Project Costs and Start Up Costs

To the extent the RVSPCA is not reimbursed from the financing proceeds (as set forth in Section 2.3), RVSPCA shall be reimbursed by the Participating Localities for the Project Costs and Start Up Costs it has incurred, not to exceed a total of $440,000.00 subject to appropriation, within thirty (30) days after written request from RVSPCA. Each Participating Locality shall pay a portion of the total Project Costs and Start Up Costs equal to its Use Percentage multiplied by the total amount.

Section 2.5 Operational Control, Right to Subcontract

Subject to the provisions of this Agreement including without limitation the input and approval roles of the Advisory Board, RVSPCA and their approved subcontractors shall be responsible for the day to day management and operation of the Pound Facility. Throughout the term of this Agreement, RVSPCA may subcontract with Animal Care Services, Inc., a wholly owned subsidiary ("ACSI"), and, subject to the approval of the Advisory Board, with any Participating Locality, private person or other entity for management oversight, financial, personnel, engineering, procurement, legal or other services upon terms and conditions to be agreed upon between the RVSPCA and the service provider provided, however, that RVSPCA will not take any action or omit to take any action which would adversely affect the tax exemption discussed in Article XII.

ARTICLE III

Acceptance of Animals

Section 3.1 Acceptance of Animals

Immediately after the New Pound Facility is Placed In Service, the RVSPCA, which may act through ACSI or another approved subcontractor, shall be responsible for: (i) accepting, housing in Cages and caring for cats, dogs and all other animals that the New Pound Facility is equipped to handle as mutually agreed upon by RVSPCA and the Participating Localities (the "Animals") and which are delivered to the New Pound Facility by any representative of the Participating Localities authorized by the Participating Localities to confiscate such Animals for impoundment; (ii) receiving and housing in Cages stray Animals as turned in by residents of the Participating Localities who are not the owner of the Animal ("Stray Animals"); and (iii) receiving and housing in Cages Animals turned in by residents of the Participating Localities who are the owner of the Animal ("Owner Release Animals").

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ARTICLE IV

The RVSPCA Responsibilities

Section 4.1 RVSPCA Obligations

In addition to any other conditions contained herein, the RVSPCA agrees:

4.1.1. To either: (i) transfer Animals to the shelter (also run by the RVSPCA) for adoption; or (ii) to hold Animals in the New Pound Facility for the statutorily required time period, or as otherwise requested by the Participating Locality, until transfer to the shelter or redemption; or, (iii) acting through ACSI or another approved subcontractor, to euthanize all Animals not transferred or redeemed, pursuant to the Applicable Laws of the Participating Localities and the Commonwealth of Virginia and in compliance with all other Applicable Laws promulgated by agencies responsible for the oversight of such facilities and operation including, but not limited to, the United States Drug Enforcement Administration, the Virginia Department of Health and the Virginia Department of Agriculture and Consumer Services. Any Animal held in the New Pound Facility, at the request of the RVSPCA or any subcontractor, for more than three days beyond the statutorily required time period or other period requested by the Participating Locality, shall be held at the expense of the RVSPCA and subject to the availability of space.

4.1.2. Acting through ACSI or another approved subcontractor, to provide controlled drugs for euthanasia to be performed in the New Pound Facility and to obtain and maintain all applicable licenses and documentation required by the Virginia Board of Pharmacy and the United States Drug Enforcement Administration.

4.1.3. Subject to the approval of the Advisory Board, to maintain and publicize appropriate hours of operation at the New Pound Facility for the public and for the impoundment of Animals and as required by Applicable Laws; provided, however, that the New Pound Facility may be closed at such times deemed by RVSPCA to be appropriate and compatible with the sound operation of the New Pound Facility.

4.1.4. The RVSPCA shall maintain hazard, liability or such other insurance as may be required by Applicable Laws, by this Agreement, or which the RVSPCA may deem advisable. During the life of this Agreement, the RVSPCA, and any and all subcontractors (including ACSI), shall maintain insurance with a company licensed to transact business in the Commonwealth of Virginia and approved by the Participating Localities, which approval shall not be unreasonably withheld or delayed, and shall furnish the Participating Localities with certificates of insurance which shall also include insurance deductibles, if applicable. With respect to the Commercial General Liability coverage, the certificates shall name the Participating Localities, their officers, agents and employees, and volunteers as additional insured parties, providing coverage against any and all claims and demands made by any person or persons whomsoever for property damages or bodily injury (including death) incurred in connection with the services to be provided under this Agreement. With respect to Workers' Compensation coverage, if

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applicable, the RVSPCA's insurance company and the approved subcontractor's insurance company shall waive rights of subrogation against the Participating Localities, their officers, agents and employees and volunteers.

At a minimum, such insurance shall include the following:

A. Commercial General Liability: $1,000,000.00
   1. $1,000,000.00 General Aggregate Limit (other than Products/Completed Operations).
   2. $1,000,000.00 Products/Completed Operations Aggregate Limit.
   3. $1,000,000.00 Personal Injury and Advertising Injury Liability (including liability for slander, libel, and defamation of character).
   4. $1,000,000.00 each occurrence limit (including contractual).

B. Workers' Compensation: statutory coverage for Virginia Employer's Liability:
   1. $200,000.00 Bodily Injury by Accident each Occurrence.
   2. $500,000.00 Bodily Injury by Disease Policy Limit.
   3. $200,000.00 Bodily Injury by Disease each Employee.

C. The above limit amounts may be met by an umbrella liability policy following form of the underlying primary coverage in a minimum amount of $1,000,000.00.

D. Proof of Insurance Coverage:

1. The RVSPCA shall furnish the Participating Localities with the required certificates of insurance showing the type, amount, effective dates and date of expiration of the policies.

2. The required certificates of insurance shall contain substantially the following statement: "Should any of the above described policies be canceled before the expiration date thereof, the issuing company shall provide 30 days written notice to (fill in Participating Localities Contact Person's Name, Title, Address)."

4.1.5. To maintain accurate written accounts of all Animals impounded, on behalf of the Participating Localities, and delivered to the New Pound Facility by the Participating Localities or Stray Animals and Owner Release Animals delivered to the New Pound Facility by citizens of the Participating Localities and the Cages used to house such Animals.

4.1.6. To provide monthly financial reports to the Advisory Board, in a mutually agreed upon form, and to permit authorized representatives of the Participating Localities to inspect the New Pound Facility's records during regular, posted office hours with prior written notice of at least forty-eight (48) hours.

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4.1.7. To carry out all procedures at the New Pound Facility required by Applicable Laws with respect to any impounded Animal which has bitten a person or which is to be held for a trial or hearing. With respect to any bite or injury not occurring at the New Pound Facility, RVSPCA is not required to perform any investigative services to obtain information regarding the incident itself.

4.1.8. To allow access to the New Pound Facility twenty-four (24) hours per day, seven (7) days a week to authorized law enforcement officers.

4.1.9. To allow the Participating Localities to park necessary assigned law enforcement vehicles, as well as such officers' personal vehicles, on the New Pound Facility's premises at the Participating Localities' and the personal vehicle owner's own risk.

4.1.10. Acting through ACSI or another approved subcontractor, to provide for the lawful disposal of euthanized Animals.

4.1.11. To provide reasonable office space for animal control and law enforcement personnel from the Participating Localities at no additional cost to the Participating Localities.

4.1.12. To provide regular maintenance and cleaning of all areas within the New Pound Facility, including unloading and impoundment areas.

4.1.13. Without the prior written consent of the Participating Localities and the holders of the Obligations, the RVSPCA will not sell, lease, sublease, assign, convey or otherwise voluntarily dispose of the New Pound Facility unless the Notes, Bonds, and any other Obligations issued for the New Pound Facility have been or will be paid or deemed defeased in accordance with the agreements pursuant to which they were issued and the term of this Agreement is over.

4.1.14. To collect any fees imposed by the Participating Localities consistent with current practice and remit such collected fees to the Participating Localities on a monthly basis by the tenth (10th) day of the following month to the person designated by each Participating Locality to accept such fees.

4.1.15. To provide to the Advisory Board, within one week of receipt, all reports regarding the New Pound Facility received by the RVSPCA from any federal, state or local department and/or agency including, but not limited to, the Virginia Department of Agriculture and Consumer Services, the Virginia Department of Interior and the Virginia Board of Pharmacy.

4.1.16. To provide to the Advisory Board for review and approval prior to filing, all material reports to be filed by the RVSPCA with any federal, state or local department and/or agency including, but not limited to, the Virginia Department of Agriculture and Consumer Services, the Virginia Department of Interior and the Virginia Board of

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Pharmacy regarding the New Pound Facility provided, however, that RVSPCA will file all reports on a timely basis.

4.1.17. To designate Advisory Board representatives and a person with whom communication is to be made pursuant to this Agreement.

4.1.18. To provide reasonable veterinary services for Animals that become injured or ill during confinement in the New Pound Facility in accordance with a mutually agreed upon procedure (including Participating Locality pre-approvals) and, once the applicable funds in the Annual Budget have been fully used, subject to reimbursement from the applicable Participating Locality in accordance with the agreed upon procedure. Critically injured or ill animals that arrive at the New Pound Facility shall be either: (i) stabilized and treated at the direction and expense of the applicable Participating Locality (and in accordance with a mutually agreed upon procedure); or (ii) euthanized at the direction of the Participating Locality.

4.1.19. RVSPCA and its subcontractors shall provide their services hereunder in a good and workmanlike manner. THIS IS THE EXCLUSIVE WARRANTY OFFERED BY RVSPCA AND ITS SUBCONTRACTORS AND IS IN LIEU OF ALL OTHER WARRANTIES WHETHER WRITTEN, ORAL, EXPRESS, IMPLIED, OR STATUTORY INCLUDING, WITHOUT LIMITATION, THE WARRANTY OF MERCHANTABILITY AND THE WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE.

ARTICLE V

The Participating Localities Responsibilities

Section 5.1 Participating Locality Obligations

In addition to any other agreements contained herein, each of the Participating Localities agrees:

5.1.1. Once the New Pound Facility is Placed in Service, each Participating Locality shall be liable to the RVSPCA for the Per Diem Charge for each Cage used for an Animal (including Stray Animals and Owner Release Animals) from a Participating Locality that is kept in the New Pound Facility (collectively, the "Participating Locality's Per Diem Charge Liability"). The provisions of Section 5.1.3 shall govern payment of the Participating Locality's Per Diem Charge Liability.

5.1.2 Once the New Pound Facility is Placed in Service, each Participating Locality shall pay to the RVSPCA its Proportionate Share in twelve (or less, if the Fiscal Year is not a full year) equal monthly installments, subject to appropriation of funds for such purpose by the governing body of the Participating Locality. Each monthly installment shall be paid to the RVSPCA on or before the twenty fifth (25th) day of that month.

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5.1.3. A Participating Locality shall not be required at any time during the Fiscal Year to pay any portion of the Participating Locality's Per Diem Charge Liability if the Participating Locality pays on a timely basis all of the installments of its Proportionate Share. However, if at any time during a Fiscal Year a Participating Locality fails to pay any single installment of its Proportionate Share and such failure is not corrected within ten (10) days after receipt of written notice from RVSPCA, the Participating Locality shall thereafter pay, from time to time during the Fiscal Year and within forty-five (45) days after demand, invoice(s) provided by the RVSPCA and in amounts equal to the then accrued but unpaid Participating Locality's Per Diem Charge Liability for the Fiscal Year. A Participating Locality shall not be required at any time during the Fiscal Year to pay any portion of the Participating Locality's Per Diem Charge Liability if the total, at that point in time, of the prior payment by the Participating Locality for the Fiscal Year of: (i) installments of its Proportionate Share; and
(ii) invoices for the Participating Locality's Per Diem Charge Liability, equals or exceeds the total amount of the monthly installments of the Participating Locality's Proportionate Share then due and payable.

5.1.4. In the event the total Net Expenses for a Fiscal Year exceed the total amounts collected from the Participating Localities pursuant to Sections 5.1.2 and 5.1.3, each Participating Locality shall pay an amount equal to the excess Net Expenses multiplied by the Use Percentage for that Participating Locality, subject to the appropriation of funds for such purpose by the governing body of the Participating Locality. Such amounts shall be paid by each Participating Locality within forty-five (45) days after receipt of an invoice from RVSPCA and shall be used by RVSPCA only to pay unpaid Net Expenses including the replenishment of Reserve Funds.

5.1.5 If not paid when due, any unpaid installment of the Proportionate Share of a Participating Locality or any other amount payable by a Participating Locality hereunder shall bear interest, to the extent allowed by law, at the legal rate as set forth in §6.1-330.53 of the Code of Virginia (1950), as amended, or its successor section, and be subject to a 10% penalty, to the extent allowed by law.

5.1.6 If two or more payments required to be made by a Participating Locality under this Article V are not paid when due, the privilege of that Participating Locality's representative to vote on all Advisory Board matters shall be suspended until all delinquent and unpaid amounts are paid in full by the Participating Locality.

5.1.7. To deliver to the RVSPCA at its New Pound Facility all Stray Animals and all Animals confiscated for running at large in the Participating Locality or otherwise violating Applicable Laws.

5.1.8. To provide, at its expense, all equipment and supplies required to administer its animal control functions under this Agreement including, but not limited to, vehicles, communications, and forms when appropriate.

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5.1.9. To designate an Advisory Board representative and a designated person with whom communication is to be made pursuant to this Agreement.

5.1.10. To require the Participating Locality's animal control officers and other workers to comply with the reasonable rules and regulations of the RVSPCA as they pertain to the operation of the New Pound Facility.

5.1.11. To permit the RVSPCA to have control over all Animals in the New Pound Facility once the Animals are delivered to the New Pound Facility by the animal control officers, subject, however, to the requirement that RVSPCA shall comply with all Applicable Laws, and with the exception that Animals charged with being vicious or dangerous or otherwise required for evidence shall remain under the ultimate control of the Participating Locality until such time as the Participating Locality relinquishes control, in writing, to the RVSPCA.

5.1.12. To promptly notify RVSPCA of any changes in the provisions of the codes of the Participating Locality, the laws of the Commonwealth of Virginia as well as other Applicable Laws and the pertinent rules, regulations and procedures governing the animal control functions of the Participating Locality.

5.1.13. To provide on a timely basis all Participating Locality reviews and approvals and Advisory Board input and approvals set forth in this Agreement.

5.1.14. If for any reason other than a default by RVSPCA described in Section 16.1, the New Pound Facility is not constructed or Placed In Service, or if no Animals are placed at the New Pound Facility, each Participating Locality shall reimburse the RVSPCA for its share of all Net Expenses and Project Costs and Start Up Costs for the New Pound Facility incurred by RVSPCA and not previously paid by the Participating Localities; provided, however, that the payment required by any Participating Locality will be subject to the appropriation of funds for such purpose by the governing body of the Participating Locality. Each Participating Locality's share of all Net Expenses and Project Costs and Start Up Costs shall be calculated by multiplying the total unpaid amount by the Use Percentage for that Participating Locality.

5.1.15. Pursuant to Virginia Code Section 2.2-4343.1(D), the Participating Localities give notice that they do not discriminate against faith-based organizations.

ARTICLE VI

Annual Report

Section 6.1 Annual Report

The RVSPCA shall provide to the Participating Localities, on or before December 1st of each year, a report audited by an independent certified public accountant selected

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by the Advisory Board and showing the quantity and types of Animals received during the prior year as well as the disposition of those Animals, broken down by Participating Locality, for the preceding Fiscal Year.

ARTICLE VII

Annual Budget, Funds

Section 7.1 Annual Budget Preparation

7.1.1. Subject to approval from the Advisory Board, which approval shall not be unreasonably withheld, the RVSPCA shall provide to the Participating Localities, on or before February 1st of each year, the Annual Budget for the next Fiscal Year for the New Pound Facility including any proposed capital projects (for planning purposes) and use of funds from the Maintenance Reserve Fund (together with any approved amendments, the "Annual Budget"). For each Fiscal Year in which the New Pound Facility will be in operation, such Annual Budget shall set forth the Operating Component and the Debt Service Component of the Per Diem Charge for the use of a Cage in the New Pound Facility by the Participating Localities as well as the projected number of Cages to be used by each Participating Locality during the Fiscal Year. Such Per Diem Charge shall be sufficient to generate revenue adequate to pay anticipated Net Expenses and to fund the Reserve Funds. Subject to approval from the Advisory Board, which approval shall not be unreasonably withheld, the Per Diem Charge shall be revised during the year upon ninety (90) days prior written notice from the RVSPCA to the Participating Localities when the actual Net Expenses are materially and substantially greater than the budgeted Net Expenses. The RVSPCA agrees to set, and revise as needed (with approval from the Advisory Board as previously stated), the Operating Component in an amount sufficient to generate revenue adequate to pay Net Expenses (other than the Debt Service Component) and to fund the Operating Reserve Fund and the Maintenance Reserve Fund for the care, maintenance and subsistence of the Animals and the maintenance and repair of the New Pound Facility. RVSPCA also agrees to set, and revise as needed (with approval from the Advisory Board as previously stated), the Debt Service Component in an amount sufficient to generate revenue adequate to pay debt service on the Authority's Bonds and Notes and to fund the Debt Service Reserve Fund. The budgeted amounts set forth in an Annual Budget shall be reduced ratably and proportionately if the first and last years of the term of this Agreement are less than a full year in length.

7.1.2. Each Participating Locality hereby recommends that its City Manager, County Administrator, or Town Manager, as the case may be, include in each annual budget submitted to the governing body of his or her jurisdiction or in an amendment thereto, sufficient funds to cover the Participating Locality's Proportionate Share due to the RVSPCA in each Fiscal Year or as may be required by Section 5.1.14. Each Participating Locality's City Manager, County Administrator, or Town Manager, as the case may be, shall notify the RVSPCA: (i) by July 1 of each year, of the amount so

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budgeted by the Participating Locality, and (ii) at any time, of any amendments to the amount so budgeted by the Participating Locality.

7.1.3. To assist the Participating Localities in estimating their obligations to the RVSPCA, the RVSPCA will develop a policy, which it may amend from time to time, for forecasting its revenues and expenditures over future periods of up to five years beyond the then current Fiscal Year for the New Pound Facility. The forecast will be revised annually and distributed to the Participating Localities during their annual budget setting process.

7.1.4. A preliminary Annual Budget for the first year of operation of the New Pound Facility has been initially reviewed by RVSPCA and the Participating Localities. As final data is obtained for both the Operating Component and the Debt Service Component for the first year of operation of the New Pound Facility, or part thereof, RVSPCA will submit revised budgets to the Participating Localities for their fiscal budgeting process as set forth in this Article VII.

Section 7.2 Payments from Other Jurisdictions

Within the limits allowed by Applicable Laws, the RVSPCA, with approval from the Advisory Board, shall establish a per diem charge or charges (which may be greater than the amounts charged to the Participating Localities) for the use of Cages and the care, maintenance and subsistence of Animals from non-participating localities. Such non-member per diem charges shall be due and payable to the RVSPCA from non-participating localities having animals in the New Pound Facility no later than 45 days from receipt of the invoices and if not paid when due shall bear interest and penalty at such rate as the RVSPCA shall establish unless otherwise provided by Applicable Law.

Section 7.3 Operating Reserve Fund

An Operating Reserve Fund shall be established as a separate account and shall be used to cover cash flow during periods when the RVSPCA 's revenues may not be sufficient to cover its Net Expenses other than the Debt Service Component and required payments to Reserve Funds. Initially, the Operating Reserve Fund shall be established in an amount necessary to pay all Net Expenses set forth in the Annual Budget (other than the Debt Service Component and required payments to Reserve Funds) for a ninety (90) day period (the "90 Day Level") and shall be capitalized, to the extent allowed by law, from the original borrowing. Thereafter, the total aggregate amount contributed to the Operating Reserve Fund shall not exceed the 90 Day Level. Any amount received for the Operating Reserve Fund in excess of the 90 Day Level shall be first applied by the RVSPCA to bring the balances in the other Reserve Funds to their required levels (as set forth in this Agreement and shown in the Annual Budget) and any funds then remaining shall be credited (and applied against future payments) to the Participating Localities in proportion to the revenues received from each Participating Locality in the month the excess funds are received. In order to maintain the balance in this account at the 90 Day Level, the RVSPCA shall include an amount in the Annual Budget (which shall be

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reflected in the Per Diem Charges) of fifteen percent (15%) of the operating budget for the Fiscal Year. In the event the amount of the Operating Reserve Fund falls below an amount necessary to pay all Net Expenses set forth in the Annual Budget (other than the Debt Service Component and required payments to Reserve Funds) for a sixty (60) day period (the "60 Day Level"), the Participating Localities shall pay sufficient amounts, including the budgeted 15% payments, to replenish the Operating Reserve Fund to the 60 Day Level within six months after the amount of the Operating Reserve Fund drops below the 60 Day Level.

Section 7.4 Maintenance Reserve Fund

The RVSPCA agrees to provide for a Maintenance Reserve Fund in each of its Annual Budgets (with contributions to the Fund to be reflected in the Per Diem Charges) in an amount equal to ten percent (10%) of the budgeted Net Expenses for the Fiscal Year, not including the Debt Service Component and required payments to Reserve Funds, until such time as the total aggregate amount contributed to the Maintenance Reserve Fund equals fifteen percent (15%) of the actual Construction Costs of the New Pound Facility. The Maintenance Reserve Fund shall be established as a separate account, shall be administered by the RVSPCA subject to approval from and monitoring by the Advisory Board, and shall be used by the RVSPCA for the repair and replacement of the New Pound Facility and the Cages and other equipment, catastrophic losses and capital expenditures to maintain the New Pound Facility and the equipment in good operating condition. Any disbursements from the Maintenance Reserve Fund, not otherwise budgeted as part of the Annual Budget, shall be subject to approval by the Advisory Board.

Section 7.5 Debt Service Reserve Fund

The RVSPCA agrees to provide for a Debt Service Reserve Fund as reasonably required by the lender providing financing for the New Pound Facility. This Fund shall be capitalized, to the extent allowed by law, in the borrowing for the New Pound Facility.

Section 7.6 Allocation of Excess Reserve Funds

If at the end of any Fiscal Year there are funds in any of the Reserve Funds in excess of the amounts required to be maintained in that Fund and there is also a deficiency in an amount required to be maintained in one of the other Reserve Funds, RVSPCA, with approval from the Advisory Board, shall transfer sufficient excess funds to bring another Reserve Fund to its required level. Funds shall be transferred to the Reserve Funds in the following order: (i) Debt Service Reserve Fund; (ii) Operating Reserve Fund; and (iii) Maintenance Reserve Fund.

Section 7.7 Distribution of Excess Funds

If at the end of any Fiscal Year:

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(1) the total revenues collected by the RVSCPA for the Fiscal Year exceed the total of: (i) the Expenses paid by the RVSPCA during the Fiscal Year; plus (ii) the accrued liability at the end of the Fiscal Year for unpaid Expenses incurred by RVSPCA; and there are excess cash funds available for distribution in such amount (hereinafter defined as the "Excess Funds"); and

(2) all of the Reserve Funds have been fully funded to their maximum required levels as set forth herein;

then, (x) one-half (1/2) of the Excess Funds shall be refunded to all of the Participating Localities with each Participating Locality's proportionate amount to be equal to the total revenues paid by each Participating Locality during the Fiscal Year divided by the total revenues paid by all Participating Localities during the Fiscal Year; and

(y) one-half (1/2) of the Excess Funds shall be paid to the RVSPCA to be used for RVSPCA programs that serve to reduce the number of Stray Animals and Owner Release Animals.

ARTICLE VIII

Non-Appropriation of Funds

Section 8.1 Non-Appropriation of Funds

Although the Participating Localities reasonably believe that they will continue to have an essential need and requirements, pursuant to Applicable Laws, for the impoundment, office, related facilities and services indicated above for the duration of this Agreement, and reasonably believe that funds will be available and appropriated to make all payments for the original term of this Agreement, the obligation of each Participating Locality to make payments required by this Agreement, other than payments of the Participating Locality's Per Diem Charge Liability in accordance with the terms of Article V, shall be subject to and contingent upon appropriations being made for such purposes by the Participating Locality's governing body. Any other provision to the contrary notwithstanding, this Agreement and the obligations herein shall not constitute a debt of the Participating Localities within the meaning of any limitation on indebtedness of the Participating Localities under any constitutional or statutory limitation, and nothing in this Agreement shall constitute a pledge or the full faith and credit of any Participating Locality under any provision of its Charter, as applicable, or the Constitution of Virginia.

Section 8.2 Agreement to Procure RVSPCA Services

At any time during the thirty (30) years constituting the original term of this Agreement that funds are appropriated and are available for the purchase, lease or rental

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of facilities by the Participating Localities to perform, either internally through its own operations or externally through the purchase of services from a service provider, a similar function as the New Pound Facility described herein, the Participating Localities shall, to the maximum extent permitted by Applicable Laws, use such funds to procure such facilities and services from the RVSPCA.

ARTICLE IX

Books and Records

The RVSPCA or its approved subcontractor shall maintain proper books of record and accounts in which proper entries shall be made in accordance with generally accepted accounting principles for governmental bodies, consistently applied, of all of its business and affairs related to the New Pound Facility. The RVSPCA shall also establish and maintain adequate financial policies and procedures to ensure the safeguarding of the New Pound Facility. All books of record and accounts and documents in the RVSPCA's and its approved subcontractor's possession relating to the New Pound Facility shall at all reasonable times be open to inspection by such agents or employees of the Participating Localities as they may designate upon forty-eight (48) hours prior notice. The RVSPCA shall have an annual audit performed by an independent certified public accountant, selected by the Advisory Board, with regard to finances associated with the New Pound Facility. A copy of this audit shall be provided to the Participating Localities on or before December 1 of each year.

ARTICLE X

Participating Localities Indemnify RVSPCA

Section 10.1 Participating Localities Indemnity

To the extent permitted by law, a Participating Locality shall indemnify and hold harmless the RVSPCA and its officers, directors, employees, agents, volunteers and subcontractors (collectively, the "RVSPCA Indemnified Parties") for, from and against any and all claims for bodily and personal injuries, deaths, property damage and clean up costs, including costs of investigation, all expenses of litigation (to the extent the matter is not defended by the indemnifying party's counsel) including reasonable attorneys fees and the cost of appeals arising out of any such claims or suits, liabilities, obligations, losses, damages, penalties, actions, judgments, suits, costs, expenses and disbursements (collectively, the "Indemnified Losses") which may be imposed on, incurred by or asserted against a RVSPCA Indemnified Party and directly arising out of any and all negligent or willful acts of omission or commission by the Participating Locality, its officers, agents, volunteers, employees or subcontractors in the performance of this Agreement or any transactions contemplated hereby; provided, however, the Participating Locality shall not be liable for any portion of the foregoing Indemnified Losses to the extent that such portion arises from the contributory negligence, gross negligence or

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willful misconduct of such RVSPCA Indemnified Party. An RVSPCA Indemnified Party shall promptly notify the Participating Localities of an indemnification claim and give the Participating Localities information, assistance and exclusive authority to settle and defend such claim.

Section 10.2 Sovereign Immunity

The RVSPCA acknowledges and agrees that the Participating Localities do not waive and specifically preserve their right of sovereign immunity under the statutory and case law of the Commonwealth of Virginia. It is further agreed that the above indemnification provisions apply only to the extent that the Indemnified Parties give notice of any claim as required by the laws of the Commonwealth of Virginia.

ARTICLE XI

RVSPCA Indemnifies Participating Localities

Section 11.1 RVSPCA Indemnity

RVSPCA hereby agrees to indemnify and hold harmless the Participating Localities and their officers, agents, employees, volunteers and subcontractors (collectively, the "Participating Locality Indemnified Parties"), for, from and against any and all claims for Indemnified Losses which may be imposed on, incurred by or asserted against a Participating Locality Indemnified Party and directly arising out of any and all negligent or willful acts of omission or commission by the RVSPCA, its officers, agents, employees, volunteers or subcontractors in the performance of this Agreement or any transactions contemplated hereby; provided, however, that the RVSPCA shall not be liable for any portion of the foregoing Participating Locality Indemnified Losses to the extent that such portion arises from the contributory negligence, gross negligence or willful misconduct of the Participating Locality Indemnified Party. A Participating Locality Indemnified Party shall promptly notify RVSPCA of an indemnification claim and give RVSPCA information, assistance and exclusive authority to settle and defend such claim.

Section 11.2 Limitation of Liability

The total liability of RVSPCA, including its directors, officers, agents, employees, volunteers and subcontractors, for all claims of any kind for any loss or damage, whether in contract, warranty, tort, strict liability or otherwise, arising out of, connected with, or resulting from the performance or non-performance of this Agreement or the furnishing of any service hereunder, shall not exceed the greater of: (i) the amount of any insurance coverage required under the terms of this Agreement; or (ii) if no insurance coverage is available through no fault of the RVSPCA, One Hundred Thousand Dollars ($100,000.00); or (iii) if no insurance coverage is available because of the RVSPCA's fault, an amount equal to the amount of any insurance coverage that was required as set forth in Section

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4.1.4. IN NO EVENT, WHETHER AS A RESULT OF BREACH OF CONTRACT, WARRANTY, TORT, STRICT LIABILITY OR OTHERWISE, SHALL RVSPCA OR ITS OFFICERS, AGENTS, EMPLOYEES, VOLUNTEERS OR SUBCONTRACTORS BE LIABLE FOR ANY SPECIAL, CONSEQUENTIAL, INCIDENTAL, INDIRECT OR EXEMPLARY DAMAGES INCLUDING, BUT NOT LIMITED TO, COST OF CAPITAL, COST OF SUBSTITUTE GOODS, FACILITIES, SERVICES OR DOWNTIME COSTS.

ARTICLE XII

Tax Exemption Covenant

Section 12.1 General Covenant

The Authority intends to issue the Notes and Bonds in a manner such that their interest is excludable from gross income for Federal income tax purposes under Section 103(a) and related provisions of the Internal Revenue Code of 1986, as amended, and applicable rules and regulations. The RVSPCA and each Participating Locality agree that after the Notes and Bonds have been issued they will not take any action or omit to take any action which would adversely affect such exclusion.

Section 12.2 Allocation of Tax Exemption Amounts

If such an allocation is necessary, the Participating Localities, each of whom will receive a benefit from the construction of the New Pound Facility and the financing thereof by the Authority, agree pursuant to Section 265(b)(3)(C)(iii) of the Internal Revenue Code of 1986, as amended, to allocate the amount of each issue of tax-exempt Obligations issued by the Authority for the initial construction of the New Pound Facility, including design and preliminary site work, to themselves on the same percentage basis as set forth in Schedule A. The Participating Localities find this method of allocation reasonable in light of their anticipated benefits to be derived from the New Pound Facility.

ARTICLE XIII

Additional Participation

Any city, town or county in Virginia may, with the approval of its governing body and with the consent of the RVSPCA and the governing bodies of all of the Participating Localities, use the New Pound Facility pursuant to the terms and provisions of this Agreement and such additional terms and conditions for participation as may be prescribed by the RVSPCA and the Participating Localities.

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ARTICLE XIV

Representations, Warranties and Covenants of RVSPCA

In addition to the covenants in other Articles of this Agreement, the RVSPCA represents, warrants and covenants as follows:

Section 14.1 Organization, Authorization and Validity

The RVSPCA is duly organized and validly existing under the laws of the Commonwealth of Virginia and has duly authorized, executed and delivered this Agreement.

Section 14.2 Authorization

The RVSPCA has all requisite authority to execute and deliver and perform its obligations under this Agreement and is not a party to any indenture, contract or other agreement or arrangement, the performance of which by the RVSPCA would prevent or materially and adversely affect the RVSPCA's ability to perform the terms of this Agreement.

Section 14.3 Non-Contravention

The execution and delivery of this Agreement by the RVSPCA and the consummation of the transactions contemplated in it will not conflict with or result in a breach of or constitute a default under or violate any of the terms, conditions or provisions of the bylaws of the RVSPCA or any material indenture, contract or other agreement or arrangement to which the RVSPCA is a party or by which any of its properties are bound, or any Applicable Law by which the RVSPCA or the New Pound Facility is bound.

Section 14.4 Litigation

The RVSPCA is not a party to any legal, administrative, arbitration or other proceeding or controversy pending, or, to the best of the RVSPCA's knowledge, threatened, which would materially adversely affect the RVSPCA's ability to perform under this Agreement.

Section 14.5 Approvals

Except for permits from local governmental authorities to Place In Service the New Pound Facility and to use the New Pound Facility, the RVSPCA does not require the consent or approval of any governmental body to carry out the terms of this Agreement.

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ARTICLE XV

Representations, Warranties and Covenants of Participating Localities

Each Participating Locality represents, warrants and covenants for itself as follows:

Section 15.1 Organization, Authorization and Validity.

Each Participating Locality is a political subdivision of the Commonwealth duly organized and validly existing under the laws of the Commonwealth, and each has duly authorized, executed and delivered this Agreement.

Section 15.2 Authorization.

Each Participating Locality has all requisite authority to execute and deliver and perform its obligations under this Agreement and is not a party to any indenture, contract or other agreement or arrangement, the performance of which by it would prevent or materially and adversely affect its individual performance under this Agreement.

Section 15.3 Non-Contravention.

The execution and delivery of this Agreement by each Participating Locality and the consummation of the transactions contemplated in it will not conflict with or result in a breach of or constitute a default under or violate any of the terms, conditions or provisions of any charter, resolution or ordinance, any material indenture, contract or agreement or arrangement to which it is a party or by which any of its properties are bound, or any Applicable Law by which it is bound.

Section 15.4 Litigation.

No Participating Locality is a party to any legal, administrative, arbitration, or other proceeding or controversy pending, or, to the best of its knowledge, threatened, which would materially and adversely affect its ability to perform under this Agreement.

ARTICLE XVI

Defaults and Remedies

Section 16.1 Default by RVSPCA.

The occurrence of any one or more of the following events of default, and the continuance of such default for thirty days (ten days for a monetary default described in (i)) after written notice specifying the default and requiring it to be remedied has been

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given to the RVSPCA by any Participating Locality, will constitute an "Event of Default" by the RVSPCA ("RVSPCA Default"):

(i) if the amounts required to be paid by the Participating Localities under Article V have been paid, the failure of the RVSPCA to pay principal of or interest when due on any Notes, Bonds or other temporary or permanent financing for the New Pound Facility;

(ii) if the RVSPCA is for any reason rendered incapable of performing any of its material obligations under this Agreement;

(iii) the RVSPCA makes an assignment of all or a portion of its obligations under this Agreement without the prior written consent of the Participating Localities;

(iv) if the amounts required to be paid by the Participating Localities under Article V have been paid and the RVSPCA defaults on any of its material obligations under any agreement pursuant to which any Notes, Bonds or other temporary or permanent financing for the New Pound Facility is obtained by the RVSPCA and such default is not cured within the applicable cure period;

(v) any proceeding is instituted, with the consent or acquiescence of the RVSPCA, for the purpose of effecting a composition between the RVSPCA and its creditors or for the purpose of adjusting the claims of such creditors pursuant to any federal or state statute now or hereafter enacted; or

(vi) the RVSPCA defaults in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in this Agreement.

Section 16.2 Default by Participating Localities.

The occurrence of any one or more of the following events of default, and (a) the continuance of such default for thirty days (ten days for a monetary default described in (i)) after written notice specifying the default and requiring it to be remedied has been given to such Participating Locality by the RVSPCA with copies to all of the other Participating Localities, and (b) such default has not been remedied by action of the remaining Participating Localities during the applicable 10 or 30 day cure period, will constitute an "Event of Default" by any Participating Locality ("Participating Locality Default"):

(i) failure of any Participating Locality to make payments when due as set forth in Article V;

(ii) any Participating Locality shall for any reason be rendered incapable of fulfilling its obligations under this Agreement;

(iii) any proceeding is instituted, with the consent or acquiescence of any Participating Locality, for the purpose of effecting a composition between such

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Participating Locality and its creditors or for the purpose of adjusting the claims of such creditors pursuant to any federal or state statute now or hereafter enacted; or

(iv) any Participating Locality defaults in the due and punctual performance of any of the other covenants, conditions, agreements and provisions contained in this Agreement.

Section 16.3 Remedies of Participating Localities.

Upon the occurrence of a RVSPCA Default, any Participating Locality, after giving notice of such RVSPCA Default to all parties, may bring suit by specific performance, injunction or other appropriate proceeding to require the RVSPCA to perform its duties under this Agreement or to enjoin any acts in violation of this Agreement.

Section 16.4 Remedies of RVSPCA.

Upon the occurrence of a Participating Locality Default, the RVSPCA, after giving notice of such Participating Locality Default to all parties, may bring suit by mandamus, specific performance, injunction or other appropriate proceeding to require the Participating Locality to perform its duties under this Agreement or to enjoin any acts in violation of this Agreement.

Section 16.5 Remedies Not Exclusive.

No remedy in this Agreement conferred upon or reserved to the parties is intended to be exclusive of any other remedy, and each remedy is cumulative and in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute.

ARTICLE XVII

Independent Contractor

It is understood by the parties that the RVSPCA shall perform its duties and responsibilities under this contract as independent contractors and not as agents or servants of the Participating Localities, nor shall the officers and employees of the RVSPCA be deemed agents or employees of the Participating Localities for any purpose. The RVSPCA's officers shall exercise control and supervision over its personnel in the performance of their work, provided, however, that as a principal, the Participating Localities retain an interest in the quality of services performed by the RVSPCA but the Participating Localities shall have no concern in or control over the manner in which work is performed by personnel of the RVSPCA. This provision is not meant to prohibit or discourage cooperation between the RVSPCA and the Participating Localities; rather, such cooperation is expected and encouraged.

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ARTICLE XVIII

Term

The term of this Agreement shall begin on the earlier of: (i) the date the Obligations are issued; or (ii) the first day of the month after the New Pound Facility is Placed In Service, and shall continue until June 30, 2032. Thereafter the Agreement shall be renewed for another Fiscal Year on the same terms and conditions unless either party

gives to the other party written notice of its intent not to renew one hundred eighty (180) days prior to the renewal date.

ARTICLE XIX

Nondiscrimination

During the performance of this Agreement the RVSPCA agrees as follows: (i) it will not discriminate against any employee or applicant for employment because of race, religion, color, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor, and it agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause; (ii) all solicitations or advertisements for employees placed by or on behalf of the RVSPCA, will state that the RVSPCA is an equal employment opportunity employer; (iii) notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section regarding notices, advertisements and solicitations; and (iv) the RVSPCA will include the provisions of the foregoing subsections (i), (ii) and (i) in every subcontract or purchase order of over ten thousand dollars ($10,000.00), so that the provisions will be binding upon each subcontractor or vendor.

ARTICLE XX

Drug-Free Workplace

During the performance of this Agreement the RVSPCA agrees as follows: (i) it will provide a drug-free and smoke-free workplace for its employees; (ii) it will post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) it will state in all solicitations or advertisements for employees placed by or on behalf of the RVSPCA that it maintains a drug-free workplace; and (iv) it will

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include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars ($10,000.00), so that the provisions will be binding upon each subcontractor or vendor. For the purposes of this section, "drug-free workplace" and "smoke-free workplace" means a site for the performance of work done in connection with this Agreement.

ARTICLE XXI

Notices

Any notice required or permitted to be given under the Agreement shall be provided in writing by first class mail or in person, and notice shall be effective upon such mailing or delivery.

NOTICE to the City of Roanoke shall be provided to:

City Manager
215 Church Avenue, Room 354
Roanoke, Virginia 24011

NOTICE to the Town of Vinton shall be provided to:

William L. Heartwell, III
Town Attorney
P.O. Box 470
Fincastle, VA 24090

NOTICE to the County of Roanoke shall be provided to:

County Administrator
Post Office Box 29800
Roanoke, Virginia 24018

NOTICE to the County of Botetourt shall be provided to:

William L. Heartwell, III
County Attorney
P.O. Box 470
Fincastle, VA 24090

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NOTICE to the RVSPCA shall be provided to:

Executive Director
RVSPCA
P.O. Box 11863
Roanoke, VA 34022

With a copy of any notice to RVSPCA to be provided to:

Flippin Densmore Morse & Jessee
P.O. Box 1200
Roanoke, VA 24006

ARTICLE XXII

Severability of Invalid Provisions

If any clause, provision or section of this Agreement is held to be illegal or invalid by any court, the invalidity of the clause, provision or section will not affect any of the remaining clauses, provisions or sections, and this Agreement will be construed and enforced as if the illegal or invalid clause, provision or section had not been contained in it.

ARTICLE XXIII

Governing Laws

This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the Commonwealth of Virginia without reference to its conflict of law principles.

ARTICLE XXIV

Amendments

This Agreement may be changed or amended only with the written consent of the RVSPCA, all of the Participating Localities and the holders of the Obligations. No such change or amendment may be made which will affect adversely the prompt payment when due of all moneys required to be paid by the Participating Localities under the terms of this Agreement, and no such change or amendment shall be effective which would cause a violation of any provision of any resolution, indenture or agreement pursuant to which any Notes, Bonds or other temporary or permanent financing for the New Pound Facility is issued or obtained by the RVSPCA.

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ARTICLE XXV

Waiver

Any waiver by any party of its rights under this Agreement must be in writing, and will not be deemed a waiver with respect to any matter not specifically covered. Nothing in this Agreement authorizes the waiver of any of the Participating Localities' obligations to make payments when due of all monies required to be paid by the Participating Localities under the terms of this Agreement.

ARTICLE XXVI

Excusable Delays

RVSPCA shall not be liable for delays in delivery or failure to perform due directly or indirectly to: (i) causes beyond RVSPCA's or its subcontractor's reasonable control, (ii) Acts of God, acts (including failure to act) of any governmental authority (de jure or de facto), wars (declared or undeclared), riots, revolutions, strikes or other labor disputes, fires, floods, sabotage, nuclear incidents, earthquakes, storms, epidemics, (iii) RVSPCA's or its subcontractor's inability to timely obtain necessary materials, items, components or services from suppliers who are affected by the foregoing circumstances, or (iv) the failure of the Participating Localities to perform any or all of its obligations hereunder in a timely manner.

ARTICLE XVII

Entire Agreement

This Agreement together with Schedule A which is incorporated herein by reference constitutes the entire understanding and agreement between the Participating Localities and RVSPCA concerning the subject matter hereof and any negotiations, prior discussions, representations, promises, understandings, proposals, agreements, warranties, course of dealing or trade usage not expressly contained or referenced herein shall not be binding on either party. The terms and provisions of Section 4.1.19, 8.2, 10.2 and 11.2 shall survive the termination or expiration of this Agreement.

[END OF TEXT]

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In Witness Whereof the parties have executed this Agreement as of the date set forth on the first page of the Agreement.

WITNESS:

_____

ROANOKE VALLEY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, INC.

By: _____

_____
Chairman

This is a signature page to that certain Roanoke Valley Regional Pound Facility Services Agreement dated as of November ___, 2001.

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ATTEST:

_____
City Clerk

CITY OF ROANOKE, VIRGINIA

By:_____
Darlene L. Burcham, City Manager

Approved as to Form:

_____
City Attorney
City of Roanoke

Approved as to Execution:

_____
City Attorney
City of Roanoke

Appropriation and Funds Required
for this Contract Certified:

_____
Director of Finance
_____/_____
Date Acct #

This is a signature page to that certain Roanoke Valley Regional Pound Facility Services Agreement dated as of November __, 2001.

C:\A-Scan\CCA00140.TIF

ATTEST:

_____

TOWN OF VINTON, VIRGINIA

By:_____

_____

Approved as to Form:

_____
Town Attorney
Town of Vinton

Approved as to Execution:

_____
Town Attorney
Town of Vinton

This is a signature page to that certain Roanoke Valley Regional Pound Facility Services Agreement dated as of November ___, 2001.

C:\A-Scan\CCA00141.TIF

ATTEST:

_____
County Clerk

COUNTY OF ROANOKE, VIRGINIA

By:_____

Name:_____

Approved as to Form:

_____
County Attorney
County of Roanoke

Approved as to Execution:

_____
County Attorney
County of Roanoke

This is a signature page to that certain Roanoke Valley Regional Pound Facility Services Agreement dated as of November ___, 2001.

C:\A-Scan\CCA00142.TIF

ATTEST:

_____
County Clerk

COUNTY OF BOTETOURT, VIRGINIA

By:_____

Name:_____

Approved as to Form:

_____
County Attorney
County of Botetourt

Approved as to Execution:

_____
County Attorney
County of Botetourt

This is a signature page to that certain Roanoke Valley Regional Pound Facility Services Agreement dated as of November ___, 2001.

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ROANOKE VALLEY REGIONAL POUND FACILITY
SERVICES AGREEMENT

SCHEDULE A

The Participating Localities hereby agree that the historical pro-rata usage, over the past three years, of the regional pound facility operated by the RVSPCA is as follows:

Roanoke City	51%
Roanoke County	22%
Botetourt County	22%
Town of Vinton	5%

Beginning with the fourth year, and every three years thereafter, the Advisory Board shall review usage criteria for the most recent three-year period and, if necessary, will revise the above percentages based on the new data for the historical use of the New Pound Facility.

	RVSPCA		
	Estimated Capital and Startup Cost for Municipal Regional Pound		
	10/23/2001		
Construction Cost	Regional Pound Main(Front Office) Building 6,000 sq.ft. X $ 113.00	$678,000	
	Regional Pound Back Section Building 11,800 sq. ft. X $ 104.00	$1,227,200	
	Outside building for farm animals, goats, pigs, etc. 600 sq.ft. X $ 60.00	$36,000	
	1/2 cost of building connection to SPCA (480 sq.ft.)240 sq.ft. X $ 113.00	$27,120	
			$1,968,320
Contingency	Based on 10% of Construction Cost	$196,832	
			$196,832
Site Grading	18,640 sq.ft. x $ 12.00	$223,680	
	Asphalt Paving	$40,000	
	Domestic Water	$5,000	
	Sanitary Sewer	$4,500	
	Lawns, Grasses, Landscaping	$6,000	
	Fencing	$40,000	
			$319,180
Furnishings	Office areas for Animal Control, ACS's Staff & citizen intake & release areas	$50,000	
			$50,000
Equipment & Supplies	Crematorium (Cost, Freight/Startup, Tech on site 3 days)	$50,000	
	Cages (Cost, Freight, installation)	$70,000	
	Computers, Software, Phones, Security System & installation	$60,000	
	Dishwashers, Lawn Mower, Refrigerator, Safe, Floor Polisher, etc.	$50,000	
	Animal controlling and care equipment	$10,000	
	Other equipment: Storage Building, water/food dishes, raised Kennel Deck,		
	Camera, micro chip readers, Freezer, work tables, storage cabinets,		
	Copiers (main office & Animal Control), Vehicle.	$30,000	
			$270,000
Pre-Construction Costs	Dollars expended by SPCA :		
	Purchase of Land & Related Expenses, Zoing, Survey, Subsurface Exp.	$92,000	
	Architect Fees	$162,520	
	Related cost to Building and Contract Development: Attorney Fees,		
	Review of plans by second source, loan development fees.	$45,480	
			$300,000
Construction Period Interest		$75,000	
			$75,000
Debt Issuance Cost		$25,000	
			$25,000
Debt Reserve Fund		$240,000	
			$240,000
Operating Reserve Fund		$100,000	
			$100,000
Startup Cost	Staff employment & training, office supplies, printing forms and information.	$40,000	
			$40,000
			$3,584,332

RVSPCA

New Regional Pound Facility Annual Budget

10/22/2001

Revised budget estimate

Revised salary estimate

Operating Expenses (1)	Budget
Salaries/Wages	$256,058.00
Payroll Taxs	$22,300.00
Hospitalization Insurance	$23,860.00
Dental Insurance	$2,800.00
Workman Comp.	$3,800.00
Staff Medical Shots (Rabies)	$4,500.00
Wearing Apparel	$1,500.00
Utilities	$30,000.00
Telephone	$5,000.00
Animal Food/Cat Litter	$8,000.00
Cleaning Supplies	$6,000.00
Refuse Service	$4,500.00
Pest Control	$1,000.00
Syringes, Needles, Gloves	$2,500.00
Educational Expense	$1,000.00
Euthanasia Supplies	$4,500.00
Miscellaneous	$3,000.00
Office Supplies/Printing	$3,200.00
Postage	$800.00
Insurance	$7,500.00
Repairs/Maintenance	$3,000.00
Taxes, Licenses, Permits	$400.00
Vehicle Gas	$700.00
Vehicle Insurance	$1,800.00
Vehicle Repairs	$1,000.00
Dues & Subscriptions	$200.00
Shelter Equipment Expense	$2,000.00
Legal Fees/Audit	$6,300.00
Pager Service	$900.00
Prof Service Building	$1,000.00
Travel / Training	$1,800.00
Advertising	$2,000.00
Vet Fees - Injured Animals	$3,200.00
Flea & Tick Control	$6,000.00
Service Contract Fees	$2,500.00
	$424,618.00
Administration Fee:	$54,000.00
Administrator	
Accountant & Secretary	
Total Operating Expense	**$478,618.00**
Total Financial Expense	**$346,155.00**
Total Annual Budget	**$824,773.00**

Pound Manager F/T	1	$29,640.00	$29,640.00
Front Desk Supervisor F/T	1	$23,280.00	$23,280.00
Front Desk Clerk - F/T	1	$19,240.00	$19,240.00
Front Desk Clerk P/T	1	$13,650.00	$13,650.00
Lead Animal Caretaker F/T	1	$21,320.00	$21,320.00
Animal Caretaker F/T	5	$18,720.00	$93,600.00
Animal Caretaker P/T	3	$12,376.00	$37,128.00
Janitorial, Grounds and Maintenance F/T	1	$18,200.00	$18,200.00
		Total	$256,058.00

Financial:	
Annual Debt Service	$240,000.00
Operating Reserve Fund Contribution (15%) (2)	$63,693.00
Maintenance Reserve Fund Contribution (10%) (2)	$42,462.00
Total Financial Expenses	$346,155.00

(1) Operating Budget based on a projection of the municipal regional pound facility being operational in the Spring or early Summer of 2003. Unforeseen costs may develop in the areas of utilities, employment availability and changes in State Regulations, etc.

(2) Contributions required until all reserve funds are fully funded.

6.a.10

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing and providing for an agreement between the City of Roanoke and the Roanoke Valley Society for the Prevention of Cruelty to Animals ("RVSPCA") relating to construction and operation of a new pound facility by the RVSPCA and the provision of services at the new pound facility to the City, and others, by the RVSPCA, and concurring with the determination of the City's Purchasing Manager that the RVSPCA is the only source practicably available to perform such services.

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

1. Council does hereby concur in the determination of the City's Purchasing Manager that the Roanoke Valley Society for the Prevention of Cruelty to Animals ("RVSPCA") is the only source practicably available to provide pound facility services.

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 written agreement between the City, the Roanoke Valley Society for the Prevention of Cruelty to Animals, Roanoke County, Botetourt County and the Town of Vinton relating to the provision of pound facility services by the RVSPCA, all as more fully set out in the City Manager's letter to City Council dated November 19, 2001.

3. Such agreement which shall be for a term through June 30, 2032, and which term shall begin on the earlier of: (1) the date the obligations are issued; or (2) the first day of the month after the new pound facility is placed in service.

ATTEST:

City Clerk.

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6.a.10

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION concurring in the resolution adopted by the Industrial Development Authority of the County of Botetourt, Virginia (the "Botetourt Authority") and approving the loan by the Botetourt Authority for the benefit of the Roanoke Valley Society for the Prevention of Cruelty to Animals, Inc., (the "RVSPCA") to assist in acquiring, constructing, and equipping a regional animal pound facility (the "Project").

WHEREAS, the City Council ("Governing Body") of the City of Roanoke has been asked by the RVSPCA to concur in the resolution adopted by the Botetourt Authority regarding a loan by the Authority for the benefit of the RVSPCA to assist in acquiring, constructing, and equipping a regional animal pound facility; and

WHEREAS, §15.2-4905, of the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia (1950), as amended (the "Act"), provides that if a locality has created an industrial development authority, no industrial development authority created by another locality may finance a facility located in the first locality unless the governing body of such first locality concurs in the inducement resolution adopted by such industrial development authority; and

WHEREAS, the pound facility will be located in the City of Roanoke, Virginia, and operated for the benefit of the Counties of Roanoke and Botetourt, the City of Roanoke and the Town of Vinton;

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

1. City Council concurs with the resolution adopted by the Botetourt Authority and approves the loan by the Botetourt Authority for the benefit of the RVSPCA, as required by §15.2-4905 of the Act.

2. This resolution shall take effect immediately upon its adoption.

ATTEST:

City Clerk.

Adopted by the City Council of the City of Roanoke, Virginia this 19th day of November, 2001.

City Clerk, City Council of the
City of Roanoke, Virginia

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Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Design Process for the Roanoke Civic Center Expansion and Renovation Project-Phase II

At its work session on November 5, 2001 City Council directed the City Manager to develop a funding scenario and time line for the design process for the Roanoke Civic Center Expansion and Renovation Project-Phase II of $14,941,020. It is the goal of the administration that bonds will eventually be issued to fund this project.

The time schedule for the Architect/Engineer selection process, design and documentation work, and award of the construction bid is estimated at 13 months. Estimated funding required in order to complete this portion of the project is $850,000.

Due to the urgent nature of this project, certain funding sources have been identified that could be reallocated to provide the necessary funding to begin the design process immediately. Should bonds be issued at a later date, the proceeds from such a bond issue would be used to offset these funding sources.

Recommended Action:

Appropriate $850,000 to a new capital account to be established by the Director of Finance entitled "Civic Center Expansion and Renovation Project-Phase II" from the following sources:

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

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Civic Center Retained Earnings	$265,000
1999 Bonds Designated for Civic Center Repairs/Improvements	$ 85,000
Capital Improvement Reserve-Streets and Bridges	$300,000
CMERP funding in 001-530-4210-9132	$200,000
	$850,000

Adopt a resolution indicating the City's intent to reimburse itself from the proceeds of General Obligation Public Improvements Bonds to be issued in the future.

Respectfully submitted,

Darlene L. Burcham
City Manager

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Barry L. Key, Director of Management and Budget

#CM01-00271

6.a.11.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General, Civic Center, and Capital Projects Funds Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 General, Civic Center, and Capital Projects Funds Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

General Fund

Appropriations

Public Works	$	24,852,040
Paving Program (1)		2,493,144
Nondepartmental	$	71,471,871
Transfers to Other Funds (2)		70,829,166

Civic Center Fund

Appropriations

Civic Center - Capital Outlay	$	1,725,059
Civic Center Expansion and Renovation - Phase II (3-5)		850,000

Revenues

Nonoperating	$	1,698,685
Transfers from Other Funds (6-7)		1,638,685

Retained Earnings

Retained Earnings - Available for Appropriation (8)	$	476,000

Capital Projects Fund

Appropriations

Capital Improvement Reserve			$ (1,288,948)
Capital Improvement Reserve (9).			458,758
Public Improvement Bonds - Series 1999 (10).			4,752,294
Nondepartmental			$ 410,000
Transfers to Other Funds (11)			410,000
1) CMERP - Equipment Purchases	(001-530-4120-9132)	$ (200,000)	
2) Transfer to Civic Center Fund	(001-250-9310-9505)	200,000	
3) Appropriated from 1999 Bond Funds	(005-550-8616-9001)	85,000	
4) Appropriated from General Revenue	(005-550-8616-9003)	565,000	
5) CMERP - Equipment Purchases	(005-550-8616-9132)	200,000	
6) Transfer from General Fund	(005-110-1234-0951)	200,000	
7) Transfer from Capital Projects Fund	(005-110-1234-1460)	385,000	
8) Retained Earnings Available for Appropriation	(005-3348)	(265,000)	
9) Streets and Bridges	(008-052-9575-9181)	(300,000)	
10) Buildings	(008-052-9709-9183)	(85,000)	
11) Transfer to Civic Center Fund	(008-052-9559-9505)	385,000	

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

p.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its general obligation public improvement bonds for certain moneys to be appropriated by the City for expenditures in connection with the Roanoke Civic Center Expansion and Renovation Project - Phase II; and providing for an effective date.

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

1. In accordance with U.S. Treasury Regulations, Section 1.150-2, the City hereby declares that it reasonably expects and intends to reimburse itself from the proceeds of its general obligation public improvement bonds in a principal amount not to exceed $14,941,020 for certain moneys to be appropriated by the City from time to time for expenditures in connection with the Roanoke Civic Center Expansion and Renovation Project - Phase II (the "Project"), including, without limitation, the amount of $850,000 appropriated by an ordinance adopted contemporaneously herewith by the City Council on November 19, 2001, in connection with the anticipated award of a contract for the design process and professional consultant work for the Project.

2. The Council hereby determines that the appropriation authorized contemporaneously herewith is being made for a purpose for which the City is authorized to issue, and contemplated to be reimbursed from the proceeds of, general obligation public improvement bonds of the City. The maximum principal amount of debt expected to be issued for the Project is an amount not to exceed $14,941,020.

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3. This is a declaration of official intent adopted pursuant to U.S. Treasury Regulations, Section 1.150-2. This official intent is being made not later than sixty days after the payment of the expenditures authorized by Paragraph 1 of this Resolution.

4. The City Clerk is directed to file this Resolution among the permanent papers of the City and hold it available for public inspection pursuant to the Virginia Freedom of Information Act, §§ 2.2-3700, et seq., Code of Virginia (1950), as amended.

5. This Resolution shall be effective on and after the date of its adoption.

ATTEST,

City Clerk.

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Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Purchase of Property at Stadium/Amphitheater Site

At it's meeting on May 21, 2001, City Council authorized the City Manager to begin negotiations for acquisition of property across Orange Avenue from the Roanoke Civic Center for the purpose of constructing a multipurpose Stadium/Amphitheater facility.

The City has concluded negotiations on the property owned by Fred C. Ellis identified as tax parcel nos. 2041817 and 2041816 in the amount of $275,000.

Funding in the amount of $275,000 is currently available in account 008-530-9758 from General Fund revenues. However, upon the issuance of the series 2002 bonds, the bond proceeds will actually be utilized to cover this expense.

Recommended Action:

Authorize the City Manager to sign a contract for the above purchase of tax parcel nos. 2041817 and 2041816 in the amount of $275,000. Adopt a resolution indicating the City's intent to reimburse itself $275,000 from the proceeds of the sale of series 2002 General Obligation Public Improvement Bonds related to the

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

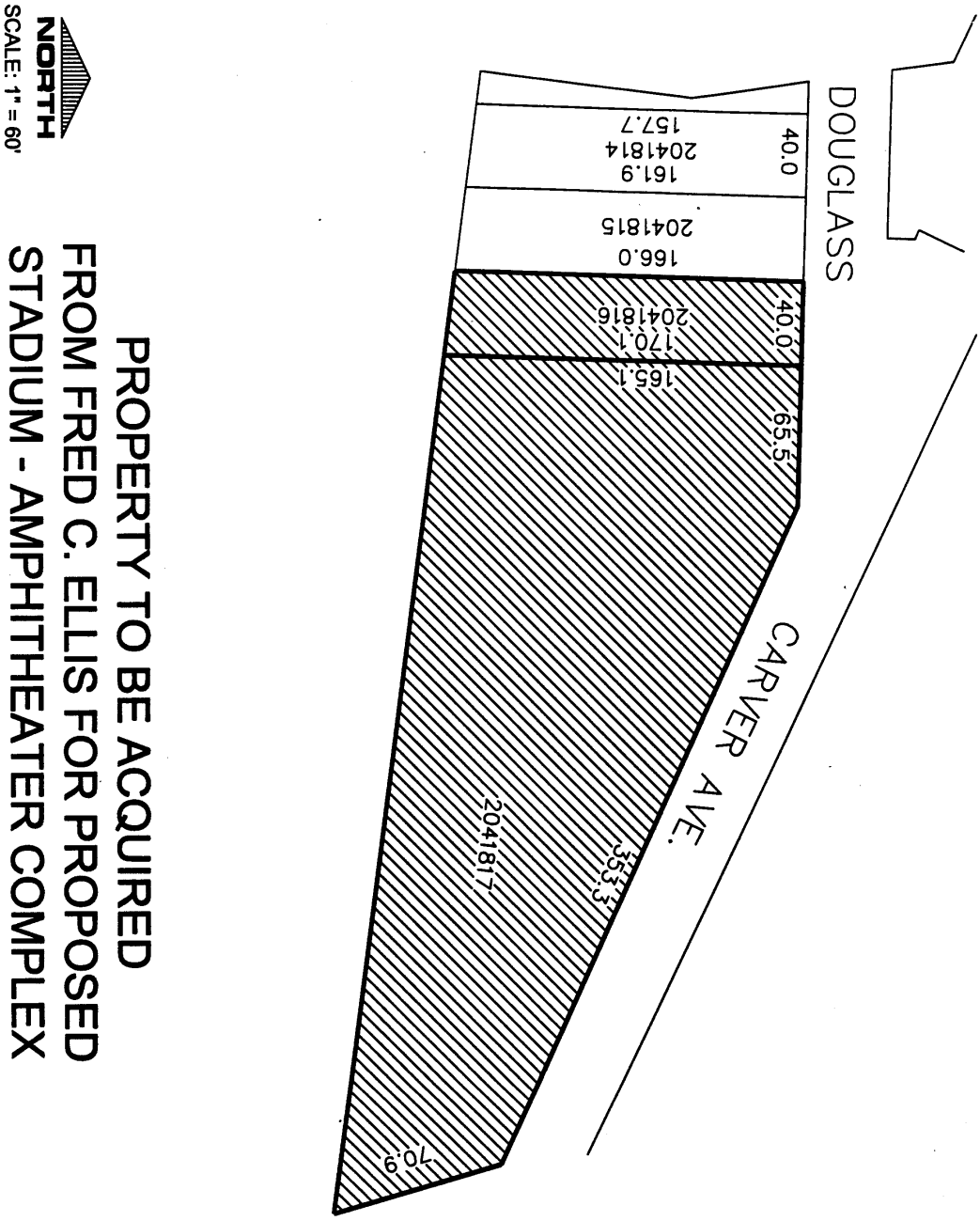
acquisition of real property for the Stadium/Amphitheater Project, with the maximum amount of debt expected to be issued for the Project to be $16,200,000.

Respectfully submitted,

Darlene L. Burcham
City Manager

C: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Barry L. Key, Director of Management and Budget

#CM01-00272



PROPERTY TO BE ACQUIRED
FROM FRED C. ELLIS FOR PROPOSED
STADIUM - AMPHITHEATER COMPLEX

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AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Parks, Recreation and Cultural	$ 9,514,337
Stadium/Amphitheater Project (1).	2,310,000
Capital Improvement Reserve	$ (1,178,948)
Public Improvement Bonds Series 2002 (2).	(6,775,000)

1) Appropriated from Bond Funds Series 2002	(008-530-9758-9076)	$ 275,000
2) Stadium/Amphitheater	(008-052-9710-9179)	(275,000)

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

6.a.12

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into a sales contract providing for the acquisition of certain property needed in connection with the proposed construction of a multipurpose stadium/amphitheater; establishing the consideration to be paid by the City; 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 is authorized to enter into a sales contract providing for the acquisition of certain property identified as Official Tax Nos. 2041817 and 2041816 from Fred C. Ellis in the amount of $275,00.00; upon form approved by the City Attorney, as more particularly stated in the City Manager's letter dated November 19, 2001, to City 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.

N:\CAPS\ORDINANCES\O-LA Orange Ave Stadium amphitheater.wpd

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P.17

6.a.12

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION declaring the City's intent to reimburse itself from the proceeds of its general obligation public improvement bonds authorized to be issued pursuant to Resolution No. 35489-080601, adopted August 6, 2001, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City, which includes acquisition of real property for the Stadium/Amphitheater Project; and providing for an effective date.

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

1. In accordance with U. S. Treasury Regulations, Section 1.150-2, the City hereby declares that it reasonably expects and intends to reimburse itself $275,000 authorized by an ordinance simultaneously adopted by the City Council on November 19, 2001, for certain expenditures to be made in connection with the acquisition of real property for the Stadium/Amphitheater Project from proceeds of its general obligation public improvement bonds authorized to be issued pursuant to Resolution No. 35489-080601, adopted by the City Council on August 6, 2001, in the principal amount of $31,245,000, with $16,200,000 being allocated for the Stadium/Amphitheater Project, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City, which includes acquisition of real property for the Stadium/Amphitheater Project. The maximum principal amount of debt expected to be issued for the Stadium/Amphitheater Project is $16,200,000, all as is more fully set forth in the City Manager's letter of November 19, 2001, to this Council.

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2. This is a declaration of official intent adopted pursuant to U. S. Treasury Regulations, Section 1.150-2. This official intent is being declared not later than sixty days after the payment of the expenditures authorized by Paragraph 1 of this Resolution.

3. The City Clerk is directed to file this Resolution among the permanent papers of the City and hold it available for public inspection pursuant to the Virginia Freedom of Information Act, §§ 2.2-3700, et seq., Code of Virginia (1950), as amended.

4. This Resolution shall be effective on and after the date of its adoption.

ATTEST:

City Clerk.

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RECEIVED
CITY CLERKS OFFICE

Office of the City Manager

'01 NOV 13 P4:50

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Grandin Theater

Background:

The Grandin Theater opened in the early 1930s and closed in 1976. Mill Mountain Theater then held performances there until moving to the Center in the Square in 1983. A year later, the Grandin reopened as a movie house, but closed in late 1985 when its owners failed to pay electric bills. In 1986, the Grandin was purchased by the Lindsey family, refurbished, and reopened as a commercial movie house.

Today, the Grandin shows a mix of "big" and "small" movies. In 2000, 56,556 tickets were sold to 67 films with gross ticket sales of $256,022. However, the theater once again began experiencing financial difficulty in 2000 because of market pressures, dramatic changes within the theater business, and the high cost of needed capital improvements. In November 2000, the current owner, Ms. Julie Hunsaker, made a public appeal for enhanced public support of the theater.

As a direct result the Grandin Theater Foundation, Inc., was formed by concerned civic leaders and art patrons. The Foundation plans to purchase the Grandin from the current owner at a cost of $402,000 and operate the theater as a self-supporting business. In addition, the Foundation plans to make long overdue, market-critical improvements to the facility at a cost of $825,000 (new wiring, projection and sound equipment, seating, and refurbished bathrooms). The theater's operations would be supervised by its long-time general manager, Ms. Kathy Johnston, and the current owner, Ms. Julie Hunsaker, would be contractually retained for two years to assist with booking and marketing. The Foundation's Business Operations Committee will monitor theater activities on a

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

weekly basis. The new theater's pro forma budget projects annual income of $518,000 and annual expenses of $471,829, for a net profit of $46,171.

To fund the purchase and renovation cost of the theater, the Foundation is seeking public and community financial support. Specifically, the Foundation is asking for a total of $500,000 in city funding, $100,000 within the next 10 days and $80,000 per year for five fiscal years beginning with FY 2003.

Considerations:

The Grandin Theater is Roanoke's last historic movie theater and is the only theater of its kind left in the region. It is considered a critical anchor in the Grandin Village community, contributing greatly to the quality of life and providing an important community venue for speakers, music and classes. The creation or retention of village centers like Grandin Village is a key strategy in the Vision 2001 comprehensive plan recently adopted by City Council.

A contractual agreement with the Foundation has been prepared for City Council's consideration with the following general conditions:

- The Grandin Theater will continue to be operated as a movie theater, unless the city agrees otherwise in writing;
- The Foundation will pay real estate taxes on the Grandin Theater, as assessed by the city;
- Funds requested by the Foundation will be used solely for acquiring, renovating and equipping of the Grandin Theater, and will not be expended in the operation of the theater;
- The Foundation will not request any additional city financial support to subsidize operations of the theater;
- City funds are to be matched with private funds raised by the Foundation; and
- If the theater is sold or conveyed by the Foundation to other than a non-profit entity that will operate it as a theater, the Foundation will repay to the city 50% of funds donated to the Foundation.

Recommended Action:

City Council authorize the City Manager to execute a contractual agreement with the Grandin Theater Foundation, Inc., and provide total financial support of $500,000 to the foundation over a six year period. $100,000 would be provided from the following sources at the execution of the agreement and subject to

certification that the foundation has raised an equal amount, and $80,000 would be budgeted annually from General Fund revenues for five years beginning with FY 2003, subject to annual appropriation:

- Undesignated Capital Funds $97,000
- Capital Improvement Reserve - Buildings $ 3,000
  (Account 008-052-9575-9173)

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:blk

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance

CM01-00267

AGREEMENT

THIS AGREEMENT (Agreement) is dated this ____ day of November, 2001, by and between the **CITY OF ROANOKE, VIRGINIA**, a municipal corporation (City), and the **GRANDIN THEATER FOUNDATION, INC.**, a Virginia nonprofit corporation located in the City of Roanoke (Foundation),

WITNESSETH:

WHEREAS, the Foundation has advised the City that, if it is feasible, the Foundation intends to undertake a major fund-raising effort in order to fund the acquisition, renovation and operation of the Grandin Theater in the Grandin Village area of the City, which will provide benefits and services to the residents of the City of Roanoke and Southwestern Virginia. The acquisition, renovation and equipping of the Theater are hereinafter referred to as the "Project";

WHEREAS, the Foundation has estimated the cost of the entire project to be approximately $1.25 million; and

WHEREAS, the Foundation has requested that the City provide appropriations of a total of $500,000 for the Project (which will not include any appropriation for operating expenses) pursuant to the terms and conditions of this Agreement; and

WHEREAS, the parties wish to reduce to writing the understanding of the parties concerning this matter.

NOW, THEREFORE, the parties mutually agree as follows:

SECTION 1. REPRESENTATIONS AND AGREEMENTS BY THE FOUNDATION.

The Foundation hereby represents and agrees as follows:

A. The Foundation is a cultural nonprofit Virginia corporation and has applied for a 501(c)(3) tax exempt status from the United States Internal Revenue Service.

B. That the representations set forth above concerning the Project and its estimated costs are true and accurate.

C. The funds which the Foundation is requesting from the City will be used solely for the Project, and will not be expended in the operation of

the Grandin Theater. The Foundation agrees not to request that the City provide operating funds for the Theater.

D. The Grandin Theater will continue to be operated as a movie theater, unless the City agrees otherwise in writing.

E. The Foundation will pay the City real estate taxes on the Grandin Theater, as assessed by the City.

SECTION 2. REQUEST FOR FUNDS BY THE FOUNDATION.

The Foundation hereby requests that the City provide appropriations of funds to the Foundation as follows:

A. $100,000 to be paid to the Foundation within ten (10) days from the date that the Foundation gives the City notice in writing that such funds are needed for the acquisition of the Grandin Theater, such funds to be used solely for the acquisition of the Grandin Theater.

B. $400,000 to be paid to the Foundation at the rate of $80,000 per year for five (5) years beginning July 1, 2002, after the Foundation certifies in writing to the City Manager that it has obtained and has in hand sufficient funds or donations to match such payments. Provided, however, and subject to the terms and conditions of this Agreement, such payment from the City will not be made to the Foundation until thirty (30) days after the City, through the City Manager, receives sufficient written documentation to establish the Foundation's compliance with the conditions precedent set forth above, and provided that the initial payment shall not be made until the Foundation has established that it has raised a minimum of $180,000, exclusive of the City's donation.

SECTION 3. CITY APPROPRIATION OF FUNDS.

The City, pursuant to Virginia Code §§ 15.2-944 and 15.2-953, will provide for the appropriation of the $500,000 requested by the Foundation, subject to the terms and conditions of this Agreement, as requested in Section 2. Appropriation of fund beyond the City's current fiscal year will be subject to the future appropriation of such funds by City Council.

SECTION 4. SALE OR ASSIGNMENT.

The Foundation agrees not to assign or transfer any part of this Agreement without the prior written consent of the City, which consent the City agrees not to withhold

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unreasonably, and any such assignment will not relieve the Foundation from any of its obligations under this Agreement. The Foundation agrees not to sell or convey the Grandin Theater to any other party without the prior written consent of the City, which consent the City agrees not to withhold unreasonably. If the Grandin Theater is sold or conveyed within the first five (5) years of this Agreement to other than a nonprofit entity that will operate it as a Theater, the Foundation shall repay to the City fifty per cent (50%) any and all funds donated to the Foundation pursuant to this Agreement, less the total amount of admissions taxes collected at the Theater from the date of this Agreement, after the Foundation has paid off any remaining obligation it may have to pay off capital expenses it incurred in the Project. Repayment to the City must come from either the Foundation's then current accounts, or proceeds from the sale of its assets. The Foundation's Board of Directors individually will not be responsible for any repayment of any kind to the City. Contributions by the public to the Foundation may not be used to repay the City.

SECTION 5 REPORTS TO THE CITY AND BOOKS AND RECORDS.

The Foundation will keep the City, through the City's Economic Development Director, advised of the progress of the Project and related matters. The Foundation further agrees to allow the City and/or its representative to inspect, audit, copy or examine any books, documents, or other relevant material in connection therewith upon written request by the City in connection with the Project and the use of funds appropriated by the City for the Project.

SECTION 6. COMPLIANCE WITH LAWS.

The Foundation agrees to comply with all applicable federal, state, and local laws and regulations.

SECTION 7. COUNTERPART COPIES.

This Agreement may be executed in any number of counterpart copies, each of which shall be deemed an original, but all of which together shall constitute a single instrument.

SECTION 8. SUCCESSORS.

The terms, conditions, provisions and undertakings of this Agreement shall be binding upon and inure to the benefit of each of the parties hereto and their respective successors and assigns.

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SECTION 9. NONDISCRIMINATION.

The Foundation agrees not to discriminate on the basis of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment in its employment practices, contracting or provision of services in violation of any applicable laws.

SECTION 10. FORUM SECTION AND CHOICE OF LAW.

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

SECTION 11. ENTIRE AGREEMENT.

This Agreement constitutes the entire agreement of the parties and supersedes all prior agreements between the parties. No amendment to this Agreement will be valid unless made in writing and signed by the appropriate parties.

IN WITNESS WHEREOF, the parties have executed this Agreement by their authorized representatives.

ATTEST:	**CITY OF ROANOKE**
_____	By_____
Mary F. Parker, City Clerk	City Manager
WITNESS:	**GRANDIN THEATER FOUNDATION, INC.**
_____	By_____
_____	_____
Printed Name and Title	Printed Name and Title

Approved as to Form:

_____
City Attorney

Approved as to Execution:

_____
City Attorney

Appropriation and Funds Required for this year for this Contract Certified and the remaining funds are subject to appropriation by City Council:

_____
Director of Finance

_____ _____
Date Acct.

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AHS

6.a.13

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

WHEREAS, for the usual daily operation of the Municipal Government of the City of Roanoke, an emergency is declared to exist.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2001-2002 Capital Projects Fund Appropriations, be, and the same are hereby, amended and reordained to read as follows, in part:

Appropriations

Community Development	$ 6,195,487
Grandin Theater (1)	100,000
Capital Improvement Revenue	$ (906,948)
Capital Improvement Reserve (2)	755,758

Fund Balance

Reserved Fund Balance - Undesignated Capital Funds from Sale of Juvenile Detention Assets (3)	$ -0-

1) Appropriated from General Revenue	(008-310-9737-9003)	$ 100,000
2) Buildings and Structures	(008-052-9575-9173)	(3,000)
3) Reserved Fund Balance - Capital Fund	(008-3329)	(97,000)

BE IT FURTHER ORDAINED that, an emergency existing, this Ordinance shall be in effect from its passage.

ATTEST:

City Clerk.

6.a.13

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into an Agreement with Grandin Theater Foundation, Inc., to provide for funding by the City in an amount up to $500,000 for the acquisition and renovation of the Grandin Theater in the Grandin Village area of the City, upon certain terms and conditions, to provide benefits and services to the residents of the City and Southwestern Virginia; and dispensing with the second reading by title of this ordinance.

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

1. The City Manager is authorized to enter into an Agreement with the Grandin Theater Foundation, Inc., to provide for funding by the City in an amount of up to $500,000 for the acquisition and renovation of the Grandin Theater, upon certain terms and conditions, as more particularly set out in the City Manager' letter to Council dated November 19, 2001.

2. The Agreement proposed to be entered into shall be upon form approved by the City Attorney.

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

ATTEST:

City Clerk.

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Oct 29-01 09:12A Gary and Barbara Duerk (540) 343-2791

7.a.

DATE: October 29, 2001

TO: Ralph K. Smith, Mayor
Members of Council

RE: Roanoke Neighborhood Partnership
November 19 meeting

FROM: Barbara Duerk, Chair

Dear Mayor and Council members,

The RNP annual meeting is in November.

I am disappointed Council and the RNP Steering Committee will not be able to jointly meet at the 5:00 p.m. dinner meeting on November 19 to inform council of the work that has occurred during the past year.

The RNP will be meeting on the evening of November 19. If you will allow, I would like to make a 15 minute presentation on the benefits of living in Roanoke's Neighborhoods. During that time, I would like to celebrate our successes. This past year has been a year of change, growth and redirection. I would like to recognize the members of the RNP Steering Committee, the compiled list of neighborhood priorities and the Neighborhood leaders that voluntarily identify and address concerns in their neighborhoods.

The RNP have a power point presentation showing some of the completed neighborhood projects and housing stock in the neighborhoods.

Yes, Roaoke is a nice place to live, work and visit. Once a year it would be nice to recognize neighborhood leaders as part of the volunteer team making Roanoke a great place to live, work and visit. November 19th would be a good time.

Barbara

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7.a.

Thursday, November 15, 2001

Dear Mayor and Members of Council,

The RNP Steering Committee's report, agenda # 6, will recognize neighborhood leaders and the benefits of neighborhood organizations.

This communication is to you, the elected leaders, to let you know from my perspective the situation with the RNP and some of the possible options.

The RNP office has not been functioning efficiently nor effectively for several years. Change is happening and should be supported to provide services, at minimal cost, to Neighborhoods. Volunteer Steering Committee members should augment the work of paid employees. Volunteers can organize trainings, help with marketing, join Roanoke Neighborhood Resources and supply the banker, lawyer, builder, etc. multiple needs that come under Neighborhood support.

Neighborhood leaders "work" in their neighborhoods to identify and address concerns. Neighborhood leaders are part of the solution to eradicating negative from the city. Neighborhood volunteers "work" to implement City Council's vision. The RNP Steering committee "works" to award and recognize neighborhood leaders. That is one of the reasons SC held in May in City Council Chambers a videoed Neighborhood Status Report. That is why the SC is recognizing neighborhood leaders today at City Council. It is difficult for many SC leaders to get off work to come to a 2:00pm session. Note: Many of the neighborhood workers are not on boards, authorities and commissions so are not recognized, except at today's meeting, for their volunteer efforts.

There has been a lot of change in 2001. The SC bylaws were changed to be gender neutral, advance work in ACTION TEAMS, and AACT – assistance, advocacy, communication and training for neighborhood priorities. The SC meetings were changed to monthly. The time was changed to 4:30pm-6:00pm. A called meeting in April started a Long Range Advance (not Retreat like some organizations go on retreat) strategies. The first Neighborhood Status Report was held in May. The first spark plug award was presented in July. Thanks to administration, there was more monies for 2001 mini grants. In October, the SC helped recommend the Neighborhood Development Pilot Project.

Some of our neighborhoods are inactive. Some neighborhoods represent a small group with specific interest and are not inclusive of all members in the neighborhood. Some neighborhoods lack skills to forward neighborhood concerns..... Some neighborhoods are well organized and self supporting.

It has got to get better.....
1998 +Coordinator, Miriam Alam's passive aggressive personality caused friction between city departments, administration and Neighborhoods. The Steering Committee's leadership and it's committees were controlled by Alam.
October 2000 – Alam resigns after the 20th Anniversary celebration.
Neighborhood Planner James Settles gets involved with updating the comprehensive plan.
Early Spring 2001 Settle resigns
April 2001 Niamke hired as coordinator. Neighborhood Services and RNP are part of his responsibilities.
Fall 2001 Neighborhood Development Specialist still vacant
What you can do?

Appoint members to the Steering Committee who are qualified, dedicated and represent **neighborhood leaders, city agencies** that have programs that impact neighborhoods, **private businesses** – banks, marketing, lawyers, public relations, and **nonprofit/Voluntary** organizations.

The RNP bylaws state that a person is first appointed to a one year term. If they serve well, they can be reappointed for a three year term. This provision was made to prevent people being appointed and never getting involved. Our bylaws say a person can be removed from the Steering Committee if they do not attend 3 consecutive meetings. We need city council to not reappoint and remove members who are unable to commit time, talent and energies to support of Neighborhoods.

Attached: SC bylaws CC: Darlene

Free labor or more city staff – You choose –
Barbara

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Roanoke Neighborhood Partnership

BYLAWS
OF THE ROANOKE NEIGHBORHOOD PARTNERSHIP STEERING COMMITTEE

ARTICLE I
Title

The name of the organization shall be the Roanoke Neighborhood Partnership, a program of the City of Roanoke. The Roanoke Neighborhood Partnership shall herein be referred to as the Partnership or RNP.

ARTICLE II
Statement of Purpose

The Roanoke Neighborhood Partnership is an action-oriented coalition of neighborhoods, businesses and Roanoke City Government working to preserve and improve the quality of living in Roanoke. The Partnership shall accomplish this purpose by acting as a liaison between independent neighborhood organizations and the public, private, and nonprofit/voluntary sectors.

The Partnership shall be a program that accepts applications of organized neighborhoods which meet the Partnership membership criteria. The Partnership shall provide assistance, advocacy, communication and training to these independent organizations who apply to the Partnership. Each neighborhood organization operates independently of this program. As such, the Partnership does not have control or authority over the independent organizations and the independent organizations shall not be voting members of the Partnership.

ARTICLE III
Steering Committee

The Steering Committee shall manage and control the business and affairs of the Partnership.

SECTION 1 - **Number and Composition.** The number of representatives of the Steering Committee shall consist of no more than 30 individuals with representation from each of the following sectors:

(a) Neighborhood - leaders;
(b) Public - city agencies and elected officials;
(c) Private - corporations, financial institutions and merchants;
(d) Nonprofit/Voluntary - churches and other charitable institutions.

SECTION 2 - **Qualifications and Appointments.** Membership on boards, authorities, commissions and committees shall, except where required for a specific reason or an unusual circumstance, be restricted to residents of the city. Appointments are by council and shall be based up qualifications acquired through experience, training and education, interest, willingness to serve and dedication to promoting the best interests of the city and its residents. Membership shall not be restricted by race, creed, color, sex or religion. It is the intent of council to have a membership balance among the various interests in the city. {From Sec. 2-281 (b) Roanoke City Code}

SECTION 3 - **Term of Office.** Members of the Steering Committee shall be appointed to an initial one (1) year term. At the end of the initial term each member is eligible to serve two additional three

(3) year terms as recommended by the full Steering Committee and approved by the City Council of Roanoke with the term to commence after the adjournment of the annual meeting. At the October meeting of the Executive Action Team, the attendance of Steering Committee members will be reviewed. The Executive Action Team shall then make a written recommendation to City Council regarding the reappointment of Steering Committee members, as well as absenteeism on the Steering Committee. Thereafter, any member may serve additional one (1) year terms as recommended by the full Steering Committee and approved by the City Council of Roanoke to commence after the adjournment of the annual meeting.

SECTION 4 - **Resignation.** Any member may resign at any time by giving written notice of such resignation to the Steering Committee Chair.

SECTION 5 - **Vacancies.** Any vacancy occurring on the Steering Committee may be filled for the unexpired portion of the term by recommendation of the Steering Committee and by City Council appointment.

SECTION 6 - **Removal.** City Council may vacate the position of any Steering Committee member who is absent from three consecutive Steering Committee meetings. The Executive Action Team shall make an annual report to City Council on Steering Committee absenteeism in accordance with Article III, Section 3 of these Bylaws, and at such other times as may be necessary.

SECTION 7 - **Meetings.** Regular meetings of the Steering Committee shall be held during the months of January, March, May, July, September and November at such time and place as determined by the Executive Action Team.

The annual meeting shall be held in the month of November at the time and place determined by the Executive Action Team. Notice of the place, date and time of the annual meeting and all other meetings of the Steering Committee shall be given to each member by mail, telephone or in person, not less than five (5) days if by mail, or five (5) days if by telephone or person.

SECTION 8 - **Quorum.** A majority of five (5) members present at any meeting of the Steering Committee called with due notice shall constitute a quorum for the transaction of business.

SECTION 9 - **Order of Business.** The order of business at all meetings of the Steering Committee shall be decided by the Chair.

SECTION 10 - **Compensation.** Steering Committee members shall not receive any stated salary or compensation for their services as members, but by resolution of the Steering Committee, a member may be allowed a reasonable sum for reimbursement of expenses incurred on behalf of the Partnership.

ARTICLE IV
Officers

SECTION 1 - **Number.** The officers of the Steering Committee shall consist of 1) Chair, 2) First Vice-Chair, 3) Second Vice-Chair and 4) Past-Chair, as well as additional officers as may be deemed necessary by the Steering Committee.

SECTION 2 - **Qualifications, Elections, and Term of Office.** All officers shall be members of the Steering Committee. The Chair, First Vice-Chair and Second Vice-Chair shall know the structure and purpose of the organization. The outgoing Chair automatically assumes the office of Past Chair at the conclusion of the annual meeting. All other officers shall be elected at the annual meeting of the Steering Committee held in November. The Chair will accept recommendations from the Nominations Action Team and open the floor for nominations. **All elections shall be by secret ballot.** However, any uncontested election may be held by voice vote. The Chair shall appoint three tellers who will count the ballots and report the results of the election at the annual meeting. In the event there is but a single nominee for each office, a secret ballot will not be required and the Chair shall declare the nominees duly elected. The term of office shall commence after the adjournment of the annual meeting.

SECTION 3 - **Term of Office.** All officers shall hold office for one (1) year term or until his or her successor is qualified and elected. No member shall be eligible to serve more than two (2) consecutive terms in the same office.

SECTION 4 - **Vacancies.** In the event of a vacancy occurring in the office of Chair, the First Vice-Chair and Second Vice-Chair, respectively, shall serve as Chair until the next annual meeting or until a successor is elected. In the event of a vacancy occurring in the office of First Vice-Chair, the Second Vice Chair shall serve as First Vice-Chair until the next annual meeting or until a successor is elected. In the event of a vacancy occurring in the office of Second Vice-Chair, the Chair shall appoint a successor until the next annual meeting.

SECTION 5 - **Duties of Officers.** The duties of the officers of the Steering Committee shall be as follows:

(a) **Chair.** The Chair shall:

- Preside at all meetings of the Steering Committee and the Executive Action Team and conduct meetings with a formal order of business;
- Serve as an ex-officio member of all Action Teams except the Action Team on Nominations;
- Appoint all Action Teams with the approval of the Executive Action Team;
- Represent the Steering Committee at official functions;
- Sign all necessary correspondence and reports;
- Assume other responsibilities as may be designated in the bylaws or otherwise prescribed.

(b) **First Vice-Chair.** The First Vice-Chair shall:

- Preside in the absence of the Chair;
- Assist the Chair;
- Chair Action Teams as requested;
- Represent the Steering Committee at official functions as requested;

- Assist Partnership staff as requested;
- Assume other responsibilities as may be designated in the bylaws or otherwise prescribed.

(c) **Second Vice-Chair.** The Second Vice-Chair shall:

- Preside in the absence of the Chair and First Vice-Chair;
- Assist the Chair and First Vice-Chair;
- Chair Action Teams as requested;
- Represent the Steering Committee at official functions requested;
- Assist Partnership staff as requested;
- Assume other responsibilities as may be designated in the bylaws or otherwise prescribed;
- Ensure that minutes of the Executive Action Team and Steering Committee meetings are properly recorded and kept.

(d) **Past-Chair.** The Past-Chair shall:

- Serve as consultant to the Chair;
- Serve on the Executive Action Team as an ex-officio member;
- Serve on other Action Teams as requested by the Chair;
- Represent the Steering Committee at official functions as requested.

SECTION 6 - **Compensation.** The officers shall not receive any stated salary or compensation for their services as officers, but by resolution of the Steering Committee, an officer may be allowed a reasonable sum for reimbursement of expenses incurred on behalf of the Partnership.

ARTICLE V
Action Teams

SECTION 1 - **Executive Action Team.** The Executive Action Team shall transact business between Steering Committee meetings and shall establish administrative policies.

SECTION 2 - **Number and Composition.** The Executive Action Team shall be comprised of:

(1) All officers of the Steering Committee;
(2) The chairpersons of the standing Action Teams of the Steering Committee;
(3) The Chief of Community Planning for the City of Roanoke;
(4) The Partnership Coordinator shall be a non-voting member;
(5) The City Council liaison to the Steering Committee; and
(6) Two additional Steering Committee members may be appointed to the Executive Action Team at the option of the Chair of the Steering Committee.

SECTION 3 - **Qualifications and Appointment/Election.** The officers shall be elected yearly at the annual meeting. The newly appointed Steering Committee Chair shall appoint two (2) Steering Committee members after the adjournment of the annual meeting. The Chief of Community Planning remains an ex-officio member of the Executive Action Team with voting privileges. The Partnership Coordinator shall be a non-voting member.

SECTION 4 - **Term of Office.** With the exception of the Chief of Community Planning, the Partnership Coordinator and the City Administration member, each Executive Action Team member will serve a one (1) year term to be reappointed or elected on an annual basis. No member shall be eligible to serve more than two (2) consecutive terms in the same position except the Chief of Community Planning, the Partnership Coordinator and the City Administration member.

SECTION 5 - **Vacancies.** Any vacancy occurring on the Executive Action Team may be filled for the unexpired portion of the term by Steering Committee Chair appointment and Steering Committee approval. Any member so appointed shall hold office until the appointment or election of his or her successor.

SECTION 6 - **Meetings.** Regular meetings of the Executive Action Team shall be held during the months of February, April, June, August, October and December. All other meetings of the Executive Action Team shall be at the call of the Chair.

SECTION 7 - **Quorum.** A majority of four (4) members of the Executive Action Team, called with due notice, shall constitute a quorum for the transaction of business.

SECTION 8 - **Order of Business.** The order of business at all meetings of the Executive Action Team shall be decided by the Chair.

SECTION 9 - **Compensation.** Executive Action Team members shall not receive any stated salary or compensation for their services as Executive Action Team members, but by resolution of the Steering Committee, an Executive Action Team member may be allowed a reasonable sum for reimbursement of expenses incurred on behalf of the Partnership.

SECTION 10 - **Responsibilities.** The responsibilities of the Executive Action Team shall be:

(a) To report all transactions at the next meeting of the Steering Committee;
(b) To establish administrative policies;
(c) To appoint all Action Teams (standing, special, ad hoc);
(d) To recommend, with the concurrence of the Steering Committee, individuals to serve when vacancies occur on the Steering Committee, if possible from the sector where the vacancy occurred. Said recommendation shall be made in writing to City Council in a timely fashion to ensure the vacancy is filled; and
(e) To distribute the minutes of the Executive Action Team and Steering Committee prior to each meeting of the Steering Committee.

SECTION 11 - **Action Teams.** The Executive Action Team may designate one (1) or more Action Teams, each of which shall consist of one (1) or more Executive Action Team members and two (2) or more Steering Committee members which shall perform such duties and exercise the authority as prescribed by the Executive Action Team. The respective Action Team Chair may appoint one (1) or more non-Steering Committee members to serve on the Action Team.

SECTION 12 - **Advisory Committee.** The Executive Action Team may appoint from its members or from non-members, one or more advisory committees whose members shall serve at the pleasure of the Executive Action Team. Such advisory committees shall advise

with and aid the officers of the Partnership in all matters designated by the Executive Action Team. Advisory Committee members shall not receive any salary but may be compensated as prescribed within these bylaws.

ARTICLE VI
Indemnification

SECTION 1 - **Indemnification.** The City of Roanoke shall provide a legal defense and indemnity of all members of the Steering Committee who are appointed by City Council or who are employed by the City as required by Ordinance No. 27798, adopted September, 1985.

ARTICLE VII
Amendments

SECTION 1 - **Power and Procedure.** These bylaws may be altered, amended or repealed, or new bylaws may be adopted by the affirmative vote of a majority of the Steering Committee at any annual meeting or other meeting of the Steering Committee provided, however, that written notice of such proposed action is given by mail to each Steering Committee member by the Executive Action Team at least five (5) days prior and in no case greater than thirty (30) days prior to the meeting at which such action is to be considered.

Revised and approved by the Steering Committee 3/01

7.b.

CITY OF ROANOKE

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

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RALPH K. SMITH
Mayor

Council Members:
William D. Bestpitch
William H. Carder
C. Nelson Harris
W. Alvin Hudson, Jr.
William White, Sr.
Linda F. Wyatt

November 19, 2001

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: 2002 Legislative Program

Dear Mayor Smith and Members of Council:

On October 29, 2001, City Council's Legislative Committee met to review the proposed 2002 Legislative Program. A copy of this Legislative Program is attached. After careful review, the Committee recommends it to City Council for favorable action. The School Board portion of the Program was approved by the School Board at its meeting on November 13 , 2001.

As Chair of the Legislative Committee, I wish to thank the other members of the Committee who are Vice-Mayor Carder, Ms. Wyatt and Mr. Harris of this Council and Mr. Wishneff and Mr. Charles Day of the School Board. We also wish to thank Tom Dick, our Legislative Liaison, and Bill Hackworth, City Attorney, who coordinated and prepared this Program.

Please put on your calendars for January 31, 2002, the annual VML Legislative Day in Richmond, and the dinner traditionally hosted by the City in conjunction with that gathering.

As Chair of the Legislative Committee, I commend the Program to City Council for its careful study and review. I am confident the members of the Council will agree that the recommended Program will advance the legislative interests of the City and its people at the 2002 Session.

Respectfully submitted,

William White, Sr., Chair
Legislative Committee

WWSr/f

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Attachments
cc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Charles W. Day, Member, School Board
Brian J. Wishneff, Member, School Board
Dr. E. Wayne Harris, Superintendent
Richard L. Kelley, Assistant Superintendent
for Operations and Legislative Liaison
Mary F. Parker, City Clerk
Thomas A. Dick, Legislative Liaison

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DRAFT

DRAFT

2002

LEGISLATIVE PROGRAM

CITY OF ROANOKE

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CITY COUNCIL	SCHOOL BOARD
Ralph K. Smith, Mayor	Sherman P. Lea, Chair
William F. Carder, Vice-Mayor	Ruth Willson, Vice-Chair
William D. Bestpitch	Charles W. Day
C. Nelson Harris	Marsha Ellison
W. Alvin Hudson	Gloria P. Manns
William White, Sr.	Melinda J. Payne
Linda F. Wyatt	Brian J. Wishneff

CITY MANAGER	SUPERINTENDENT
Darlene L. Burcham	Dr. E. Wayne Harris

William M. Hackworth
City Attorney
464 Noel C. Taylor Municipal Building
Roanoke, VA 24011
540-853-2431

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The City Council is pleased to commend this Legislative Program for consideration by the 2002 Session of the General Assembly. The City Council, representing all the people of our All-America City, is uniquely qualified to understand the legislative needs of City government and our people. We are of the opinion that this Program is responsive to those needs. As a policy matter, we continue to believe that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. We continue to be concerned about the cumulative effect of Federal and State legislative and regulatory mandates, many of which are unfunded, and about the continued erosion of local revenue sources.

This Program is a combined Program for City Council and the School Board. You will note that we have made a conscientious effort this year to pare our Program down to the issues that we believe are of the most importance to the citizens of this City. The City Council portion was prepared by the City's Legislative Liaison, Thomas A. Dick, and City Attorney, William M. Hackworth, with the assistance of comments and suggestions from Council members, City administrators and citizens. The School Board portion was prepared by Richard L. Kelley, Assistant Superintendent for Operations, who serves as Legislative Liaison for the School Division, with the assistance of advice and comments from the School Board and administrators. The entire Program has been carefully reviewed by City Council's Legislative Committee consisting of Chairman William White, Sr., Vice-Mayor William H. Carder, C. Nelson Harris, Linda F. Wyatt, Brian J. Wishneff and Charles W. Day. Upon the recommendation of the Legislative Committee, the Program was adopted and endorsed by City Council on November 19, 2001. See Resolution No. _____, a copy of which of which is attached.

If during the course of the Session our legislators have questions concerning the position of the City or School Board on legislative matters, they are encouraged to contact the Legislative Liaison for the City or School Board, who I know will be pleased to respond after consultation with appropriate officials. I also know that representatives of the City and School Board will be in contact with our legislators on many occasions during the 2002 Session, and their consideration of these communications is deeply appreciated. With the support of our legislators, and this City is fortunate to have legislators who are most supportive and responsive to the needs of our City and its citizens, I know that our City government and School Division will be improved and that the quality of life for our citizens will be advanced.

Ralph K. Smith
Mayor

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2002 Legislative Program

1. City Charter Amendments - City Charter amendments are needed that the General Assembly must approve, in order to update the Charter and to modernize the powers of the City. The Charter has not been comprehensively updated since 1952.

2. Education Funding - The City of Roanoke is spending $25 million more than is "required" to meet the State Standards of Quality (SOQs). The State should fully fund the cost of education as needed to meet the SOQs and provide a permanent funding source for school capital construction.

3. Roanoke Civic Center, Amphitheatre and Stadium Improvements Funding - The City's civic events infrastructure - the civic center, amphitheatre and stadium - require substantial investment to meet the needs of the community. While no State funding for these improvements is requested, additional flexibility in the local funding mechanisms allowed by the State to modernize these facilities is required. To partially fund the improvements in these public facilities, the legislature should grant authority to the City to allow discretion to levy an admissions tax at these facilities at a higher rate than elsewhere in the City. Sales tax revenues from these facilities should be allowed to be retained by the City to help fund these improvements in the same manner as other localities.

4. Civic Facilities Competitiveness - The civic center and other facilities of this type in the City support an important segment of the local economy, particularly hotel, restaurant and retail sales. These civic facilities compete with the facilities in other states for events at a competitive disadvantage. While State law allows for the sale of beer and wine at these facilities for professional sporting events, it does not allow the sale of beer and wine at non-sporting events. To be able to compete with other event sites in Virginia as well as those in other states, the City should have this authority.

5. TransDominion Express - Roanoke supports the proposal to extend passenger rail service from Bristol through Roanoke and on to Lynchburg and then to Washington, D.C. and Richmond, VA. Roanoke is the largest city in Virginia without passenger rail service. The 2000 General Assembly provided $9 million in preliminary funding for this important economic development initiative. The City supports the additional State funding necessary to place the service into operation.

6. Inspection of Rental Properties - The City requests authority to provide for inspections of rental property (§36-105) in areas other than conservation and rehabilitation districts and sections designated as spot blight areas and upon specific time intervals, regardless of whether tenancy or ownership changes, upon a finding that conditions in such areas warrant regular inspections of rental property.

7. Support for Virginia First Cities Coalition - As a member of Virginia First Cities, a group of 14 of the State's older cities, Roanoke supports the broad legislative objectives of this coalition, including:

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- Return of a percentage of the state income tax to local governments using a formula based upon wage location, residence and a uniform base amount, with wage location as the primary factor.

- Return funding responsibility to the State for the following services: jails, sheriff, health, social services, courts, CSA, mass transit, and constitutional officers.

- Correct the disparities in the composite index to more accurately reflect local ability to fund education.

- Increase State support for the physical revitalization of older cities through better allocation of resources and development of an urban policy.

First Cities Legislative Initiatives Additionally, Roanoke supports legislation to:

- Update the Enterprise Zone authorization beyond the current sunset date, give priority for new zone creation to urban areas with revitalization needs and raise the cap on tax credits for rehabilitation from $125,000 to $250,000.
- Provide funding ($10 million each) for Housing Revitalization Zones and the Urban Public-Private Redevelopment Fund.
- Support increased urban transportation funding that would correct the inequities in the urban street maintenance formula and amend the mass transit funding formula to reflect the same percentage of State funding as highways.

School Board Legislative Priorities

The major legislative priorities of the Roanoke City School Board are for the State to:

1. Improve its share of funding public education based on the results of the JLARC study;
2. Provide incentives for the recruitment and retention of teachers and principals;
3. Maintain local governance over K-12 educational and administrative issues;
4. Continue to support standards and consequences for school accreditation that are non-punitive in nature;
5. Address student safety and discipline issues through additional funding and program support; and
6. Enhance the State's support of school outlay projects through a permanent funding source for school construction and debt requirements.

The City of Roanoke endorses the School Board Legislative Program in its entirety and attaches and incorporates it into the City Legislative Program.

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Legislation the City Would Support

Blight Related Remedies

Roanoke City supports several important remedies to the problem of urban blight:

- The General Assembly should amend §15.2-1127 of the State Code to increase the current small registration fee of $25 for vacant buildings to $500 to assist localities in addressing the additional costs of fire, police and inspection activities related to vacant properties.
- The State should streamline the legal process applicable to sale of properties on which delinquent taxes are owed so that these properties can be transferred to responsible ownership more expeditiously and less expensively; or in the absence of this, the State should allow localities to sell real estate tax lien certificates as done in some other states.
- The City seeks an amendment to §5.2-2119 to clarify that it and other localities have the authority to place a lien against real estate for unpaid water bills.
- The City supports legislation that would amend §36-49.1:1 of the Code of Virginia so that localities can use spot blight abatement procedures within conservation and redevelopment areas.

Regional Competitiveness Act Funding

Funding for the Fifth Planning District Regional Alliance was cut when the State budget for 2002 was not amended. This State funding primarily supports workforce development efforts to strengthen the region's competitiveness. Additional funding of $965,000 for this important program should be provided in the 2002 fiscal year appropriation to restore the funding to a more appropriate level.

Aircraft Taxation and Incentives

The City of Roanoke supports tax incentives that would provide encouragement for aircraft to be located at Virginia airports. Section §58.1-1500 of the State Code should be amended to reduce the State's tax on the sale of aircraft in the Commonwealth. Any reduction in revenues should be replaced with State general fund dollars.

Research and Development Tax Credit

In 1999 the General Assembly passed HB 1667 to create a research and development tax credit up to 15% spent by a taxpayer on eligible research and development activity. The legislature did not re-enact the provision as required. The City supports approval of this measure.

Telecommunications Tax Collections

Localities are losing tax revenues provided for under existing law from telecommunications firms that begin new service in a locality but never notify that locality that they are operating. The City supports legislation to require each telecommunications company to notify each locality that they are doing business in that locality. Additionally, some types of telephone services, such as prepaid cellular services

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and telephone cards, are not taxed or are not taxed on the same basis as other telephone services. Some equitable way of assessing the required tax on mobile telecommunications ($3.00 or ten percent of the first $30.00) should be found, such as imposing the tax on whatever entity wholesales such services or cards to retailers. Roanoke also supports an amendment to the Code of Virginia to clarify that the City can impose a late payment penalty and disallow the collection fee/discount for late payment of local taxes by utilities collecting the Consumer Utility Tax, E-911 tax and other taxes.

Policy Positions

Commissions to Study Local Government Needs

The legislature is conducting studies concerning State and local tax structure and the Governor has appointed a Tax Issues Commission. In recent years, numerous studies have been conducted that have provided useful information. The Commission on the Future of Virginia's Cities and the State and Local Tax Structure Commission have identified issues and developed recommendations that have not been implemented. Roanoke recognizes the need for review of these important issues but urges that useful results of the studies actually be implemented by the legislature so their benefits will finally be realized.

State Support for Cultural Agencies and Activities

Institutions such as the Center in the Square and its constituent agencies, the Virginia Museum of Transportation and the Commonwealth Games all attract tourists to the region and help support the economy. City Council is appreciative of the legislature's partial funding of regional cultural institutions and regional events in previous years. The General Assembly should restore the critical funding that was not provided for these agencies in the 2001-02 State Budget and in the proposed new State Budget for 2003 and 2004. Furthermore, the State is encouraged to develop a policy that ensures stable funding for these agencies. Additional funding sources such as asset districts of one or more localities where additional sales tax revenues could be designated to help fund these entities and programs should also be explored.

Mental Health Funding

The State should expand its scope of mental health services to include those with traumatic brain injuries. The State should provide additional funding to operate a comprehensive mental health facility in the western part of the State. Such facilities already operate in at least two other parts of the State, but not in the southwestern region of Virginia. Additionally, special consideration should be given to meeting mental health needs that fall under the jurisdiction of the court system.

Transportation (Including Mass Transit) Funding

Adequate funding, especially that for mass transit, is critical to keep Virginia's transportation system viable. In addressing transportation needs, the General Assembly should consider: adjusting fund sources such as the motor fuels tax, to keep pace with inflation; imposing moderate increases in state transportation-related taxes and fees; authorizing more options for long-term financing for major projects; authorizing the creation of regional transportation districts; seeking equity among various road users by

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ensuring that trucks pay their proportionate share of road costs and promoting mass transit solutions on a regional and statewide basis.

Interstate 73

Roanoke supports the construction of I-73 as an important element in the economic future of the region. The construction of the highway would strengthen both interstate and intrastate commerce and provide direct economic benefits to the Commonwealth.

Dangerous Weapons on Public Property

The City supports the enactment of enabling legislation clarifying that local governments are authorized to prohibit the carrying of dangerous weapons in any publicly owned or leased building or property.

Standards for Adult Homes

The State should raise its standards for adult homes to more fully reflect the care needed for this population segment. Additionally, the State should improve funding for adult homes, particularly for indigent care.

Zoning Districts

Roanoke opposes any legislation that would restrict present land use powers of local governments to establish, modify and enforce zoning classifications. Local governments should remain free to adopt and enforce zoning changes that address local land use needs. The City opposes any legislation that would limit local government regulation of historic zoning districts and its ability to accept proffered conditions in rezonings that relate to building features and materials.

Redevelopment Initiatives

Roanoke City opposes further restrictions on eminent domain powers of State and local governments.

General Policy Considerations

The Federal and State governments should recognize that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. Roanoke remains concerned with the cumulative effect of Federal and State legislative and regulatory mandates that have stressed the serious financial problems of local governments. It is essential that the State fully fund all State mandates, including public employee salaries.

Roanoke is vitally concerned over the continued erosion of local revenue sources. The General Assembly is urged to leave the taxing authority and revenue sources of local governments alone. Additionally, the State should pay a greater share of the costs of education and other essential services.

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City Council calls upon the Governor and the General Assembly to develop an economic development strategy for the Commonwealth and its local governments. The strategy should include special programs for those areas west of the Blue Ridge mountains and central cities across the Commonwealth. Tourism and convention activities that enhance the economic well being of the State and its political subdivisions should be recognized as legitimate components of economic development.

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ROANOKE CITY PUBLIC SCHOOLS
LEGISLATIVE PROGRAM--FY2002-2004 BIENNIUM

State Standards

The State's new standards for the accreditation of public schools will be fully implemented with the class of 2004 (present tenth grade students). The standards provide high expectations for students and schools in order for schools to be accredited and for students to graduate from high school. The standards are based on a rigorous curriculum which is annually tested, making the schools and teachers accountable for student achievement.

Roanoke City Public Schools' Legislative Issues

The Roanoke City Public Schools' legislative program for the 2002-2004 Biennium addresses the State initiatives necessary to assist urban school districts in meeting and exceeding the State accreditation standards. The School Board's emphasis on student promotion and intervention will be the foundation for raising school and student performance to the State standards. The School Board's legislative agenda identifies progressive legislative strategies and outcomes that are crucial to meeting the Schools' educational goals and the public's expectations for student success.

The Roanoke City School Board and Superintendent have established high expectations and standards for schools and students. The objectives include: 1) Improving student achievement and focusing on student reading skills; 2) Increasing the student attendance rate; 3) Improving physical education scores on the State test; 4) Decreasing the student drop-out rate; 5) Increasing staff accountability for student performance; and 6) Improving the competitiveness of employee salaries.

During the second year of the current Biennium, six Roanoke City schools met the new State accreditation standards. All Roanoke City schools demonstrated improvement on the SOL tests. The Roanoke Valley's legislative team is to be commended for its exceptional work during the last three Bienniums in securing additional State funding for education that is greatly assisting the City schools in our initiatives to meet the State standards.

The efforts of area legislators have resulted in an increase of over $7.3 million in new State funding since 1998-1999. The additional State funds are being provided to: 1) Further reduce class size at the primary grade level; 2) Raise teacher salaries; 3) Reduce student absenteeism and truancy; 4) Provide student intervention and teacher training to meet the State Standards of Learning (SOLs); and 5) Assist with the cost of modernizing and replacing older school facilities.

The Roanoke City School Board's legislative package for the 2002-2004 Biennium asks that the General Assembly continue to improve the State's share of funding the Standards of Quality and Standards of Accreditation.

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School Board Legislative Priorities

The legislative priorities of the Roanoke City School Board are for the State:

- To improve its share of funding public education based on the results of the JLARC study
- To provide incentives for the recruitment and retention of teachers and principals
- To maintain local governance over K-12 educational and administrative issues
- To continue to support standards and consequences for school accreditation that are non-punitive in nature
- To address student safety and discipline issues through additional funding and program support, and
- To enhance the State's support of school capital outlay projects through a permanent funding source for school construction and debt service requirements

The Governor and General Assembly have said that public education is a priority in the Commonwealth; however, State funding for education has declined from slightly more than 50% of the total State budget for the 1976-78 Biennium to about 38% of the State budget during the current Biennium. Legislative actions taken by the State during the first year of the current Biennium have substantially increased the State's funding commitment to public education. However, the State's economic difficulties during the second year of the Biennium resulted in an increase of only $135,000 in State funding. Public surveys, both at the State and local levels, indicate the public believes the legislature should continue the emphasis on educational initiatives and funding.

The Joint Legislative Audit and Review Commission (JLARC) recently completed a study of the State funding required to meet the State Standards of Quality (SOQ) and new accreditation standards. State funding for implementing the SOQ and meeting accreditation standards is inadequate in the areas of teacher salaries, instructional materials and equipment, student testing and remediation, teacher inservice, and technology. The General Assembly is urged to increase the State's share of funding public education and make this issue its top priority.

The General Assembly should continue its emphasis on reducing disparity as it relates to student performance. State incentive programs for reducing class size and educating preschool age children should continue to be expanded. Roanoke City has taken advantage of both of these State incentive programs. All 19 of its 21 elementary schools eligible to participate in the primary class size initiative are participating in the program, while 10 preschool classes have been added in the last five years.

The State should improve its share of funding public education by increasing the State's share of financial support in the following areas:

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Average Teacher Salary - The State Basic Aid formula for average teacher salaries is $5,600 less than the actual average salary in Roanoke City. The cost to Roanoke City is $6.20 million in additional local funds.

School Staffing Ratios - The average class size for grades 4 & 5 in Roanoke City is 18 to 1 but the State formula only supports a ratio of 25 to 1. It costs an additional $1.65 million in local funds to support lower class sizes.

Preschool Programs - The State should fund preschool programs at a level which serves 100% of the eligible preschool age population rather than 60% of the eligible preschool age population.

Truancy Programs - Visiting teachers must be included in the Standards of Quality since they are essential to Roanoke City's truancy prevention programs. The locality expends $360,000 in funds to support the positions.

Alternative Education - State funds provide support for only 10% of the program's cost. The remaining costs amounting to $1.15 million are funded by the school district.

School Resource Officers - The Standards of Quality should include School Resource Officer positions. The Roanoke City Schools now expend $259,000 for these positions with no funding support from the State.

School Security Equipment - No funds are provided from the State for school security equipment (e.g., video monitors, metal detectors, and radios). The State should provide a minimum of $15 per pupil for the purchase of such equipment.

Most school districts in the State have experienced severe problems in the recruitment of teachers and school principals. The State should provide incentive funds to attract and retain teachers and principals. The incentives would include: 1) Scholarships for instructional aides and other support personnel who wish to obtain a teaching degree; 2) Internships for high school and college students to acquaint them with teaching as a profession; 3) Pay differentials for teachers and principals working in schools with a high percentage of at risk students; 4) Financial incentives for new teachers including relocation and signing bonuses, interest free loans for home purchase, and tax exemptions for teachers and principals working in schools located in economic enterprise zones.

The General Assembly at its last session adopted legislation to allow teacher retirees to return to work without being penalized for a loss of retirement benefits. However, the legislation also required a one-year break in service for retirees and prohibited them from being involved in an early retirement program. Both of these restrictive provisions must be removed if retired teachers are to be encouraged to participate in the program.

The State has set school and student accountability as a priority. In response to the new State standards, the School Board has adopted a school incentive program that relates its objectives to measurable standards for schools and students. The State Department of Education has adopted accreditation standards based on student test performance that may result in schools losing their accreditation status. The General Assembly is encouraged to ensure that the consequences of not meeting accreditation standards are not punitive for both schools and students.

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The State has directed a substantial portion of State Lottery profits to school construction needs. Despite the infusion of these new funds, Roanoke City still faces a large deficit in meeting its future requirement for school construction which totals $95.0 million. The capital projects include elementary school renovation, additional classrooms and physical education facilities, instructional technology, and air conditioning improvements. Major renovation of the City's two high schools will be required starting in FY2005. State capital funds through the State Literary Loan Fund are available to fund only 17% of the total requirement.

Statewide, over $6.6 billion in school capital requirements exists with only about $4.0 billion available to meet these needs. The General Assembly should adopt legislation to create an education infrastructure trust fund to finance direct grants for school construction needs using State Lottery proceeds.

Standards of Learning

The State Department of Education has implemented a comprehensive set of learning standards for students and accreditation standards for schools. The Standards of Learning combined with the Standards of Accreditation are the basis for a system of school and student accountability. The General Assembly should review these standards to address the following issues:

- School improvement should be evaluated over time based on continuous progress, with additional funding assistance provided to schools based on the need for teacher professional development and student intervention services.

- School accreditation should be based on a combination of factors which, at a minimum, should include mastery of the Standards of Learning (SOL) and compliance with standards that are actually funded by the State. Other factors should include attendance and dropout rates, business and technical education certifications, and performance on other tests such as the Stanford Achievement Test.

- The Standards of Quality (SOQ) and accreditation must be adequately funded by the General Assembly to include teacher training, instructional materials and textbooks, testing services, and instructional equipment and technology.

Pupil Services

Legislative actions related to pupil services issues must be oriented to improving student achievement and reducing educational disparity. Recent events and concerns regarding potential terrorist activity dictate that the State must assume a larger role in funding school security and safety requirements. Localities must retain flexibility in dealing with issues regarding student placement and a student's school attendance. Issues of concern include the following:

- State funding for truancy and absenteeism programs should be enhanced through the inclusion of visiting teachers in the Standards of Quality at the rate of one per every 500 students.

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- The State should fund at least 50% of the locality's cost for alternative education and should provide for the funding of multiple sites within a school district. Alternative education funding provided by the State should recognize the high cost of transportation and facility services needed to support the program.

- State funding must be provided for the assignment of a school resource officer to every secondary school through the inclusion in the Standards of Quality of one resource officer per middle school and one per every 500 students at the high school level.

- School security equipment including two-way communication between school offices and class- rooms, video monitors, metal detectors, and radios/cellular telephones should be funded by the State. At minimum, each school in the Commonwealth should receive $15 per pupil for security related equipment.

- Localities must retain flexibility in the educational placement required by the State for suspended or expelled students.

- Roanoke City now employees 12.5 FTE school nurses with local funds. The State should fund student health related services on the basis of one nurse for every 1,000 pupils in membership.

Construction and Technology

The maintenance and construction of school facilities has reached a crisis situation in Virginia with over 65% of all buildings being over 25 years old. Local funds to resolve the crisis are not readily available, and State funding through the Literary Fund does not have the capacity to support the immediacy of the requirement. Technology dictated by the new Standards of Learning requires a massive infusion of new equipment and retooling of facility infrastructures. Additional technology personnel are required to assist schools with technology operations and training. The General Assembly is urged to address construction and technology issues as follows:

- The funding capacity of the Literary Fund must be restored and protected over the next two Biennia in order that additional capital funds may be loaned to localities.

- The State maintenance fund should be continued and increased from its present level by $10 per pupil for each year of the next two Biennia. The present level of funding is $15 per pupil.

- A permanent education infrastructure trust fund should be created to provide direct construction grants to schools in order to address the current crisis for building modernization and to provide for the additional classrooms required by State initiatives for smaller classes.

- Student technology requirements required by the new Standards of Learning should be incorporated into the Standards of Quality in order that funding may be secured for

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these requirements. The Standards of Quality should include a minimum of one technology assistant for every school.

School Governance

Local control and flexibility in school operations is a priority for school boards if the State expects accountability standards to be meaningful and achievable by schools and students. Such flexibility involves management of school finances without mandates to relinquish control to the local governing body. Governance issues of legislative concern during the next legislative session include the following:

- The local school board should have control over the school calendar and the opening and closing dates for the school year.
- The present system of State waivers for school accreditation standards should be retained and expanded.
- Local school boards must maintain control over the establishment and operation of charter schools as provided for in legislation adopted during the previous Biennium.
- Drug testing of students and school personnel should be a local option and not mandated by the State.
- Local school boards should retain the right to regulate the use of non-prescription drugs by students on school property.
- A State study should be conducted on increasing the length of the school year and school day in conjunction with intervention programs designed to assist schools in meeting the Standards of Accreditation.
- State funding should be continued for the Standards of Quality regarding elementary guidance counselors and reading teachers where the Virginia Department of Education has revised the mandate.

The State should not provide tax credits to parents of children enrolled in private schools or tax credits for donations to fund scholarships for the attendance of children at private schools.

Governor's School Program

A total of 15 academic-year Governor's Schools now serve 5,200 students statewide. Prior to the 1998-2000 Biennium, State funding for ongoing Governor's Schools had been frozen since 1992 at a fraction of $2,765 per pupil based on each district's composite index. During the current Biennium, per pupil funding for ongoing Governor's Schools has been increased to $3,187, again based on each district's current composite index. It is imperative that the State continue to increase

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per pupil funding for the Governor's Schools at an annual rate of increase equivalent to the annual rate of increase in per pupil cost as computed for the State Standards of Quality.

A recent State Department of Education proposal would have reduced funding for the Roanoke Valley Governor's School by 50% since it would have reclassified the program from a full-time to a half-time program. The General Assembly is requested to continue funding for the Roanoke Valley Governor's School based on its operating a full-time school.

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7.b.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2002 Session of the General Assembly.

WHEREAS, the members of City Council are in a unique position to be aware of the legislative needs of this City and its people;

WHEREAS, previous Legislative Programs of the City have been responsible for improving the efficiency of local government and the quality of life for citizens of this City;

WHEREAS, Council is desirous of again adopting and endorsing a Legislative Program to be advocated by the Council and its representatives at the General Assembly; and

WHEREAS, the Legislative Committee of City Council has by report, dated November 19, 2001, recommended to Council a Legislative Program to be presented at the 2002 Session of the General Assembly;

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

1. The Legislative Program transmitted by report of the Legislative Committee, dated November 19, 2001, is hereby adopted and endorsed by the Council as the City's official Legislative Program for the 2002 Session of the General Assembly.

2. The Clerk is directed to issue cordial invitations to the City's Senator and Delegates to the 2002 Session of the General Assembly to attend Council's meeting relating to legislative matters, to be held at 12:15 p.m., on December 3, 2001.

ATTEST:

City Clerk.

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WMH

9.a.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE establishing the annual salaries of the Mayor, Vice-Mayor and Council Members for the fiscal year beginning July 1, 2002.

WHEREAS, §15.2-1414.6, Code of Virginia (1950), as amended, authorizes this Council, notwithstanding any contrary provision of law, general or special, to set annual salaries by ordinance for the Mayor, Vice-Mayor and each member of Council within certain limits, and this Council is desirous of exercising this authority.

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

1. For the fiscal year beginning July 1, 2002, and ending June 30, 2003, and for succeeding fiscal years unless modified by action of this Council, the annual salaries of the Mayor, Vice-Mayor and each member of Council shall be as follows:

Mayor	-	$ 18,000.00
Vice-Mayor and Council Members	-	$ 14,490.00

2. This ordinance shall remain in effect until amended or repealed by ordinance duly adopted by City Council.

3. The Mayor and members of Council shall continue to receive such other benefits as have previously been authorized by Council.

ATTEST:

City Clerk.

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10.B.

November 19, 2001

Committee	Vacancy Of	Date of Assignment	Assigned To
Advisory Board of Human Resources (See application attached)	Anita J. Price	October 18, 2001	Ms. Wyatt
City of Roanoke Transportation Safety Commission	James L. Phillips	August 21, 2000	Mr. Bestpitch
City of Roanoke Transportation Safety Commission	Troy M. White	April 16, 2001	Mr. Harris
City of Roanoke Transportation Safety Commission	Dawn T. Erdman	April 16, 2001	Mr. Hudson
City of Roanoke Transportation Safety Commission	Jerry Caldwell	April 16, 2001	Mr. White
Flood Plain Committee	R. H. Bennett, Jr.	Pre July 1, 2000	Mr. White
Flood Plain Committee	Willard N. Claytor	July 2, 2001	Mr. White
Property Maintenance Code, Board of Appeals	Ralph K. Smith	July 3, 2000	Mr. Carder
Roanoke Neighborhood Partnership Steering Committee	Barbara N. Duerk	October 18, 2001	Mr. Carder
Roanoke Neighborhood Partnership Steering Committee	S. Elaina Loritts	October 18, 2001	Mr. Hudson
Roanoke Neighborhood Partnership Steering Committee	Allen T. Wilson	October 18, 2001	Ms. Wyatt

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CITY OF ROANOKE
APPLICATION FOR APPOINTMENT

The following biographical information has been requested by the Roanoke City Council on each nominee for Council appointment. When completed, please return to Mary F. Parker, City Clerk, Room 456, Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia 24011-1538. You may fax copy to 853-1145 or e-mail to clerk@ci.roanoke.va.us.

Authority, Board, Commission or Committee: Advisory Board of Human Development

Name: Cheri W. Hartman, Ph.D.

Home address: 2423 Stanley Ave
(Street Name)

Roanoke, VA 24014 540-985-0151
(City/Zip) **(Telephone Number)**

City Resident ✓ **Non-City Resident** ____
(Please Check One)

E-mail Address: chartman@f5rv.org

Length of time at present address: 19 years (since May, 1982)

Are you over the age of 18? Yes

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Education: Ph. D. in Educational Psychology (courses were in Human Development)

Civic Activities:
(Office(s) held, honors, etc.) Board member of: Blue Ridge Behavioral Health Care; Council of Community Services; Junior League of Roanoke Valley; Mental Health Volunteer of the Year (1985, 1994); Jaycees' Outstanding Young Woman, 1988; Community Affairs Mother of the Year, 1989; Family Service's Outstanding Community Volunteer, 1996; Va. Assoc. Partners' in Education Partnership Award, 2001.

AWARDS

Availability of time to devote to this function: Best times: before 10:00am; after 1pm; not available Monday afternoons; will work evenings; will make time for this commitment.

Present employment position: Director, Youth Development, Family Service of Roanoke Valley

Business address: 360 Campbell Avenue
(Street name)

Roanoke, Va 24016 540-563-5316
(City/Zip) **(Telephone Number)**

Firm: Family Service of Roanoke Valley

Date Employed: July 1, 1996 to current time

Previous employment:
(Position, Firm, Location, Date)

Director, Teen Outreach Program
Council of Community Services
Roanoke, VA 7/1/94 - 6/30/96

List special items which might qualify you for this appointment:

My training, volunteer experience and work have included planning & implementing services for infants, youth and the elderly, including special needs & high risk populations.

Why are you interested in serving as a member of this board, committee or commission?

As a citizen of Roanoke it would be a privilege to apply my professional background & civic experience to Roanoke City's human development services.

11/12/01
Date

Linda F. Wyatt
Signature (Nominee or Nominator)

City Clerk's Office

2001 14:35 GRANTS COMPLIANCE 540 8531252 P.02

INTER DEPARTMENTAL MEMO

ROANOKE VIRGINIA, CHARTERED 1882

RECEIVED CITY CLERK'S OFFICE '01 OCT 29 P5:28

Office on Youth

DATE: October 15, 2001

TO: Mary F. Parker, City Clerk
Stephanie Moon, Deputy City Clerk

FROM: Marion Vaughn-Howard, Program Manager

SUBJECT: Youth Services Citizen Board Membership

This is to provide you with the names of several individuals who were appointed to the Youth Services Citizen Board and have not attended a meeting in the last year. A letter was sent to each of them requesting that they let me know whether they are interested in continuing to serve on the Board. To date, they have not responded.

Please advise City Council that this is my official notification that the following individuals should no longer be considered as Youth Services Citizen Board Members:

- Ms. Carolyn Word
- Mr. Patrick Shumate
- Mr. Duane Kavka
- Ms. Jenna Decker

Ms. Sara Lee, one of the student appointees, is presently attending college and is unable to serve. The following name is being submitted to take her place:

- Jamaal Jackson
  801 10th Street, N. W.
  Roanoke, VA 24016
  (540) 982-4292

Thank you for your continued support.

pr

GRANTS COMPLIANCE 540 8531252 P.03

CITY OF ROANOKE VIRGINIA
RECEIVED
CLERK'S OFFICE
01 OCT 29 P5:24

CITY OF ROANOKE
APPLICATION FOR APPOINTMENT

The following biographical information has been requested by the Roanoke City Council on each nominee for Council appointment. When completed, please return to Mary F. Parker, City Clerk, Room 456, Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia 24011-1538. You may fax copy to 853-1145 or e-mail to clerk@ci.roanoke.va.us.

Authority, Board, Commission or Committee: Youth Services Citizen Bd.

Name: Mr. Jamaal Jackson

Home address: 801 10th St. N.W.
(Street Name)

Roanoke, VA 24016 (540) 982-4292
(City/Zip) (Telephone Number)

City Resident ✓ Non-City Resident ____
(Please Check One)

E-mail Address: _____

Length of time at present address: _____

Are you over the age of 18? no

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Education: Student: Wm. Fleming

Civic Activities:
(Office(s) held, honors, etc.) Youth Services Advisory Committee

Availability of time to devote to this function:

Present employment position:

Business address:

(Street name)

(City/Zip) **(Telephone Number)**

Firm:

Date Employed:

Previous employment:
(Position, Firm, Location, Date)

List special items which might qualify you for this appointment:

Jamall has been a faithful volunteer on the Youth Advisory Committee for the YSCB. He has attended YSCB meetings & is a good resource & volunteer. He would like to make a difference/contribute to the community

Why are you interested in serving as a member of this board, committee or commission?

Date

Signature (Nominee or Nominator)

City Clerk's Office

DATE: October 29, 2001

TO: Ralph K. Smith, Mayor
Members of Council

RE: Roanoke Neighborhood Partnership
Steering Committee Appointments

FROM: Barbara Duerk, Chair

Dear Mayor and Members of Council,

The By-laws of the RNP Steering Committee states "the Partnership is an action-oriented coalition of neighborhoods, businesses and Roanoke City Government working to preserve and improve the quality of living in Roanoke. The Partnership shall accomplish this purpose by acting as a liaison between independent neighborhood organizations and the public, private, and nonprofit/voluntary sectors."

"Term of Office in the bylaws states members of the Steering Committee shall be appointed to an initial one (1) year term. At the end of the initial term each member is eligible to serve two additional three (3) year terms as recommended by the full Steering Committee and approved by the City Council of Roanoke with the term to commence after the adjournment of the annual meeting....Thereafter, any member may serve additional one (1) year terms as recommended....."

November is quickly approaching. Is City Council going to advertise for citizens to apply for membership on the RNP Steering Committee? Currently we need the following skills to support neighborhood request:
Banker
Lawyer
Public Relations
Marketing, Advertising
Building Better Boards

Robert Tourcotte is interested in being a member of the Steering Committee. Anne Lemon and B.T. Fitzpatrick have served on our Budget and Grants committee.

Attendance at monthly Steering Committee meetings and serving on an ACTION TEAM are required. Time expectation starts at 10 hours a month.

I look forward to talking with you about the expertise needed on the Steering Committee.

Barbara

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straight street

straight street roanoke valley

p.o. box 11411

roanoke, va 24022

phone: (540) 342-4971

fax: (540) 342-1510

e-mail: straight-street-roanoke @juno.com

Trust in the Lord with all your heart,
And lean not on your own understanding;
In all your ways acknowledge Him,
And He will make your paths straight.
Proverbs 3:5-6

November 12, 2001

Honorable Mayor Smith and Members
of Roanoke City Council
215 Church Avenue Room 456
Roanoke, Virginia 24014

Dear Council:

I would like the opportunity to address City Council concerning a zoning issue. I direct a youth outreach in downtown Roanoke called Straight Street located at 109 Luck Avenue.

A bar in Roanoke, Fusion, that is currently located on Franklin Road, plans to relocate their operation to a building beside the youth center. I spoke with the building department and also with zoning to see if there was any way to prevent this business from opening beside a youth center. Currently there is not a restriction or code that would prevent a bar from opening.

I know that it may be too late to prevent Fusion from opening beside Straight Street, however, I would like for the Roanoke City Council to consider a zoning restriction that would prevent a bar or similar operation from opening beside a youth center or establishment serving children and youth in the future.

I am concerned with this because Straight Street serves what could be considered high-risk youth. Many face problems at home with drug and alcohol abuse or are currently struggling with substance abuse problems personally.

I appreciate the opportunity to submit this request and for any assistance that will be provided.

Sincerely,

Keith Farmer
Director

ROANOKE
VIRGINIA, CHARTERED 1882

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Presentation by Roanoke Valley Garden Club

This is request space on the agenda at 5:30 p.m. for a presentation from the Roanoke Valley Garden Club pertaining to the extension of the Linear Railwalk to the Passenger Rail Station.

Sincerely,

Darlene L. Burcham
City Manager

DLB:ca

c: City Clerk
City Attorney
Director of Finance

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

ROANOKE
VIRGINIA, CHARTERED 1882

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Presentation by Parking Consultant

This is to request space on the agenda at 6:00 p.m. for a follow-up discussion by parking consultant, Tom Flynn, Wilbur Smith Associates, to an earlier presentation made to council.

Sincerely,

Darlene L. Burcham
City Manager

DLB:ca

c: City Clerk
City Attorney
Director of Finance

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

A.1.

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Subject: Tax Exemption Request

Dear Mayor Smith and Members of City Council:

Background:

The Boys and Girls Clubs of Roanoke Valley, Inc., owns the property known as Tax Map # 4240101 and 4240105, located at 1714 9th Street, SE. This property will be used for the purpose of housing dministrative offices and providing daily after school and summer activities for youth members in the Southeast quadrant of the city. Annual taxes due for FY 2001/2002 are $6,491.54 with an assessed value of $82,900 for the land and $453,600 for the building.

The Boys and Girls Clubs of Roanoke Valley, Inc., petitioned City Council in October 2001, requesting adoption of a Resolution in support of the organization obtaining tax-exempt status from the General Assembly on property located in the City of Roanoke. They have voluntarily agreed to pay a 20% service charge in lieu of real estate taxes per City Council's current policy.

Notification of a Public hearing to be held November 19, 2001, was advertised in the Roanoke Times on Sunday November 9, 2001.

Considerations:

The Boys and Girls Clubs of Roanoke Valley, Inc. currently receives financial support from the city in the amount of $3,000 from the Human Service Committee and $13,642 in Community Development Block Grant funds.

Loss of revenue to the City will be $5,193.21 after a twenty percent service charge is levied by the City in lieu of real estate taxes. This service charge will be $1,298.33.

Commissioner of Revenue, Sherman Holland, has determined the organization is not exempt from paying real estate taxes by classification or designation under the Code of Virginia. The IRS recognizes it as a 501(c)3 tax-exempt organization.

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

Recommendation:

Support the Boys and Girls Clubs of Roanoke Valley, Inc., exemption from taxation to the General Assembly pursuant to Article X, Section 6(a) 6 of the Constitution of Virginia.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/vst

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Sherman A. Holland, Commissioner of Revenue
Willard N. Claytor, Director of Real Estate Valuation
David C. Anderson, City Treasurer
Barry L. Key, Director of Management and Budget

#CM01-00258

WHR

A.1.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION supporting tax exemption of certain property in the City of Roanoke owned by the Boys & Girls Clubs of Roanoke Valley, Inc., and used by it exclusively for charitable or benevolent purposes on a non-profit basis.

WHEREAS, the Boys & Girls Clubs of Roanoke Valley, Inc., (hereinafter "the Applicant") has petitioned this Council for support of a bill to be introduced at the 2002 Session of the General Assembly to exempt certain property of the Applicant from taxation pursuant to Article X, §6(a)(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens had an opportunity to be heard with respect to the Applicant's petition was held by Council on November 19, 2001;

WHEREAS, the provisions of subsection B of §30-19.04, Code of Virginia (1950), as amended, have been examined and considered by the Council;

WHEREAS, the Applicant agrees that the property to be exempt from taxation is certain real estate, including the land and any buildings located thereon, identified by Roanoke City Tax Map Nos. 4240101 and 4240105, and owned by the Applicant (the "Property"), providing the Property shall be used by the Applicant exclusively for charitable or benevolent purposes on a non-profit basis; and

WHEREAS, in consideration of Council's adoption of this Resolution and Council's support of a bill hereinafter described in Paragraph 1 to be introduced on behalf of the Applicant at the 2002 Session of the General Assembly, the Applicant has voluntarily agreed to pay each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke real estate tax levy, which would be applicable to the Property were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

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

1. Council supports a bill to be introduced at the 2002 Session of the General Assembly whereby the Boys & Girls Clubs of Roanoke Valley, Inc., a non-profit organization, seeks to be classified and designated a charitable or benevolent organization within the context of §6(a)(6) of Article X of the Constitution of Virginia, and whereby certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map Nos. 4240101 and 4240105, and owned by the Applicant, which is used by it exclusively for charitable or benevolent purposes on a non-profit basis, shall be exempt from State and local taxation.

2. In consideration of Council's adoption of this Resolution and Council's support of the bill described in Paragraph 1 of this Resolution to be introduced at the 2002 Session of the General Assembly, the Applicant agrees to pay to the City of Roanoke on or before October 5 of each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke real estate tax levy, which would be applicable to the Property, were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

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3. In adopting this Resolution, the Council has examined and considered the provisions of Subsection B of §30-19.04, Code of Virginia (1950), as amended, and pursuant to Subsection C of the same section, Council recognizes that the Property is currently assessed at $536,500.00, representing a real property tax liability of $6,491.64 for the 2002-2003 tax year, and Council recommends to the General Assembly that the specific classification shall be benevolent or charitable.

4. The City Clerk is directed to forward an attested copy of this Resolution to the Commissioner of the Revenue and the City Treasurer for purpose of assessment and collection, respectively, of the service charge established by this Resolution, and to John R. Dyer, President of Boys & Girls Clubs of Roanoke Valley, Inc.

5. This Resolution shall be in full force and effect at such time as a copy, duly signed by an authorized officer of the Applicant, has been filed with the City Clerk.

ATTEST:

City Clerk.

ACCEPTED, AGREED TO and EXECUTED by the Boys & Girls Clubs of Roanoke Valley, Inc., this ____ day of _____, 2001.

Boys & Girls Clubs of Roanoke Valley, Inc.

By_____ (SEAL)
Title: _____

ATTEST:

_____
Secretary

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A.2.

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable W. Alvin Hudson, Council Member
Honorable William D. Bestpitch, Council Member
Honorable William White, Sr., Council Member
Honorable C. Nelson Harris, Council Member
Honorable Linda F. Wyatt, Council Member

Subject: Tax Exemption Request

Dear Mayor Smith and Members of City Council:

Background:

The Unified Human Services Transportation System, Inc., which transacts business as RADAR, owns the property known as Tax Map #1311221, 2410101, 2410301 through 2410306. This property includes housing the administrative offices and providing an efficient and cost effective transportation system to the elderly, disabled, indigent, and other persons who may require the provision of specialized transportation. Annual taxes due for 2001/2002 were $4,466.06 on an assessed value of $214,500 for the land and $154,600 for the building.

RADAR petitioned City Council in November 2001, requesting adoption of a Resolution in support of the organization obtaining tax-exempt status from the General Assembly on property located in the City of Roanoke.

Notification of a Public hearing to be held November 19, 2001, was advertised in the Roanoke Times on Sunday November 9, 2001.

Considerations:

Loss of revenue to the City will be $3,572.85, after a twenty percent service charge is levied by the City in lieu of real estate taxes. This service charge will be $893.21

Commissioner of Revenue, Sherman Holland, has determined the organization is not exempt from paying real estate taxes by classification or designation under the Code of Virginia. The IRS recognizes it as a 501(c)3 tax-exempt organization.

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

Recommendation:

Support the RADAR exemption from taxation to the General Assembly pursuant to Article X, Section 6(a) 6 of the Constitution of Virginia.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/vst

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
James D. Grisso, Director of Finance
Sherman A. Holland, Commissioner of Revenue
Willard N. Claytor, Director of Real Estate Valuation
David C. Anderson, City Treasurer
Barry L. Key, Director of Management and Budget

#CM01-00259

A.2.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,Unified

A RESOLUTION supporting tax exemption of certain property in the City of Roanoke owned by the Unified Human Services Transportation System, Inc., and used by it exclusively for charitable or benevolent purposes on a non-profit basis.

WHEREAS, the Unified Human Services Transportation System, Inc., (hereinafter "the Applicant") has petitioned this Council for support of a bill to be introduced at the 2002 Session of the General Assembly to exempt certain property of the Applicant from taxation pursuant to Article X, §6(a)(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens had an opportunity to be heard with respect to the Applicant's petition was held by Council on November 19, 2001;

WHEREAS, the provisions of subsection B of §30-19.04, Code of Virginia (1950), as amended, have been examined and considered by the Council;

WHEREAS, the Applicant agrees that the property to be exempt from taxation is certain real estate, including the land and any buildings located thereon, identified by Roanoke City Tax Map Nos. 1311221, 2410101, 2410301 through 2410306, inclusive, and owned by the Applicant (the "Property"), providing the Property shall be used by the Applicant exclusively for charitable or benevolent purposes on a non-profit basis; and

WHEREAS, in consideration of Council's adoption of this Resolution and Council's support of a bill hereinafter described in Paragraph 1 to be introduced on behalf of the Applicant at the 2002 Session of the General Assembly, the Applicant has voluntarily agreed to pay each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke real estate tax levy, which would be applicable to the Property were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

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

1. Council supports a bill to be introduced at the 2002 Session of the General Assembly whereby the Unified Human Services Transportation System, Inc., a non-profit organization, seeks to be classified and designated a charitable or benevolent organization within the context of §6(a)(6) of Article X of the Constitution of Virginia, and whereby certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map Nos. 1311221, 2410101, 2410301 through 2410306, inclusive, and owned by the Applicant, which is used by it exclusively for charitable or benevolent purposes on a non-profit basis, shall be exempt from State and local taxation.

2. In consideration of Council's adoption of this Resolution and Council's support of the bill described in Paragraph 1 of this Resolution to be introduced at the 2002 Session of the General Assembly, the Applicant agrees to pay to the City of Roanoke on or before October 5 of each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke real estate tax levy, which would be applicable to the Property, were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

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3. In adopting this Resolution, the Council has examined and considered the provisions of Subsection B of §30-19.04, Code of Virginia (1950), as amended, and pursuant to Subsection C of the same section, Council recognizes that the Property is currently assessed at $369,100.00, representing a real property tax liability of $4,466.10 for the 2002-2003 tax year, and Council recommends to the General Assembly that the specific classification shall be benevolent or charitable.

4. The City Clerk is directed to forward an attested copy of this Resolution to the Commissioner of the Revenue and the City Treasurer for purpose of assessment and collection, respectively, of the service charge established by this Resolution, and to Curtis A. Andrews, Executive Director, Unified Human Services Transportation System, Inc.

5. This Resolution shall be in full force and effect at such time as a copy, duly signed by an authorized officer of the Applicant, has been filed with the City Clerk.

ATTEST:

City Clerk.

ACCEPTED, AGREED TO and EXECUTED by the Unified Human Services Transportation System, Inc., this ____ day of _____, 2001.

Unified Human Services Transportation System, Inc.

By_____ (SEAL)
Title: _____

ATTEST:

_____
Secretary

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A.3

Roanoke City Department of Planning
Building and Development
Room 166, Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
(540) 853-1238 (Fax) 853-1230
Email: planning@ci.roanoke.va.us

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November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from AMVETS-Post #40, John Harvey Memorial, represented by James C. Joyce, Jr., and Wilburn C. Dibling, Jr., that property located at 917 Tazewell Avenue, S.E., identified as Official Tax No. 4112106, be rezoned from RM-2, Residential Multifamily, Medium Density District, to C-2, General Commercial District, such rezoning to be subject to certain conditions proffered by the petitioner.

Planning Commission Action

On October 18, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 4-3 (Messrs. Butler, Campbell, Dowe and Hill voting for the request and Messrs. Manetta, Rife and Chrisman voting against it), the Planning Commission recommended approval of the proposed rezoning subject to the proffered conditions. Planning staff recommended denial of the rezoning. Citizen comments were made both for and against the rezoning (see discussion below).

Background:

A Petition to Rezone the subject property from RM-2, Residential Multifamily, to C-2, General Commercial District was filed on July 5, 2001. A First Amended Petition for Rezoning the subject property from RM-2, Residential Multifamily, to C-2, General Commercial District was filed on October 1, 2001. The petition is to rezone the property for use as a parking lot for the adjacent AMVETS post. The following conditions are proffered:

1. That the property will be developed in substantial conformity with the concept plan

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prepared by David A. Bess, L.L.C., dated August 29, 2001, a copy of which is attached to this Petition for Rezoning as Exhibit B, subject to any changes required by the City during site plan review.

2. That there will be no curb cut where the property to be rezoned (Exhibit A) adjoins Tazewell Avenue, S.E.

3. That the Petitioner will retain the existing concrete retaining wall shown on Exhibit A near the northerly boundary of the property to be rezoned.

The subject property (Official Tax No. 4112106) is a vacant lot east of the AMVETS properties (Official Tax Nos. 4112101 and 4112102). A portion of the adjacent parcel (Official Tax No. 4112102) was rezoned in 1991 from RM-2 to C-2, conditional. A development plan was proffered as a condition the rezoning in 1991. This condition applies only to a portion of Official Tax No. 4112102. The existing properties used by AMVETS (Official Tax Nos. 4112102 and 4112101) contain twenty-five (25) parking spaces.

When the original petition was filed on July 5, 2001, the parking areas on the AMVETS property (Official Tax Nos. 4112101 and 4112102) had several zoning violations. Perimeter landscaping, setbacks, and border curbs required by the zoning ordinance were not installed. The petitioner corrected these violations in September, 2001, by installing landscaping in setback areas, planting two (2) trees, and installing an asphalt border curb. A white pine tree buffer along the eastern border of Official Tax No. 4112102 was a proffered condition of the 1991 rezoning, but is not currently in place. Staff recommends that the petitioner delay installation of this buffer pending the outcome of this rezoning request. If the rezoning is successful, the pine buffer should not be installed and a petition must be filed to amend the conditions of the 1991 rezoning to repeal the condition requiring the buffer.

Planning Commission held a public hearing on the rezoning request on October 18, 2001. Mr. James Joyce, Esq., counsel for the petitioner, presented the request. Mr. Chris Chittum, City Planner, presented the staff report. Staff recommended denial because the request was not consistent with the Comprehensive Plan in that it would encourage more off-street parking in a village center, increase impervious surface, expand an excessively large surface parking lot, and would expand commercial uses beyond a defined village center.

The Planning Commission opened the meeting for public comment. Mr. Earl Elkins of 921 Tazewell Avenue said that the petitioner had worked with him and he could live with the proposal. Planning Commission received a letter (attached) from the Southeast Action Forum, dated August 12, 2001, in opposition of the request, citing concerns about the amount and location of parking in an urban village.

Considerations:

The zoning to the north, south, and east of the subject property is RM-2. Zoning to the west is C-2. Land uses to the north, south, and east are residential.

The original 15-space parking lot on the adjacent property owned by AMVETS was expanded

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to 29 spaces. Four spaces were lost when landscaping was installed in September, 2001, and the current number of spaces is 25. The requested rezoning would expand parking to 38 spaces. The proposed expansion of the surface parking lots into the residential area is an increasing problem in Belmont and other neighborhoods. There are no unused vacant lots zoned C-2 within 300 feet of the subject property and no reasonable opportunities for shared parking. However, staff estimates that there are over 80 on-street parking spaces available within 500 feet of the property that are not located in front of a residence.

Development regulations in the zoning code require the new parking lot to be at least 5' from a side or rear property line and 8' from the street frontage, and bordered by a curb. In addition, deciduous tree landscaping at the street frontage is required. On the east side of the subject property, where it abuts a residential zone, a 10' wide landscape buffer screen would be required to provide a dense, year round visual and noise obstruction.

In a letter dated July 17, 2001, the Historic Belmont Preservation Association indicated its concerns about the rezoning. In addition, two property owners objected to the rezoning request. Mr. Elkins of 921 Tazewell Avenue (Official Tax No. 4112107) lives adjacent to the property and also owns 925 Tazewell Avenue (Official Tax No. 4112108). He expressed a number of concerns about the proposal including buffering between the parking lot and his house. Mr. Elkins has contacted staff by phone on several occasions to discuss the request. In a letter received July 19, 2001, Ms. Greer, who lives at 906 Tazewell (Official Tax No. 4111115) directly across the street from the subject property, expressed opposition to the rezoning. Mr. Elkins and Ms. Greer advised staff by phone of problems with noise late at night.

The petitioner has attempted to address buffering concerns by proffering the concept plan showing a solid wood fence along the length of the property and deciduous trees planted in the 10' landscape buffer along the fence.

The *Vision 2001 Comprehensive Plan* contains the following adopted policies for land use and development:

1. Economic Development: Village centers will be pursued as an economic development strategy to strengthen neighborhoods and the City's economy. (The 9th Street area is a village center in the Belmont neighborhood.)

2. Housing and Neighborhoods: Neighborhoods will function as villages, offering opportunities to live, work, shop, play and interact in a neighborhood setting. Neighborhood-oriented commercial activity will be encouraged in well-defined village centers.

3. Environmental quality: Limit the amount of impervious surfaces to reduce runoff.

4. Transportation: Roanoke will encourage on-street parking wherever possible and discourage excessive surface parking lots. Maximum parking standards for development outside of downtown should be established. Off-street parking

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should be encouraged to the side or rear of buildings. Carpooling, park & ride lots, and transit should be encouraged to reduce parking demand.

In addition, the plan recommends the following design principles for land development:

1. Parking in village centers should be located on the street or to the rear or side of principal buildings, and on-street parking should be encouraged.

2. On-street parking is desirable on most streets as it provides a buffer between pedestrians and automobile traffic and reduces the amount of scarce land resources dedicated to parking.

Recommendation:

Planning Commission recommends that City Council approve the proposed rezoning subject to the proffered conditions.

Respectfully submitted,

D. Kent Chrisman

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

CC:mpf
attachment
cc: Darlene Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
James C. Joyce, Jr., and Wilburn C. Dibling, Jr., Counsel for Petitioner

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FIRST AMENDED PETITION FOR REZONING

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

First Amended Petition for rezoning of a parcel of land lying in the City of Roanoke known as Lot 6 and part of Lot 5, Section 4, Map of the Lands of Belmont Land Company, Official Tax No. 4112106, otherwise known as 917 Tazewell Avenue, S. E., from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District.

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

The Petitioner, AMVETS–Post #40, John Harvey Memorial, a Virginia corporation, owns land in the City of Roanoke containing 0.143 acres, more or less, located at 917 Tazewell Avenue, S.E., Official Tax Map No. 4112106. Said tract is currently zoned RM-2, Residential Multi-family, Medium 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, the Petitioner requests that the said property be rezoned from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District, subject to certain conditions set forth below, for the purpose of providing additional parking for the membership and guests of AMVETS-Post #40, John Harvey Memorial.

The Petitioner believes the rezoning of the said tract of land will further the intent and purposes of the City's Zoning Ordinance and its comprehensive plan in that it will permit limited development of a small, narrow, difficult to develop lot that is a potential blighting influence on the neighborhood; enhance environmental quality and the appearance of the neighborhood; and promote the public convenience and safety of the neighborhood and members and guests of

AMVETS-Post #40, John Harvey Memorial, a veterans organization serving the needs of veterans in the Roanoke Valley.

The Petitioner hereby proffers and agrees that if the said tract is rezoned, that the rezoning will be subject to, and that the Petitioner will abide by, the following conditions:

1. That the property will be developed in substantial conformity with the concept plan prepared by David A. Bess, L.L.C., dated August 29, 2001, a copy of which is attached to this Petition for Rezoning as Exhibit B, subject to any changes required by the City during site plan review.

2. That there will be no curb cut where the property to be rezoned (Exhibit A) adjoins Tazewell Avenue, S. E.

3. That the Petitioner will retain the existing concrete retaining wall shown on Exhibit A near the northerly boundary of the property to be rezoned.

Attached as Exhibit C are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across the street or road from the property to be rezoned.

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

Respectfully submitted this 1st day of October, 2001.

AMVETS-POST #40, JOHN HARVEY MEMORIAL

By: _____
Commander

By: _____
Of Counsel

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James C. Joyce, Jr. (VSB No. 17891)
Wilburn C. Dibling, Jr. (VSB No. 01188)
Gentry Locke Rakes & Moore
P. O. Box 40013
Roanoke, Virginia 24022-0013
Telephone: (540) 983-9370
Facsimile: (540) 983-9368

AMVETS-Post #40, John Harvey Memorial
911 Tazewell Avenue
Roanoke, Virginia 24013

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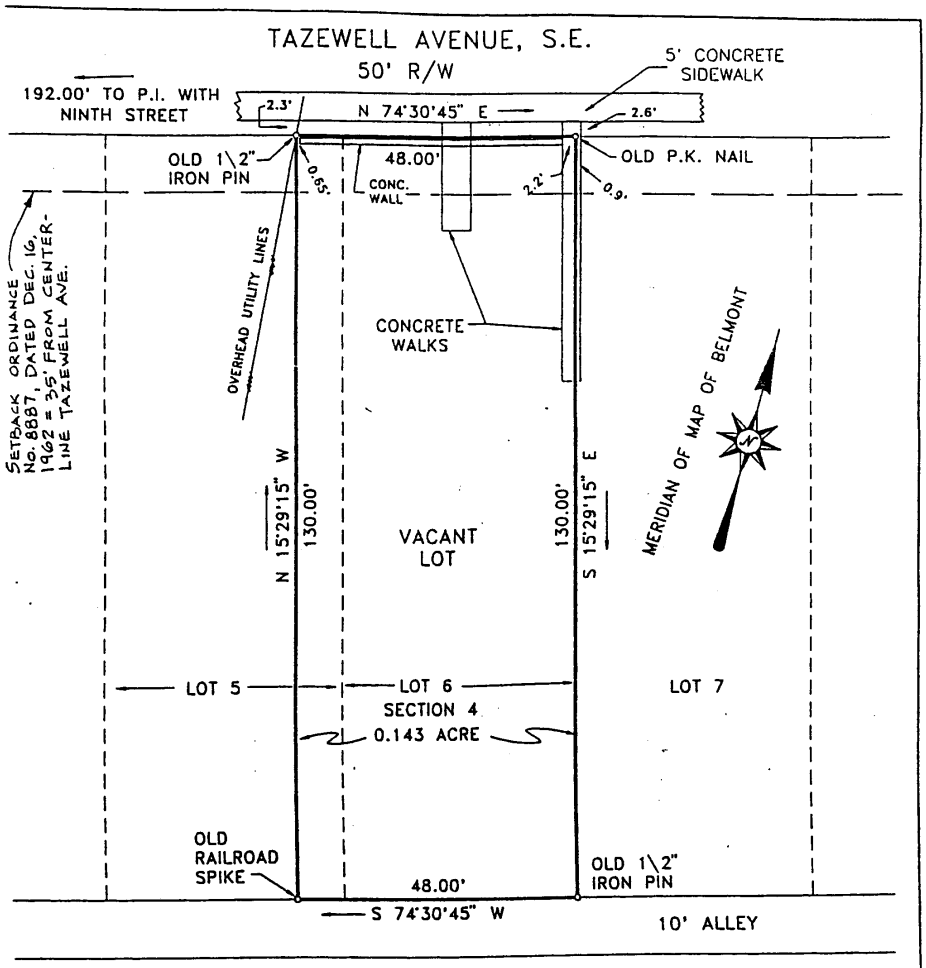

LEGAL REFERENCE:
TAX NO. 4112106
CITY ENGR. FILE 1471

NOTES:
THE SUBJECT PROPERTY IS LOCATED IN FLOOD INSURANCE ZONE "X" SO DESIGNATED BY F.E.M.A.

THIS PLAT IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY A TITLE REPORT BY A LICENSED ATTORNEY.

SURVEY FOR

AMVETS–POST #40,

JOHN HARVEY MEMORIAL

OF LOT 6 AND THE EASTERLY 8 FEET OF LOT 5, SECTION 4, MAP OF BELMONT

COMMONWEALTH OF VIRGINIA
DAVID A. BESS
No. 002240

ROANOKE, *VIRGINIA*

SCALE 1" = 20' *NOVEMBER 20, 2000*

EXHIBIT A

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ADJOINING PROPERTY OWNERS

TO

AMVETS POST #40
TAZEWELL AVENUE
ROANOKE, VIRGINIA
TAX MAP NO. 4112106

TAX MAP NO.	PROPERTY OWNER and Mailing Address
4112107	Margie Ellen Gibson Earl E. Elkins 921 Tazewell Avenue, SE Roanoke, VA 24013
4112115	Ellen V. Sanderson 916 Stewart Avenue, SE Roanoke, VA 24013
4112116	Nut Kong Sang A. Kong 927 Wasena Avenue, SW Roanoke, VA 24015
4111114	Tim McGuire 2213 Beavers Lane Vinton, VA 24179
4111115	Linda M. Greer 906 Tazewell Ave, SE Roanoke, VA 24013
4111116	Sarah F. Call 908 Tazewell Avenue, SE Roanoke, VA 24013

EXHIBIT

C

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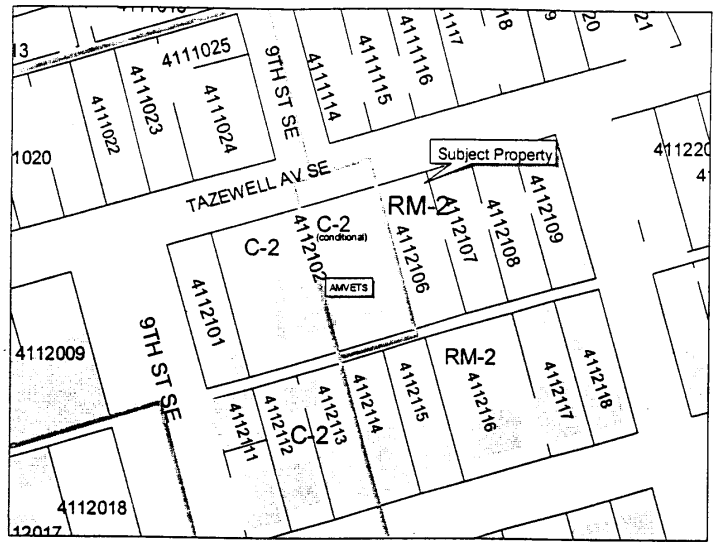

917 Tazewell Avenue, SE

N

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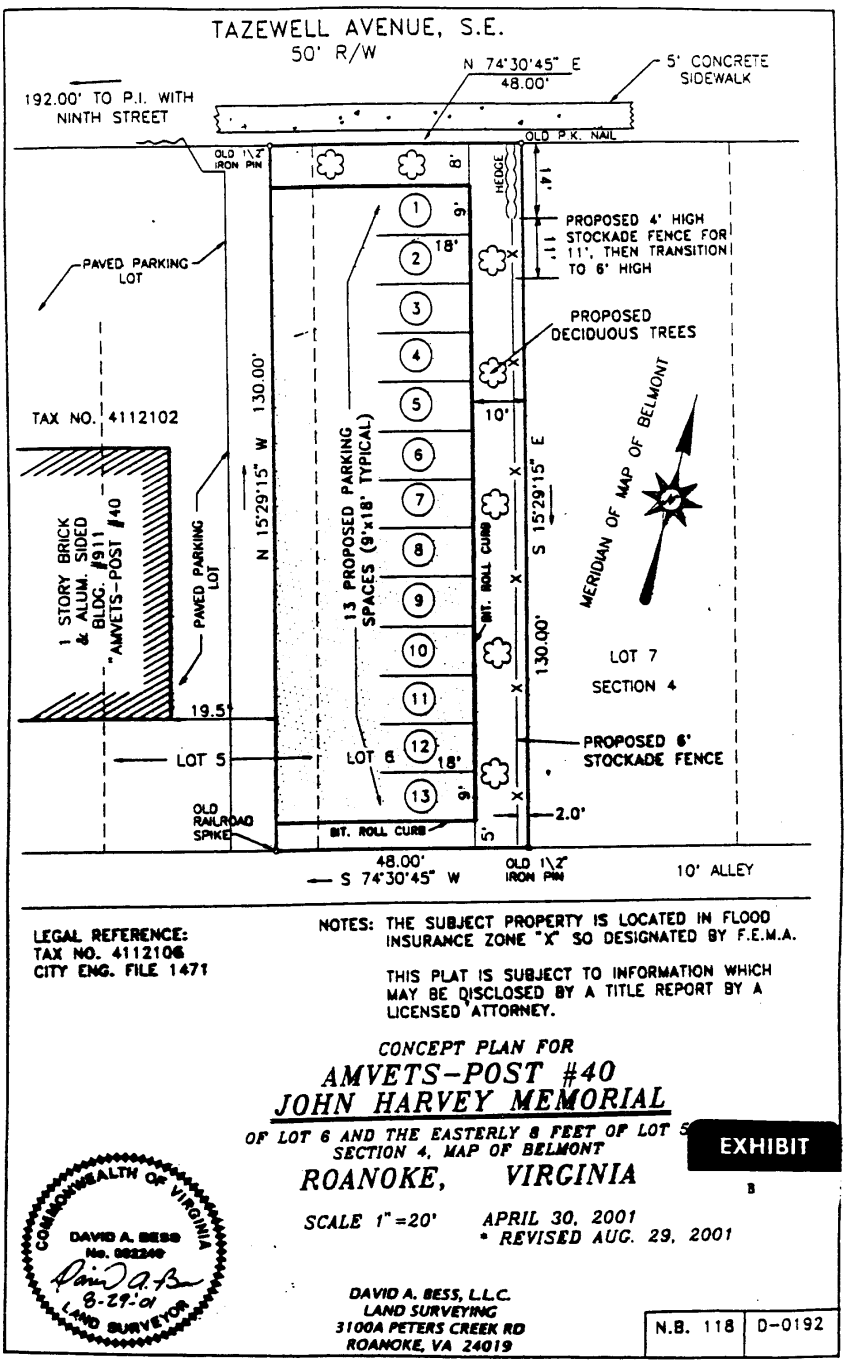

LEGAL REFERENCE:
TAX NO. 4112106
CITY ENG. FILE 1471

NOTES: THE SUBJECT PROPERTY IS LOCATED IN FLOOD INSURANCE ZONE "X" SO DESIGNATED BY F.E.M.A.

THIS PLAT IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY A TITLE REPORT BY A LICENSED ATTORNEY.

CONCEPT PLAN FOR

AMVETS-POST #40
JOHN HARVEY MEMORIAL

OF LOT 6 AND THE EASTERLY 8 FEET OF LOT 5
SECTION 4, MAP OF BELMONT

ROANOKE, VIRGINIA

EXHIBIT B

SCALE 1"=20' *APRIL 30, 2001*
** REVISED AUG. 29, 2001*

COMMONWEALTH OF VIRGINIA
DAVID A. BESS
No. 002340
8-29-01
LAND SURVEYOR

DAVID A. BESS, L.L.C.
LAND SURVEYING
3100A PETERS CREEK RD
ROANOKE, VA 24019

N.B. 118	D-0192

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Honorable Planning Commission Members
CITY OF ROANOKE
215 Church Avenue, SW
Roanoke, VA 24011

August 12, 2001

Re: Amvets Post #40 (John Harvey Memorial) request for Rezone of Tax No. 4112106
City Eng. File 1471 (vicinity of Tazewell and 9th St.)

Dear Commission Members,

We find the applicants reques to rezone a above referenced lot to be inconsistant with the values identified during our Strategic Neighborhood Planning Process. Tazewell Avenue has been identified as having strong residential value and characteristics that are consistant with pedestrian-friendly design. During several workshops hosted by the City of Roanoke and the Southeast Action Forum, some residents complained of the fragmentation of traditional neighborhoods from poor planning and placement of commerical uses along Tazewell Avenue.

The Development Review Team urges the Commission to reject Applicants request to rezone above referenced property for the following reasons:

1. Southeast is increasingly blighted by hardscape.

2. The Applicants request is not consistant with the Comprehensive Plan and values identied by Southeast Residents during the Belmont/Fallon Planning/Design review process.

3. 9th Street has been identified as a 'neighborhood business urban village' in the Vision 2001 review and draft process. The Transportation and Infrastruction Task Team has recommended that all parking be placed behind business designated as 'urban villages'.

4. The Development Review Team encourages the Applicant to negotiate an overflow parking agreement with either Polumbos the church on 9th Street.

5. On street parking should be encouraged -- existing black top should be utilized.

Another option we would like to suggest is that Amvets restripe their existing parking lot to allow for additional spaces.

We appreciate this opportunity to comment on the proposed rezoning before you. It is our sincere opinion that you deny this request in the best interests for Southeast. It is our desire to strive for the best neighborhood design possible.

Sincerely,

Mark Petersen

Mark Petersen, President
Southeast Action Forum
344-5357

COMMONWEALTH of VIRGINIA

Charles J. Weir
Chairman
Oakton

Al G. Thomason
Vice-Chairman
Roanoke

Waynard E. Caldwell
Secretary
Roanoke

Claude V. Swanson
Treasurer
Gretna

Mary F. "Beth" Brooks
Roanoke

Robert Cranston
Huddleston

Senator John S. Edwards
Roanoke

Simona J. Holloway-Warren
Charlottesville

Senator Kevin G. Miller
Harrisonburg

Bennie C. Slate
Collinsville

Duane A. Kavka
Executive Director

Virginia Veterans Care Center
Board of Trustees

Post Office Box 6334
4550 Shenandoah Ave. NW
Roanoke, Virginia 24017-0334

Duane A. Kavka
Executive Director
(540) 857-6974
(877) 248-4701 (VA)
FAX (540) 857-6954
d.kavka@worldnet.att.net
www.vaveteranscarecenter.org

September 20, 2001

Commander Kenny Peggins
AMVETS Post # 40
911 Tazewell Avenue
Roanoke, VA 24013

Dear Commander Peggins:

On behalf of all of the Veterans, family members and staff of Virginia Veterans Care Center, I would like to commend you and the members of Post 40 for the continual support you have given us.

Post 40 members have shown their dedication and concern for our Veterans by answering the call when there is a need. As of this date, we have purchased eleven new electric beds for our residents and AMVETS have contributed funds for six of them. I admire your efforts and those of Post 40 members in helping us with this campaign.

The special events you host at the facility are great incentives for our 240 men and women Veterans. The ice cream socials, watermelon feasts, cookouts and Bingo games are activities essential to the well being of our residents

Again, we applaud the members of Post 40 and ask that you keep us utmost in your hearts and minds.

Sincerely yours,

Duane A. Kavka
Executive Director

Joint Commission
Accredited Organization

DEPARTMENT OF VETERANS AFFAIRS
Medical Center
Salem VA 24153

October 9, 2001

In Reply Refer To: 658/135

Mr. Kenny Pagans
Commander AmVets Post 40
911 Tazewell Avenue, SE
Roanoke, Virginia 24014

Dear Mr. Pagans:

I would like to take this opportunity to thank you and Post 40 for all you do for the Salem VA Medical Center.

Your organization over the years has donated thousands of dollars and volunteer hours to our hospitalized veterans. Because of you our patients receive the extras they would not normally get. You know how much they look forward to the luncheons, socials, watermelon feasts and bingo games you sponsor.

Again, thank you for your continued support in our efforts of putting veterans first.

SUE PATTERSON
Chief, Voluntary Section

HAWKS

August 31, 2001

The Roanoke HAWKS
12 and Under Basketball Team
c/o Ms. Vivian Brown
3413 Pittsfield Ave. NW
Roanoke, VA 24017

Dear Zoning Board

The Roanoke Hawks 12U boys' basketball team participated in the National AAU tournament held July 13-20, 2001 in Virginia Beach, VA. The Amvets Post 40 made that trip a reality. We received support and monetary assistance to help defray the cost of the accommodations and food for the team. The contribution was truly a blessing.

Our team represented the Roanoke Valley in a positive manner and made it to the championship bracket, an honor that most team don't achieve. We feel that a community-oriented organization, Amvets Post 40, is a worthwhile resource for the city and the Roanoke Valley. We appreciate their support and their continued involvement in our youth programs.

Sincerely,

Hawks

Family and Friends of The Roanoke Hawks
Coach Keith Smith and Coach Aaron Webb

South East Recreation Club

Mailing Address: P.O. Box 648 Vinton, Va. 240179

Am vets Post 40;

We would like to thank you for your support of youth athletics in the Southeast community. Without your kindhearted donations we would not be able provide the necessary equipment and uniforms for our programs. Thanks to your support we were able to purchase all new basketball uniforms last year. The children were excited to receive the new uniforms because it made them look as good as the other teams in the city.

Our Baseball and Softball programs have also benefited from your generosity. Our equipment was ragged and needed replacing badly. Your donations enabled us to purchase new and better equipment for some of our teams. With your continued support we hope to replace all our old equipment. We would also like to thank you for the sponsorship of our T-Ball and coach pitch teams. The kids enjoyed being able to keep the uniform shirts. This shows the community that you are behind our cause.

At this time in our nation's history, when our freedom has come under attack, I would to thank each and every one of you, for giving a portion of your life in defense of our country.

God Bless You and Thanks,
Bill Breeding

Bill Breeding

President
Southeast Rec Club

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SST 10/30/01

A.3

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. 411, 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, AMVETS-Post #40, John Harvey Memorial, has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RM-2, Residential Multi-family, 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 November 19, 2001, 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. 411 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That parcel of land lying in the City of Roanoke known as Lot 6 and part of Lot 5, Section 4, Map of the Lands of Belmont Land Company, Official Tax No. 4112106, otherwise known as 917 Tazewell Avenue, S.E., be, and is hereby rezoned from RM-2, Residential Multi-family, Medium Density District, to C-2, General Commercial District, as set forth in the First Amended Petition filed in the Office of the City Clerk on October 1, 2001, and that Sheet No. 411 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.

N:\CAPS\ORDINANCES\O-Rez- AMVETS.wpd

A.4.

Roanoke City Department of Planning
Building and Development
Room 166, Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
(540) 853-1730 (Fax) 853-1230
Email: planning@ci.roanoke.va.us

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November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from A. Victor Thomas, Dorothy L. Thomas, Annie B. Dudley and TLC Properties, Inc., the properties on Orange Avenue, N. E., designated as Official Tax Nos. 3210101, 3210105 through 3210119, inclusive, and an undeveloped portion of Light Street, N.E., be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District.

Planning Commission Action:

On October 18, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 6-0 (Messrs. Butler, Campbell, Chrisman, Dowe, Manetta and Rife voting in favor and Mr. Hill absent), the Planning Commission recommended approval of the proposed rezoning. One citizen asked a question regarding her adjacent residential property (see public hearing discussion below). No one was opposed to the rezoning request.

Background:

A petition to rezone property from LM, Light Manufacturing District, to C-2, General Commercial District was filed on September 6, 2001. The rezoning request does not include any proffered conditions.

The purpose of the rezoning request is to place an existing convenience store in a conforming zoning district and allow for future expansion and development of the tract for additional commercial uses, which are undetermined at this time.

Section 36.1-690(g) of the Zoning Code of the City of Roanoke (1979), as amended, provides that "except for the extension of existing zoning boundaries, no change in zoning classification to a C-1, C-2, C-3, LM or HM district shall be considered which involves an area of less than two acres and no separate C-1, C-2, C-3, LM or HM district of less than two acres shall be created." Consequently, the request for rezoning

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includes properties other than the convenience store property, which when they are combined, total 2.32 acres.

At the Planning Commission public hearing on October 18, 2001, Mrs. Rachel Greenway, 1332 Purcell Avenue, N. E., appeared before the Commission and asked how her adjacent residential property would be affected by new commercial development. Mrs. Lander explained that although Mrs. Greenway's property was zoned for light manufacturing, that a landscape buffer and/or a fence would be required to be constructed between the commercial development and her residential property. The buffer or fence would be the responsibility of the developer. No other citizens spoke to the Commission regarding the rezoning request.

Considerations:

Zoning of the subject properties is LM, Light Manufacturing. Land uses on the properties include a convenience store and a vacant residential structure. Much of the property proposed for rezoning is vacant land. An undeveloped alley is located between Orange Avenue and Purcell Avenue.

Adjacent land uses on Orange Avenue include industrial businesses (construction equipment, stone supplier) and commercial businesses (fast food restaurant, convenience store and other retail commercial uses). Residential uses are located on the north side of Orange Avenue (at a higher elevation).

Neighborhood organization for this area is the Wildwood Civic League. They have been notified of the request for rezoning, but have not provided staff with any comments regarding the request.

Water and sewer utilities are available to service the property.

A portion of the property is located in the 100-year floodplain (elevation 925 msl). Development of any portion of the floodplain will require further study of floodplain impacts (i.e. downstream flooding) and any construction must meet flood-proofing requirements set forth in the Virginia Statewide Building Code (i.e. minimum of two feet above base flood elevation). The *Roanoke Valley Regional Stormwater Management Plan* (1997), adopted as part of the City's Comprehensive Plan, recommends improvements to the Tinker Creek culvert and the road to reduce the frequency of flooding. The plan recommends flood-proofing, relocation, and possible property acquisition for buildings in the flood plain and floodway.

The *Roanoke Valley Area 2020 Long Range Transportation Plan* indicates widening of Orange Avenue/ U.S. Route 460 to a possible eight lanes in the future. The existing right-of-way is presently 110 feet wide, which should allow for most future improvements. The widening project is not included in the Roanoke Valley Transportation Improvement Program (2001-03) and therefore is not a priority for the next six years. The proposed zoning change from industrial to commercial will result in increased traffic volumes on Orange Avenue. However, without knowledge of specific land uses and building sizes, future traffic volumes cannot be estimated and the impact

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of these volumes on the traffic flow cannot be determined. A traffic signal presently exists at the intersection of Orange Avenue and 13th Street.

Tinker Creek is located adjacent to the properties proposed for rezoning and has been identified as a priority greenway for the City and the Roanoke Valley.

Vision 2001 Comprehensive Plan recommends the following development policies:

1. 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.

2. Industrial development: Underutilized and vacant industrial sites will be evaluated and redevelopment encouraged.

3. Greenways: Roanoke will develop a high quality network of regional greenways for recreation, conservation and transportation.

4. Environment: Roanoke will protect the environment and ensure quality air and water for citizens of the region. Special emphasis will be placed on the Roanoke River and its tributaries. Storm water management will be addressed on a regional as well as a local level.

5. Design principles for regional commercial centers: Regional commercial centers should maximize connectivity with existing collector and arterial streets. Streets should encourage pedestrian traffic and bicycle lanes. Site development should be maximized through reduced parking spaces, increased lot coverage, and parcels developed along street frontages. Visual clutter and excessive lighting should be discouraged.

The proposed future development of the property is consistent with the commercial and industrial development recommendations of the Comprehensive Plan. Provisions for greenway connections, environmental protection, and design recommendations will be considered in the future when a development plan is submitted for city review.

Recommendation:

Planning Commission recommends that City Council approve the proposed rezoning. The proposed zoning and future development is consistent with the Comprehensive Plan in that it will encourage appropriate commercial redevelopment at the intersection of Orange Avenue and 13th Street, N. E.

Respectfully submitted,

D. Kent Chrisman

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

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ESL:mpf
attachment
cc: Darlene Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William Hackworth, City Attorney
Steve Talevi, Assistant City Attorney
William Mason, Attorney for the Petitioner

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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE: Rezoning of a Tract of Land lying and being in the City of Roanoke, Virginia, known as Tax # 3210101, Tax #3210105, Tax #3210114, Tax #3210115, Tax #3210116, Tax # 3210117, Tax # 3210118, , Tax # 3210119, Tax #3221309, Tax # 3210110, Tax # 3210111, Tax #3210112, Tax #3210113, Tax #3210106, Tax #3210107, Tax #3210108 and Tax #3210109, and that portion of Light Avenue (undeveloped) located along Orange Avenue and lying between Tax # 3210113 and Tax # 3221309, from LM – Light Manufacturing, to C-2 – General Commercial District

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

The Petitioners, A. Victor Thomas and Dorothy L. Thomas, own land in the City of Roanoke, Virginia, containing approximately 2.32 acres, more or less, located on Orange Avenue, Tax # 3210101, Tax #3210105, Tax # 3210110, Tax # 3210111, Tax #3210112, Tax #3210113, Tax #3221309 and Purcell Avenue, Tax #3210114, Tax #3210115, Tax #3210116, Tax #3210117, Tax # 3210118, Tax # 3210119 and that portion of land known as Light Avenue (undeveloped) along Orange Avenue between Tax # 3210113 and Tax # 3221309. Said Tracts are currently zoned LM – Light Manufacturing District.

The Petitioner, Annie B. Dudley, owns land in the City of Roanoke, Virginia, containing approximately .42 acres, more or less, on Orange Avenue, Tax Map #3210106 and #3210107.

The Petitioner, T.L.C. Properties, Inc., owns land in the City of Roanoke, Virginia, containing approximately .184 acres, more or less, located on Orange Avenue, Tax #3210108 and Tax #3210109.

The combined total of these continuous tracts is excess of two (2) acres of property. The tracts are currently zoned LM - Light Manufacturing. A map of the property to be rezoned is attached hereto as Exhibit A.

Pursuant to Section 36.1, Code of the City of Roanoke (1979), as amended, the Petitioners request that the said property be rezoned from LM- Light Manufacturing, to C-2 - General Commercial District for the purposes of placing the convenience store operation located at 1301 Orange Avenue, City of Roanoke, Virginia, in its existing use into a conforming district classification and for the potential of further expansion and development of the tract for other allowed commercial uses. There is no existing concept plan.

The Petitioner believes the rezoning of the said Tracts of land will further the intent and purpose of the City and its comprehensive plan, in that it will conform the use of part of the Tract as a convenience store to the correct zoning district and allow the best use of all of the property. The convenience store has been in operation since 1967.

Attached hereto as Exhibit "B" are the names, addresses and tax numbers of the owner or owners of all lots or property adjoining and immediately across the 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 code of the City of Roanoke.

Respectfully submitted this 6th day of September, 2001.

Respectfully Submitted,

By _____
Of Counsel

W. F. Mason, Jr., Esquire
302 Washington Avenue, SW
Roanoke, Virginia 24016
(540) 344-2017 – telephone
(540) 344-6039 – facsimile

and

David O. Williamson, Esquire (VSB#20806)
DAVID O. WILLIAMSON, P.C.
302 Washington Avenue, S.W.
Roanoke, Virginia 24016
(540) 345-9082

A. Victor Thomas

Dorothy L. Thomas

Annie B. Dudley

T.L.C. Properties, Inc.

By _____
Carland Kitts, its officer and duly authorized agent.

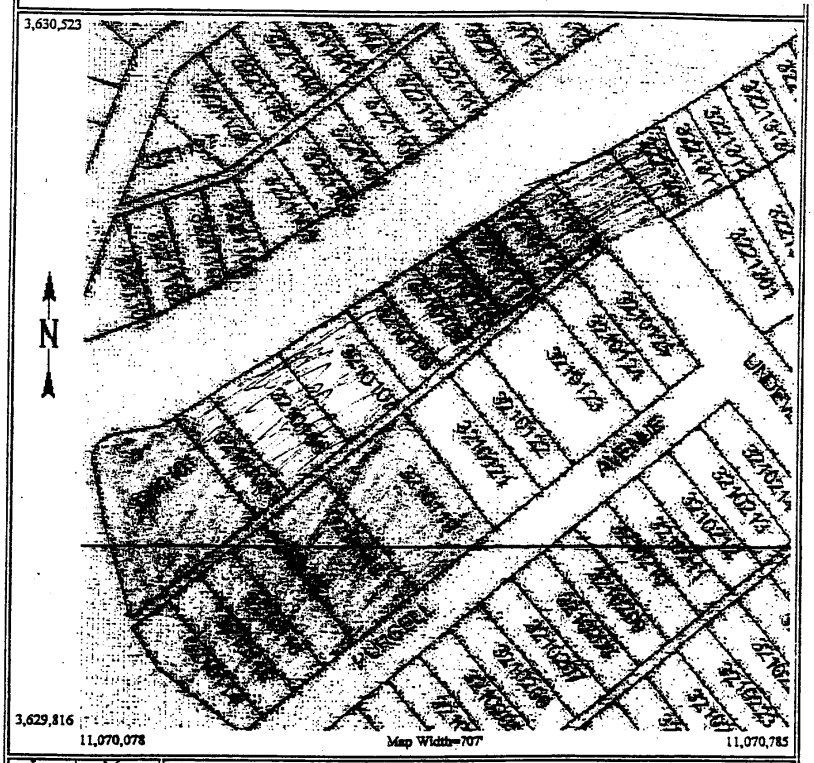
Bill Lochinski

ROANOKE CITY GIS

Parcel: 3210111 Parcel Address: LOT 13 BLK 23 GLEN FALLS

Owner: THOMAS, A VICTOR
THOMAS, DOROTHY L
3028 LOCKRIDGE RD SW
ROANOKE, VA
Instr.No.: 12890727 Acres:

Exh A



Location Map

DISCLAIMER: The information contained on this page is NOT to be construed or used as a "legal description". Map information is believed to be accurate but accuracy is not guaranteed. Any errors or omissions should be reported to the City of Roanoke Engineering Department. In no event will the City of Roanoke be liable for any damages, including loss of data, lost profits, business interruption, loss of business information or other pecuniary loss that might arise from the use of this map or the information it contains.

Map Data as of: May 2000
Real Estate Data as of: May 2000

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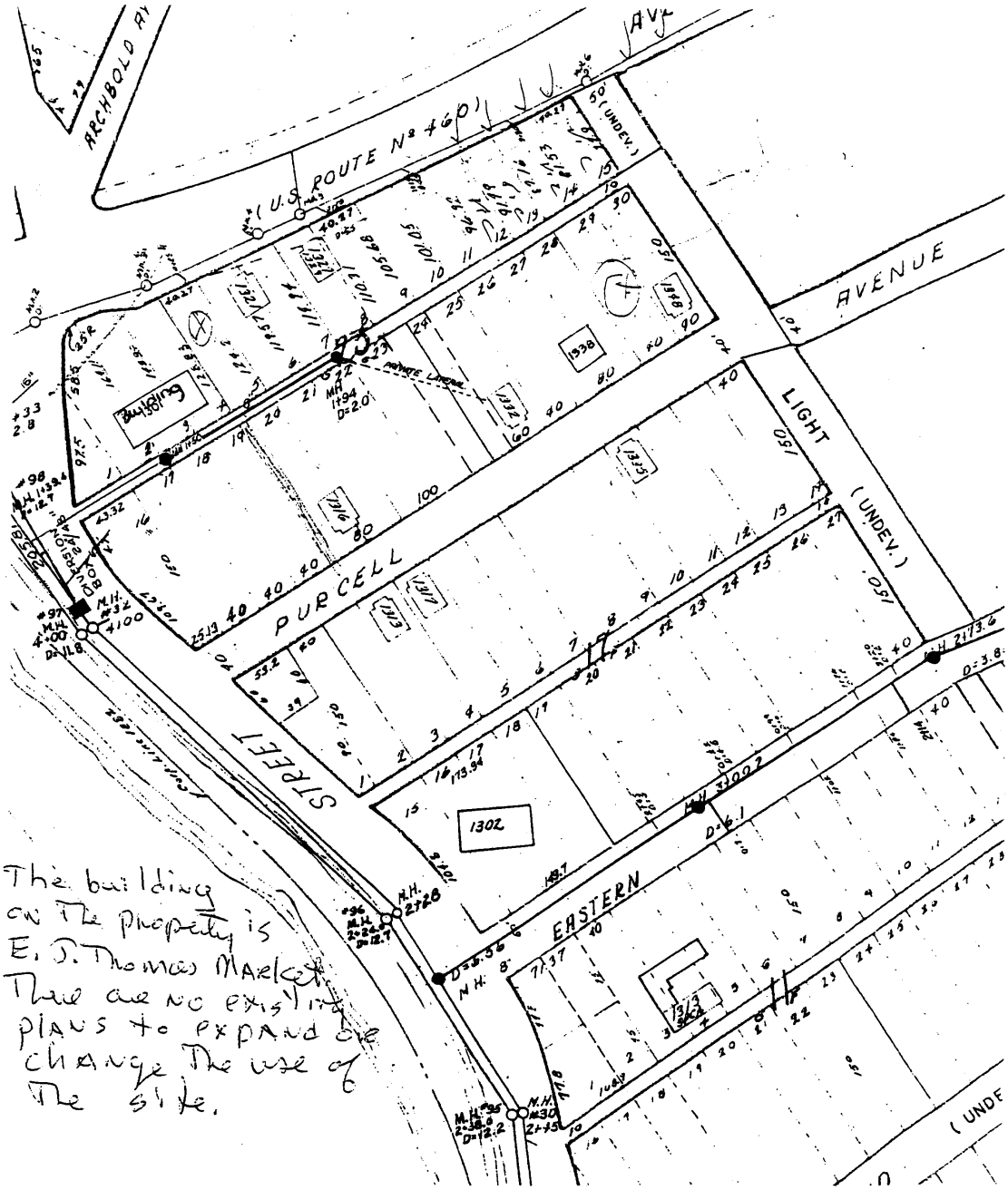
EXHIBIT "B"

LIST OF ADJOINING AND AJACENT PROPERTY OWNERS' ADDRESSES
AND TAX IDENTIFICATION NUMBERS

Tax Map No	Owner (s)	Address:
3221101	Michelle C. Thomas Ellis James Thomas	1722 Ashley River Rd Charleston, SC 29407
3221102	Michelle C. Thomas Ellis James Thomas	1722 Ashley River Rd Charleston, SC 29407
3221107	Thomas Aheron Eva Aheron	P O Box 20751 Roanoke, VA 24018
3221108	Thomas Aheron Eva Aheron	P O Box 20751 Roanoke, VA 24018
3221109	Thomas Aheron Eva Aheron	P O Box 20751 Roanoke, VA 24018
3221110	Thomas Aheron Eva Aheron	P O Box 20751 Roanoke, VA 24018
3221111	Thomas Aheron Eva Aheron	P O Box 20751 Roanoke, VA 24018
3221112	Thomas Aheron Eva Aheron	P O Box 20751 Roanoke, VA 24018
3221113	Thomas Aheron Eva Aheron	P O Box 20751 Roanoke, VA 24018
3210106	Beatrice C. Caldwell Annie B. Dudley	1618 Grayson Ave, NW Roanoke, VA 24017
3210109	TLC Properties, Inc. c/o Ben R. Miller, Jr.	P O Box 66338 Baton Rouge, LA 70896
3210121	Rachel L. Greenway	1332 Purcell Avenue, NE Roanoke, VA 24017
3210123	Jerry Lee King, Jr.	1338 Purcell Avenue, NE Roanoke, VA 24017
3210125	Tobbie Bennie Russeau	1348 Purcell Avenue, NE Roanoke, VA 24017
3221301	Blue Stone Block, Inc.	1510 Wallace Avenue, NE Roanoke, VA 24012
3221302	Blue Stone Block, Inc.	1510 Wallace Avenue, NE Roanoke, VA 24012
3210201	Marie L. Crawley	428 Riverland Road Roanoke, VA 24014
3210202	Marie L. Crawley	428 Riverland Road Roanoke, VA 24014
3210203	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017

3210204	Jerry Lee King, Jr.	1338 Purcell Avenue, NE Roanoke, VA 24017
3210205	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017
3210206	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017
3210207	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017
3210208	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017
3210209	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017
3210210	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017
3210211	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017
3210212	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017
3210213	TKB, LLC	3321 Countryside Road, NW Roanoke, VA 24017
3210214	C.R. Holland c/o Vivian Gravely	9606 Greenmeadow Cir Glen Allen, VA 23060



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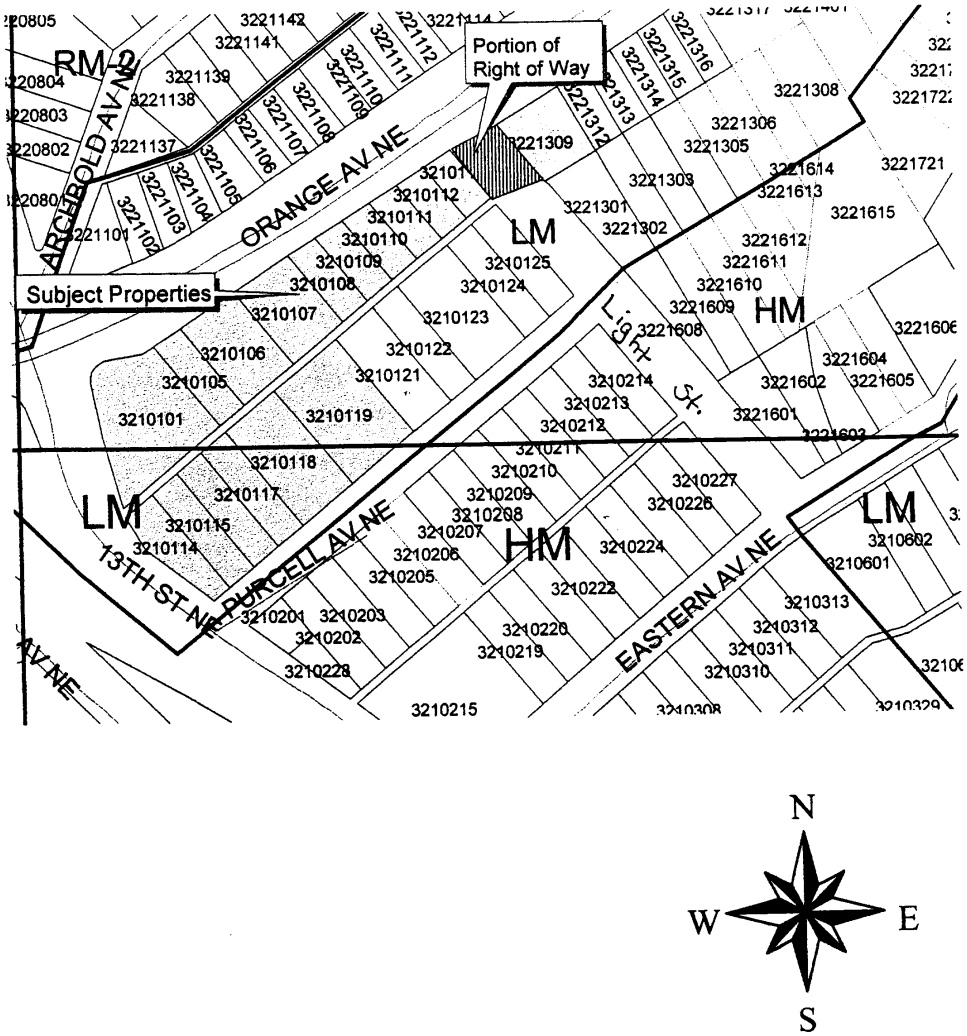
Orange Ave, NE



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SS 12/3/01

A.4.

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. 321 and 322, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

WHEREAS, A. Victor Thomas, Dorothy L. Thomas, Annie B. Dudley and TLC Properties, Inc., 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; 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 November 19, 2001, 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. 321

and 322 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That tract of land lying and being in the City of Roanoke, Virginia, known as Official Tax No. 3210101, Official Tax No. 3210105, Official Tax No. 3210114, Official Tax No. 3210115, Official Tax No. 3210116, Official Tax No. 3210117, Official Tax No. 3210118, Official Tax No. 3210119, Official Tax No. 3221309, Official Tax No. 3210110, Official Tax No. 3210111, Official Tax No. 3210112, Official Tax No. 3210113, Official Tax No. 3210106, Official Tax No. 3210107, Official Tax No. 3210108 and Official Tax No. 3210109, and that portion of Light Avenue (undeveloped) located along Orange Avenue and lying between Official Tax No. 3210113 and Official Tax No. 3221309 be, and is hereby rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, as set forth in the Petition filed in the Office of the City Clerk on September 6, 2001, and that Sheet Nos. 321 and 322 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.

N:\CAPS\ORDINANCES\O-Rez- Vic Thomas.wpd

A.5.

Roanoke City Department of Planning
Building and Development
Room 166, Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
(540) 853-1730 (Fax) 853-1230
Email: planning@ci.roanoke.va.us

ROANOKE
VIRGINIA CHARTERED 1882

RECEIVED
CITY CLERKS OFFICE

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November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from the Roanoke City Planning Commission, pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, that properties located on Vinyard Avenue, N.E., designated as Official Tax Nos.7040601, 7040602, 7040603, 7040604, 7040605, 7040606 be rezoned from LM, Light Manufacturing District, to RS-3, Residential Single Family District.

Planning Commission Action:

On October 18, 2001, the Planning Commission held a public hearing on the proposed request. By a vote of 7-0 (Messrs. Butler, Campbell, Chrisman, Dowe, Hill, Manetta and Rife voting in favor), the Commission voted to amend the original request to rezone by removing Official Tax No. 7040701 and to approve the rezoning of Official Tax Nos. 7040601 through 7040606, inclusive, from LM, Light Manufacturing District, to RS-3, Residential Single Family District.

Background:

The properties proposed for rezoning are located on the 2900 block of Vinyard Avenue, N.E. The subject properties are bounded by Berkley Road to the east, Atherly Street to the west and the Norfolk and Western Railroad to the south. A petition to rezone the properties from LM, Light Manufacturing District to RS-3, Residential Single Family District was filed on September 7, 2001. An amended petition to rezone Official Tax Nos. 7040601 through 7040606, inclusive, was filed with the City Clerk on October 24, 2001.

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The purpose of the application is to rezone the lots to their existing residential use. The properties are currently used as single-family dwellings, but are zoned for light manufacturing purposes. Tax Number 7040701 is vacant land.

On February 19, 2001, the owners of properties designated as Official Tax Nos. 7040601 through 7040606 requested that the Planning Commission submit the rezoning on their behalf (see Exhibit B). On August 16, 2001, the Planning Commission authorized the filing of a petition to rezone.

At the Planning Commission hearing on October 18, 2001, Mr. David Diaz presented the staff report. Mr. Diaz said that after talking with Mr. Todd Ross, a representative of the owner of the parcel bearing 7040701, the representative desired to have the property zoned RM-1, Residential Multifamily, Low Density District rather than single family. He recommended that the Planning Commission amend the rezoning request to exclude 7040701 and to consider a zoning change to RM-1. Five residents, who live in four of the properties to be rezoned, attended the meeting and spoke in support of the rezoning (Ms. Diane Munsey, Mr. Jimmy Smith, Mr & Mrs. Kenneth Kessee and Mr. Willard Hamill). The Planning Commission voted to approve the amended request and authorized the filing of a new rezoning petition for Tax No. 7040701.

Considerations

The existing zoning of the surrounding area consists of RS-3, Residential Single Family District, to the north, RM-1, Residential Multifamily, Low Density District, to the west and LM, Light Manufacturing District, to the east. The land use pattern is predominantly residential, to the west of Berkley Road and a mixture of vacant land and manufacturing uses to the east of Berkley Road.

The Wildwood Civic League is the neighborhood organization for the subject area and supports the rezoning. Mr. Roy Stroop, a neighborhood leader, contacted staff and advised that the matter was discussed at a neighborhood meeting and the organization supported the rezoning request. A representative of the executor of Tax No. 7040701 met with staff and advised of their desire to rezone the property toRM-1, which would allow for two-family dwellings as an option.

The City Traffic Engineer anticipates that there will be no traffic impacts foreseen for this rezoning. A reduction in trip generation is expected because residential uses generate less traffic than a manufacturing use.

While the Economic Development Director is concerned about the loss of light manufacturing land that is accessible by railroad, the subject property is not considered viable industrial land because of the lack of traffic access and the predominant residential land use pattern in the area.

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The *Vision 2001 Comprehensive Plan* recommends that:

1. Housing Choice: The City will have a balanced, sustainable range of housing choices in all price ranges and design options that encourage social and economic diversity throughout the City.

2. Sustainable Population: Roanoke will have a balanced, sustainable population. Roanoke will promote its urban assets, diversity, convenience and affordability to retain existing residents and attract new ones to our City.

The rezoning request is consistent with the comprehensive plan.

Recommendation:

Planning Commission recommends that City Council approve the proposed rezoning of Official Tax Nos. 7040601 through 7040606, inclusive. This area is inappropriately zoned for light manufacturing and should be zoned residential to reflect its existing land use.

Respectfully submitted,

D. Kent Chrisman

D. Kent Chrisman, 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

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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

In Re:	Rezoning of properties in the northeast quadrant of the City, identified as Official Tax Nos. 7040601, 7040602, 7040603, 7040604, 7040605, and 7040606 and located on Vinyard Avenue, N.E., from LM, Light Manufacturing District, to RS-3, Residential Single Family District.	) First Amended) Petition to Rezone

To: The Honorable Mayor and Members of Council of the City of Roanoke

The petitioner, the Roanoke City Planning Commission, pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, requests that the properties set out below be rezoned from LM, Light Manufacturing District, to RS-3, Residential Single Family District. The purpose of this rezoning is to extend the existing RS-3 zoning line in the neighborhood to Vinyard Avenue. A map outlining the area proposed to be rezoned is attached to this petition as Exhibit A.

Properties to be rezoned are more specifically identified below:

Official Tax No. 7040601	2902 Vinyard Avenue, N.E.
Official Tax No. 7040602	2912 Vinyard Avenue, N.E.
Official Tax No. 7040603	2922 Vinyard Avenue, N.E.
Official Tax No. 7040604	2932 Vinyard Avenue, N.E.
Official Tax No. 7040605	2942 Vinyard Avenue, N.E.
Official Tax No. 7040606	acreage on Vinyard Avenue, N.E.

The Petitioner believes that the rezoning of the above parcels of land will further the intent and purposes of the City's zoning ordinance and its comprehensive plan by rezoning lots currently zoned for light manufacturing, but used for residential purposes, to reflect their current land use as single family. Owners of the subject property are in support of this rezoning request and have provided that the Planning Commission with a written statement to that effect (Exhibit B).

Wherefore, the Petitioner requests that the above-described properties be rezoned from

LM, Light Manufacturing District, to RS-3, Residential Single Family District.

Attached as Exhibit C is a list of current owners of the above-mentioned properties.

Attached as Exhibit D is a list of current adjoining property owners of the above-mentioned properties.

Respectfully submitted this 24th day of October, 2001.

Respectfully submitted,

D. Kent Chrisman

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

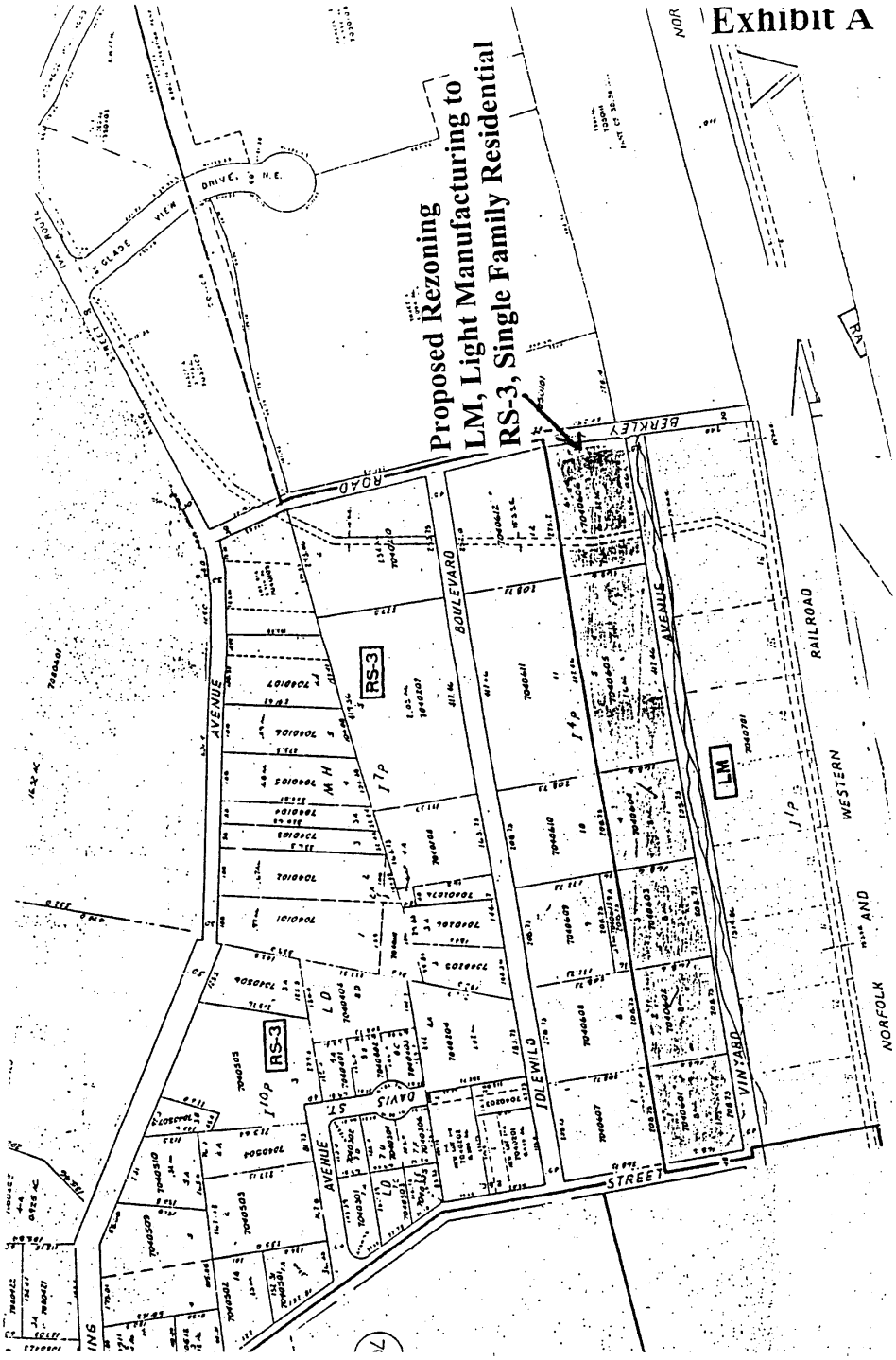

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EXHIBIT B

February 19, 2001

Mr. Melvin Hill
Chairman of the Planning Commission
Municipal Building
215 Church Avenue
Room 166
Roanoke, VA 24011

Dear Mr. Hill:

We are writing your office to request your assistance in rezoning the 2900 block of Vinyard Avenue, Idlewild Subdivision, Roanoke City, VA, 24012. There are 6 families currently living within the Light Manufacturing (LM) zone of this block. Three of these families are either related to original owners or have been residents themselves for the last 40+ years. It was recently brought to our attention that our block had been rezoned to Light Manufacturing (LM) back in the early 1970's without any written or verbal notification to the residence. The homes currently standing were grandfathered into the zone because they were pre-standing. When our families recently gained knowledge of this current zoning and the restrictions that this places on our homes, we began to pursue having this block rezoned back to the original Residential Single Family (RS-3). However, after checking with many local lawyers, we realized that together our families would not be able to finance the $1500-2000 begin requested to submit the rezoning documents on our behalf.

Because of the extraordinary legal expenses beyond our current abilities and after checking with Mr. David Diaz in your offices, we have agreed together to write this letter requesting your offices to submit a rezoning request on our behalf to City Council to rezone our street back to RS-3. We all agree on this need as stated by our signatures found below. We feel that this is vitally needed in order for our families to be able to sell, make additions to, or even refinance our homes. Things that we are unable to do under the current zoning of our land.

We look forward to hearing from you at your earliest convenience. Please feel free to contact us for any additional information or anyway that we may be of assistance to expidite this procedure.

Sincerely,

Mr. & Mrs. R. Mark Munsey 7040604
2932 Vinyard Avenue, Roanoke, VA 24012 540-985-0595
munsey@rbnet.com

signature printed name

Mr. & Mrs. Willard Hamill 7040605
original family and current owner of 2942 Vinyard Avenue, Roanoke, VA, 24012

3121 King Street, Roanoke, VA 24012 540-343-9701

signature printed name

Mr. & Mrs. James Smith 7040603
2922 Vinyard Avenue, Roanoke, VA, 24012 540-345-6286

signature printed name

Mr. & Mrs. Kenneth Kessee 7040602
2912 Vinyard Avenue, Roanoke, VA 24012 540-345-0217

signature printed name

Mr. Danny McCallister 7040601
2902 Vinyard Avenue, Roanoke, VA 24012 540-343-3173

signature printed name

Ms. Jean Commer 7040606
224 Berkley Road, Roanoke, VA 24012 540-342-7593

signature printed name

EXHIBIT C

PROPERTY OWNER LISTING

Tax No.	Property Address	Owner's Name and Mailing Address
7040601	2902 Vinyard Avenue, NE	Joseph L. and Elva M. McAlister 2902 Vinyard Avenue, NE Roanoke, VA 24012
7040602	2912 Vinyard Avenue, NE	Kenneth and Katherine Keesee 2912 Vinyard Avenue, NE Roanoke, VA 24012
7040603	2922 Vinyard Avenue, NE	Jimmy D. and Flora M. Smith 2922 Vinyard Avenue, NE Roanoke, VA 24012
7040604	2932 Vinyard Avenue, NE	R. Mark and Deanna P. Munsey 2932 Vinyard Avenue, NE Roanoke, VA 24012
7040605	2942 Vinyard Avenue, NE	Willard D. and Jeannette M. Hamill Revocable Trust 3121 King Street, NE Roanoke, VA 24012
7040606	Vinyard Avenue, NE	Jean Mearns Comer, et al 224 Berkley Road, NE Roanoke, VA 24012

EXHIBIT D
ADJOINING PROPERTY OWNERS

Tax No.	Property Address	Owner's Name and Mailing Address
7040701	8.33 acres on Vinyard Avenue, NE	Walter Darnell Vinyard P O Box 295 Vinton, VA 24179
7040607	Idlewild Boulevard, NE	Roger D. Cannaday 2610 Forest Oak Drive Roanoke, VA 24102
7040608	2923 Idlewild Boulevard, NE	Thomas William Jones 2923 Idlewild Boulevard, NE Roanoke, VA 24012
7040601 7040611	Idlewild Boulevard, NE	Willard and Jeannette Hamill Revocable Trust 3121 King Street, NE Roanoke, VA 24012
7040612	224 Berkley Road, NE	Jean Mearns Comer, et als 224 Berkley Road, NE Roanoke, VA 24012
7040613	Idlewild Boulevard, NE	Jimmy D. and Flora M. Smith 2922 Vinyard Avenue, NE Roanoke, VA 24012
7050101	207 Berkley Road, NE	David L. and Diane W. Hopkins 207 Berkley Road, NE Roanoke, VA 24012
7050111	Berkley Road, NE	Walter Darnall Vinyard P O Box 295 Vinton, VA 24179
3410904	2829 Idlewild Boulevard, NE	Warren G. and Louise B. Light 2829 Idlewild Boulevard, NE Roanoke, VA 24012
3410911	2820 Vinyard Avenue, NE	Howard K. Walters 2820 Vinyard Avenue, NE Roanoke, VA 24012
3411008	Vinyard Avenue, NE	Russell L. Short 101 Irene Circle Vinton, VA 24179
	Norfolk Southern Railway Line	Norfolk Southern Corporation 110 Franklin Road, SW Roanoke, VA 24011

SJT

A.5.

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. 704, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

WHEREAS, the City of Roanoke has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from LM, Light Manufacturing District to RS-3. Residential Single Family 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 November 19, 2001, 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. 704 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular and no other:

That certain tract of land on the northeast quadrant of the City, and located on Vinyard Avenue, N. E., and designated on Sheet No. 704 of the Sectional 1976 Zone Map, City of Roanoke, as Official Tax No.7040601 through 7040606, inclusive, be, and is hereby rezoned from LM, Light Manufacturing District, to RS-3, Residential Single Family District, as set forth in the First Amended Petition filed in the Office of the City Clerk on October 24, 2001, and that Sheet No. 704 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.

N:\CAPS\ORDINANCES\o-rezcityvinyardLMRM1.wpd

A. 6

Roanoke City Department of Planning
Building and Development
Room 166, Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011
(540) 853-1730 (Fax) 853-1230
Email: planning@ci.roanoke.va.us

ROANOKE
VIRGINIA, CHARTERED 1882

RECEIVED
CITY CLERKS OFFICE

'01 OCT 31 A11:45

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Council Member
Honorable William White, Sr., Council Member
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: An ordinance amending and reordaining of Chapter 36.1-397, Permitted uses, Subdivision H, INPUD, Institutional Planned Unit Development District, Division 5: Special District Regulations, Article III, District Regulations, Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by the addition of a new subsection (11) to allow manufacturing establishments primarily engaged in the manufacture, assembly, mixing, processing or other processes related to the creation of new products, where all such manufacturing, assembly, processing or other processes related to the creation of new products are wholly enclosed in a building.

Planning Commission Action:

On October 18, 2001, the Planning Commission held a public hearing on the proposed ordinance. By a vote of 6-0 (Messrs. Butler, Campbell, Chrisman, Dowe, Manetta and Rife voting for the amendment and Mr. Hill absent), the Planning Commission recommended approval of the proposed amendment.

Background

The purpose of the proposed amendment is to allow for manufacturing establishments as a permitted use in the Institutional Planned Unit Development District (INPUD).
On May 21, 2001, by Ordinance No. 35369-052101, City Council amended the zoning ordinance to provide for a new planned unit development district: the INPUD. Planned

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unit development districts are used to encourage flexibility and quality design by allowing for mixed uses and requiring detailed development plans.

The INPUD was developed to encourage expansion or development of medical facilities, schools, hospitals and other institutional uses. Medical facilities are increasingly involved in the manufacturing of biomedical products such as computer microchips that can store voluminous amounts of medical data.

However, the INPUD district does not allow for manufacturing establishments as a permitted use. On September 20, 2001, the Planning Commission authorized the filing of such an amendment.

At the Planning Commission hearing on October 18, 2001, Mr. David Diaz presented the staff report and recommended approval of the requested amendment. Mr. Bill Merkt, representing the Carilion Biomedical Institute, said that he supported the amendment.

Considerations

Allowing manufacturing establishments in the INPUD would provide greater flexibility in the zoning ordinance. Applicants considering using the INPUD would have more choices when developing their plans by virtue of having available another permitted land use. Additionally, the amendment would facilitate development for medical institutions involved in the manufacturing of biomedical products.

The development standards in the INPUD provide a petitioner with greater flexibility with respect to uses, yards, height, and minimum area requirements. In return for relaxing such requirements, the petitioner must dedicate a minimum of ten (10) percent of the gross area to open space, a minimum of twenty (20) percent of gross area to open space when residential uses exist or are proposed and submit an approved institutional development plan with the rezoning.

The institutional development plan requires the following information:

* location and use of existing and proposed buildings
* boundaries of development
* parking
* proposed changes in streets, alleys, or easements
* proposed pedestrian routes
* open space
* infrastructure
* compatibility with character and appearance of surrounding neighborhood in terms of height, bulk, and location on lot

The *Vision 2001 Comprehensive Plan* recommends that:

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1. the zoning regulations should be revised to encourage increased use of planned unit developments.

2. the zoning ordinance should be revised to permit mixed use development.

Recommendation

Planning Commission recommended that City Council approve the amendment to Section 36.1-397 of the Code of the City of Roanoke (1979) to allow for manufacturing establishments as a permitted use in the INPUD. The proposed amendment is consistent with the Vision 2001 Comprehensive Plan and would provide greater flexibility for applicants considering using the INPUD and address technological changes in the medical field.

Respectfully submitted,

D. Kent Chrisman

D. Kent Chrisman, Chairman
Roanoke City Planning Commission

attachment
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

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SJT 11/8/01

A. 6

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE amending and reordaining §36.1-397, Permitted uses, Subdivision H, INPUD, Institutional Planned Unit Development District, Division 5, Special District Regulations, Article III, District Regulations, Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by the addition of a new subsection (11) to allow manufacturing establishments as a permitted use in the INPUD, Institutional Planned Unit Development District; and dispensing with the second reading of the title of this ordinance.

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

1. Section 36.1-397, Permitted uses, Subdivision H, INPUD, Institutional Planned Unit Development District, Division 5, Special District Regulations, Article III, District Regulations, 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. 36.1-397. Permitted Uses.

The following uses shall be permitted in the INPUD district:

* * *

(11) Manufacturing establishments primarily engaged in the manufacture, assembly, mixing, processing or other processes related to the creation of new products, where all such manufacturing, assembly, processing or other processes related to the creation of new products are wholly enclosed in a building.

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.

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A.7

ROANOKE
VIRGINIA, CHARTERED 1882

Office of the City Manager

November 19, 2001

Honorable Ralph K. Smith, Mayor
Honorable William H. Carder, Vice Mayor
Honorable William D. Bestpitch, Council Member
Honorable C. Nelson Harris, Council Member
Honorable W. Alvin Hudson, Jr., Council Member
Honorable William White, Sr., 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

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. The City desires to convey property containing 0.858 acres identified by Tax Number 4010205 to the Western Virginia Foundation for the Arts and Sciences for construction of the Project. 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 the appropriate documents to donate the property to the Western Virginia Foundation for the Arts and Sciences, such documents to be approved as to form by the City Attorney. Grantee will be responsible for all title work, surveying, plat preparation, and preparation of legal documents.

Respectfully submitted,

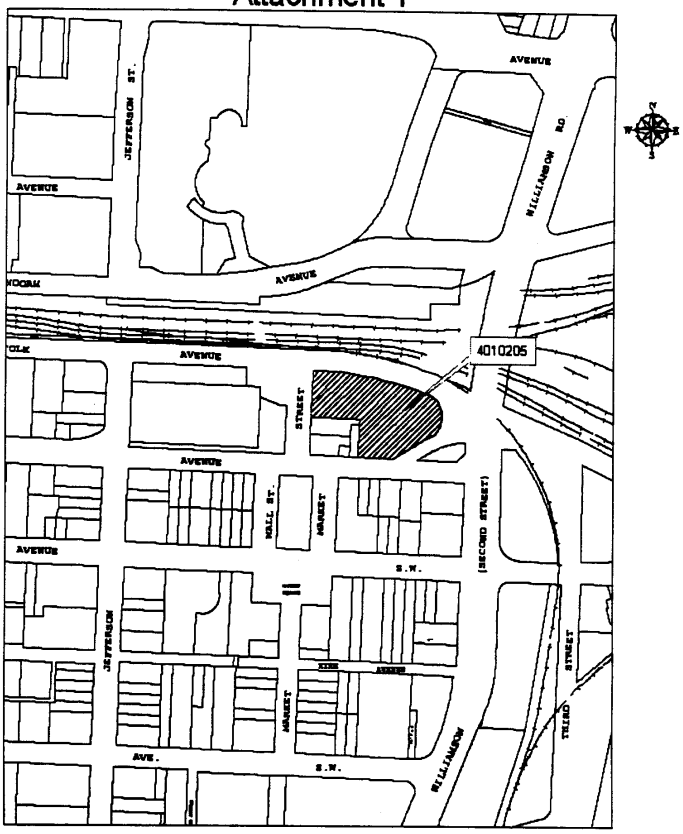
Darlene L. Burcham
City Manager

DLB/SEF
c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
James D. Grisso, Director of Finance
Sarah E. Fitton, Engineering Coordinator

#CM01-00250

Room 364 Municipal South 215 Church Avenue, S.W. Roanoke, Virginia 24011-1591 (540) 853-2333 FAX (540) 853-1138
CityWeb:www.ci.roanoke.va.us

Attachment 1



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A.7

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for conveyance for nominal consideration to Western Virginia Foundation for the Arts and Sciences that property owned by the City, bearing Official Tax No. 4010205, containing 0.858 acre, located between Norfolk and Salem Avenues and west of Market Street, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

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

1. The City Manager and the City Clerk, are authorized, for and on behalf of the City, to execute and attest, respectively, the necessary documents providing for the conveyance for nominal consideration of City-owned property bearing Official Tax No. 4010205, containing 0.858 acre, located between Norfolk and Salem Avenues and west of Market Street to Western Virginia Foundation for the Arts and Sciences, upon certain terms and conditions as more particularly set forth in the City Manager's letter dated November 19, 2001.

2. All documents required by this transaction shall be in form approved by the City Attorney.

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

ATTEST:

City Clerk.

A8.

CITY OF ROANOKE

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

RECEIVED
CITY CLERKS OFFICE
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RALPH K. SMITH
Mayor

Council Members:
William D. Bestpitch
William H. Carder
C. Nelson Harris
W. Alvin Hudson, Jr.
William White, Sr.
Linda F. Wyatt

November 19, 2001

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: Amendments to Roanoke Charter of 1952

Dear Mayor Smith and Members of Council:

Attached for your consideration is a resolution requesting the 2002 Session of the General Assembly to amend various sections of the present Roanoke Charter of 1952, in order to modernize it, remove from it certain archaic and outdated provisions and language, and in general to provide for more efficient and effective legislative processes in municipal operations in the City. Also attached is a copy of the Charter showing the proposed amendments to it. As required by §15.2-202, Code of Virginia (1950), as amended, at least ten days notice and an informative summary of the amendments desired has been published in a newspaper of general circulation in the City advising of the time and place of the public hearing which is on your agenda for your evening meeting on November 19, 2001.

The City's Legislative Committee has reviewed the proposed amendments to the City Charter and it concurred in scheduling this public hearing in order to obtain the views of the citizens of the City as to the proposed amendments.

The City's Legislative Committee recommends that Council adopt the attached resolution requesting the proposed amendments to the City Charter. If Council concurs, and adopts the attached resolution, the State Code requires that the City forward the resolution and certain other documents to the City's legislative delegation, with the request that a bill be introduced in the 2002 Session of the General Assembly to amend the Charter as proposed.

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On behalf of the Legislative Committee, I would like to thank the various citizens and officers and employees of the City who have proposed changes to the Charter which are reflected in the proposal which you have before you. The proposed amendments have been drafted by our City Attorney, Mr. Hackworth, and I am sure that he would be pleased to respond to any questions the members of Council may have with regard to these amendments.

Respectfully submitted,

William White, Sr., Chair
Legislative Committee

WWSr/f
Attachments

cc: Darlene L. Burcham, City Manager
James D. Grisso, Director of Finance
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Thomas A. Dick, Legislative Liaison

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ROANOKE CHARTER OF 1952

§ 1.1. The city and its boundaries.

The inhabitants of the territory comprised within the present limits of the city of Roanoke, as hereinafter described, or as the same may be hereafter altered and as provided by law, shall continue to be a body politic and corporate, to be known and designated as the city of Roanoke, and as such shall have and may exercise all powers which are now, or hereafter may be, conferred upon, or delegated to, cities under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though ~~said~~ such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive; and the ~~said~~ city of Roanoke as such shall have perpetual succession, may sue and be sued, contract and be contracted with, and may have a corporate seal which it may alter, renew, or amend at its pleasure.

The present boundaries of the ~~said~~ city shall be as described in Chapter 216, Acts of Assembly, nineteen hundred fifty-two, as enlarged by order~~s~~ of the Circuit Court of Roanoke County, Virginia, as follows:

(a) Order of Annexation entered September fourteen, nineteen hundred sixty-four, recorded in Deed Book 984, Page 539, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1166, Page 161, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia (formerly Hustings Court); and

(b) Order of Annexation entered September thirty, nineteen hundred sixty-six, recorded in Deed Book 984, Page 549, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1207, Page 618, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia, (formerly Hustings Court); and

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(c) Order of Annexation entered May sixteen, nineteen hundred sixty-seven, recorded in Deed Book 827, Page 492, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1220, Page 291, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia (formerly Hustings Court); and

(d) Order of Annexation entered May ten, nineteen hundred seventy-five, recorded in Deed Book 1017, Page 516, in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, and in Deed Book 1361, Page 548, in the Clerk's Office of the Circuit Court of the City of Roanoke, Virginia.

§2. Powers of the city.

In addition to the powers mentioned in the preceding section, the ~~said~~ city shall have power:

~~(1)~~ (a) To raise annually by taxes and assessments in the city such sums of money as the council hereinafter provided for shall deem necessary for the purposes of the city and in such manner as the council shall deem expedient, in accordance with the Constitution and laws of this Commonwealth and of the United States; provided, however, that it shall impose no tax on the bonds of ~~said~~ the city.

~~(2)~~ (b) To impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

~~(3)~~ (c) Subject to the provisions of the Constitution of Virginia and of § 47 of this charter, to contract debts, borrow money and make and issue evidence of indebtedness.

~~(4)~~ (d) To expend the money of the city for all lawful purposes.

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~~(5)~~ (e) To acquire by purchase, lease, lease purchase, gift, bequest, devise, condemnation or otherwise, property, real or personal, or any estate or interest therein, within or without the city or Commonwealth and for any of the purposes of the city; and to hold, improve, sell, lease, mortgage, pledge or otherwise dispose of the same or any other part thereof.

~~(6)~~ (f) To acquire, in any lawful manner, for the purpose of encouraging commerce, ~~and~~ manufacture, and economic development, lands within and without the city not exceeding at any one time five thousand acres in the aggregate, and from time to time to sell ~~or~~ , lease, or otherwise dispose of the same or any part thereof for industrial, ~~or~~ commercial or economic development uses and purposes.

~~(7)~~ (g) To make and maintain public improvements of all kinds, including municipal and other public buildings, armories, markets, comfort stations or rest rooms and all buildings and structures necessary or appropriate for the use of the departments of fire and police; and to establish a market or markets in and for ~~said~~ the city, and to appoint proper officers therefor; to prescribe the time and place for holding the same; to provide suitable buildings and grounds therefor and to make and enforce such rules and regulations as shall be necessary to restrain and prevent huckstering, forestalling and regrading, and for the purpose of regulating and controlling the sale of fresh meats, fresh fish, farm and domestic products in ~~said~~ the city the council shall have authority to continue the sale of such articles or products to the public markets and public squares provided by the city for that purpose, and shall have full power and authority to use such streets, avenues or alleys in the city around the public market and public squares as may be necessary to provide for vehicles from which farm and domestic products are offered for sale, and may by resolution or ordinance designate the streets or other public places on or in which all licensed ~~peddlers~~ sellers may sell or offer for sale their goods, wares or merchandise ~~and shall have authority to levy and collect a license tax for the~~

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~~sale of fresh meats and fresh fish~~, and may impose a curbage tax for each vehicle containing farm and domestic products brought into ~~said~~ the city and sold or offered for sale on the market, and to acquire by condemnation or otherwise all lands, riparian and other rights and easements necessary for such improvements, or any of them.

(~~7.1~~) (h) To own, manage and operate a city auditorium, civic center, coliseum, convention hall, stadium, theater, exhibition hall, or combination thereof, or other place of public assembly, and to permit the use of the same by others upon such terms and for such charges as the council may prescribe; and in order to further the best interests of the public and lead to greater use of any such facilities, to do all things necessary and proper to encourage the use thereof by arranging or engaging shows, plays, exhibitions, performances and all other entertainments of whatsoever nature. Such encouragement may, without limitations as to other permissible activities, include the expenditure of city funds to promote such activities and to bring notice to the public of entertainments at such public facilities, engaging persons to bring entertainments thereto from which the city may derive income, and the payment of funds to such persons in advance or out of proceeds derived therefrom in connection therewith; and may include entering into agreements with such other persons guaranteeing minimum sums to be payable to such persons for future performances, provided that at no time shall the aggregate amount of all outstanding guarantees be more than such sum as may be fixed by the council. Notwithstanding any other provisions of this charter, the council may appropriate funds to a special or revolving account in order to engage, advertise and promote any such entertainment and to operate any of the foregoing facilities, and when such fund is created such person or persons as may be designated by ordinance of the council, after providing fidelity bond with corporate surety payable to the city in a penalty not less than the authorized amount of

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such special or revolving fund, may sign checks against ~~said~~ such fund and expend cash therefrom for any of the foregoing purposes.

(~~8~~) (i) To furnish all local public service, to purchase, hire, construct, own, lease, maintain and operate local public utilities, ~~[and]~~ to acquire by condemnation or otherwise, within or without the corporate limits, lands and property necessary for any such purpose.

(~~9~~) (j) To acquire in any lawful manner in any county of the state, or without the state such water lands, and lands under water as the council ~~of said city~~ may deem necessary for the purpose of providing an adequate water supply for ~~said~~ the city and of piping or conducting the same; to lay all necessary mains; to erect and maintain all necessary dams, pumping stations and other works in connection therewith; to process, filter, or purify such water supply and to add thereto mineral or other substances to make the water more potable or more healthful, or to promote the public welfare; to make reasonable rules and regulations for promoting the purity of its ~~said~~ water supply and for protecting the same from pollution; and for this purpose to exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in this state; to impose and enforce adequate penalties for the violation of any such rules and regulations; and to prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and to acquire lands or material for any such use. For any of the purposes aforesaid ~~said~~ city may, if the council shall so determine, acquire by condemnation, purchase or otherwise, any estate or interest in such lands or any of them, or any right or easement therein, or may acquire such lands or any of them in fee, reserving to the owner or owners thereof such rights or easements therein as may be prescribed in the ordinance providing for such condemnation or purchase. The ~~said~~ city may sell or supply to

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persons, firms or industries residing or located outside of the city limits any surplus of water it may have over and above the amount required to supply its own inhabitants.

(~~10~~) (k) To establish and enforce water rates and rates and charges for public utilities, or other service products, or conveniences, operated, rendered or furnished by the city.~~; to employ necessary competent inspectors to inspect the reservoirs, watersheds, filtering plants, pumps and pumping machinery and all other equipment of and all sources of water supply of every water company furnishing such water for domestic purposes, or use in the homes, of the inhabitants of the city, to compel any such water company, which owns or operates such reservoirs, watersheds, filtering plants, pumps and pumping machinery or other equipment or source or sources of said water supply to pay the reasonable cost of such inspectors; to give reasonable notice to any such water company of any condition disclosed by any such inspection which, in the opinion of said inspector and of a majority of the city council renders, or unless remedied probably will render the said water or water supply of the city or its inhabitants or any part thereof dangerous or unfit to be used for drinking purposes or general domestic purposes and to require any such water company to remedy any such condition within a reasonable time to be stated in said notice; to specify in said notice the particular acts or things which are required to be done by any such water company to remedy or prevent any such condition of said water or water supply; and if said condition be not remedied by said water company and the acts and things specified in said notice to said water company to be done by it, be not done within the time specified in said notice, and if a majority of said city council shall by resolution, at a meeting of the said council, at which said water company has had reasonable notice and opportunity to produce evidence and be heard, declared that an emergency exists requiring the doing of said acts or things, so specified in said notice or any part of them, to remedy or prevent such unfit or improper water or water supply being provided for or furnished to the~~

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~~inhabitants of the city or any of them, then the city council is hereby empowered and it shall be its duty immediately to do the acts or things so specified in said notice to said water company, and in said emergency resolution, and said city council shall have the power and it shall be its duty, either by withholding the water rentals which may thereafter become due from the city to said water company, to reimburse the city for any amount expended in the doing of said acts or things, or to recover said amount from said water company by any appropriate action at law or suit in equity; provided, however, that the maximum amount which the said city may so expend in any calendar half-year period, between January first and June thirtieth, or between July first and December thirty-first, shall not exceed the sum of seven thousand five hundred dollars; and provided, further, that any such water company shall have the right by proper legal proceedings to have determined whether or not any such expenditure which may have been so made by said city was made through abuse of discretion or without probable cause to believe said expenditure a necessary one for the protection of the city's water supply; and if in any such proceeding it shall be finally determined that said expenditure was one not necessary for said purpose, said water company shall recover from the city any water rentals which may have been retained as a reimbursement for said expenditure; and provided, further, that if said expenditure be found not a necessary one the city shall be entitled to receive from said water company by reason of said expenditure only such amount as under a quantum meruit it may be determined the said water company has received actual benefit of and in justice ought to pay value received for. Permitting the growth of algae in an amount which materially affects the purity, taste or smell of such water, so as to render the same unfit for drinking purposes or general domestic use, in the reservoirs or sources of water supply is hereby declared a condition which it is the duty of the city council to prevent or remedy under the powers granted in this subsection. Nothing herein contained shall be construed as in anywise limiting, altering, affecting~~

~~or impairing the existing duties, jurisdiction or powers of the State Corporation Commission or of the State Board of Health or any other agency of the Commonwealth over water companies in the City of Roanoke or elsewhere, but any existing powers, duties or jurisdiction of the State Corporation Commission, State Board of Health or other agency of the Commonwealth which are hereby conferred or imposed upon the city council, shall be deemed to be concurrent.~~

~~(11)~~ (l) To acquire in the manner provided by the general laws any existing water, gas or electric plant, works or system or any part thereof.

~~(12)~~ (m) To establish, open, widen, extend, grade, improve, construct, maintain, light, sprinkle and clean, public highways, streets, alleys, boulevards and parkways, and to alter, or close the same; to establish and maintain parks, playgrounds and other public grounds; to construct, maintain and operate bridges, viaducts, subways, tunnels, sewers and drains, and to regulate the use of all such highways, parks, public grounds and works; to plant and maintain shade trees or other vegetation along the streets and upon such public grounds; to prevent the obstruction of such streets and highways, and abolish and prevent grade crossings over the same by railroads in the manner provided by law; regulate the operation and speed of all cars and vehicles using the same, as well as the operation and speed of all engines, cars and trains on railroads within the city; to provide by ordinance for the removal from such streets, highways, alleys, boulevards, parkways and other public places of vehicles and other objects abandoned thereon or left or placed thereon in violation of law or of an ordinance of the city, and to take charge of, impound and thereafter dispose of by sale or otherwise, such vehicles or other objects, ~~any such sale to be held only after the owner or person lawfully entitled to the possession thereof shall have refused to pay the costs of such removal and keeping or after such vehicle or other object shall have remained unclaimed in the custody of the city for not less than sixty days, and, in either case, after notice of such sale, describing the vehicle or~~

~~object to be sold, shall have been published for not less than five days in a local daily newspaper of general circulation, and to recover the costs of such removal, keeping and sale; to provide for the condemnation and scrapping or other disposition of abandoned or unclaimed motor vehicles which, by reason of damage or dilapidation, are unsafe and impracticable of repair~~; to regulate the service to be rendered and rates to be charged by buses, motorcars, cabs and other vehicles for the carrying of passengers and by vehicles for the transfer of baggage; to require all telephone, ~~and~~ telegraph telecommunication, cable, television, or similar wires and all wires and cables carrying electricity to be placed in conduits underground and prescribe rules and regulations for the construction and use of such conduits; and to do all other things whatsoever adapted to make ~~said~~ the streets and highways safe, convenient and attractive.

(~~12.1~~) (n) To acquire, construct, own, maintain and operate, within and without the city, places for the parking or storage of vehicles by the public, which shall include, but shall not be limited to parking lots, garages, buildings and other land, structures, equipment and facilities, any of which may be provided in areas or space above or below public streets, sidewalks, or other public places, when in the opinion of the council they are necessary to relieve congestion in the use of streets and to reduce hazards incident to such use; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose or to provide, by lease or franchise granted by the council, for their management and control by others than the city, authorize or permit others to use, operate or maintain such places or any portions thereof, pursuant to lease or agreement, upon such terms and conditions as the council may determine by ordinance; and charge or authorize the charging of compensation for the parking or storage of vehicles or other services at or in such places.

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(~~12.2~~) (o) To acquire, in any lawful manner, in fee simple or by easement, land and other property and to construct thereon and own, equip, maintain and operate, within and without the city, airports and all the appurtenances thereof and approach zones and clear zones reasonably necessary therefor, including all facilities deemed necessary for the landing, departure, storage and servicing of aircraft; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose; to charge or authorize the charging of compensation for the use of any such airport or any of its appurtenances; lease any appurtenance of any such airport or any concession incidental thereto or, in the discretion of the council, lease any such airport and its appurtenances with the right to all concessions thereon to, or enter into a contract or contracts for the management and operation of the same or any one or more of them with any person, firm or corporation on such terms and conditions as the council may determine by ordinance; and to have and exercise all other power and authority with respect to aviation and airports accorded to cities under general law.

(~~12.3~~) (p) To acquire, construct, own, maintain and operate, within and without the city, stadia, arenas, golf courses, swimming pools and other athletic or recreational facilities; provide for their management and control by a department of the city government or by a board, commission or agency specially established by ordinance for the purpose, charge or authorize the charging of compensation for the use of or admission to any such facility, including charges for any services incidental thereto; to regulate the use of the same; to lease, subject to such regulations as may be established by ordinance, any such aforesaid facility or any concession incidental thereto, or enter into a contract with any person, firm or corporation for the management and operation of any such facility, including the right to all concessions incident to the subject of such contract, on such terms and conditions as the council may determine by ordinance.

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~~(13)~~ (q) To construct and maintain, or aid in constructing and maintaining, public roads, sidewalks, boulevards, parkways, tunnels and bridges beyond the limits of the city, in order to facilitate public travel to and from ~~said~~ the city and its suburbs and to and from ~~said~~ the city and any property owned by ~~said~~ the city and situated beyond the corporate limits thereof, and to acquire land necessary for such purpose by condemnation or otherwise.

~~(14)~~ (r) Subject to the provisions of the Constitution of Virginia to grant franchises for public utilities.

~~(15)~~ (s) To regulate, collect and dispose of sewage, offal, ashes, garbage, carcasses of dead animals and other waste and refuse, and to acquire and operate reduction or other plants for the utilization or destruction of such materials, or any of them; or to contract for and regulate the collection and disposal thereof. To compel the abatement of smoke, dust and fly-ash; to regulate and control the installation, alteration and repair of all combustion equipment, and to control and prohibit pollution of the air.

~~(16)~~ (t) To compel the abatement and removal of all nuisances within the city, or upon property owned by the city, beyond its limits; to require all lands, lots and other premises within the city to be kept clean, sanitary and free from weeds; to regulate or prevent slaughterhouses or other noisome or offensive business within ~~said~~ the city; the keeping of animals, poultry and other fowl therein, or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets of the city; to compel the abatement of smoke and dust, and prevent unnecessary noise therein; to regulate the location of buildings or lots where animals or fowls are kept and the manner in which such shall be kept and constructed, and generally to define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.

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(~~17~~) (u) If any ground in the ~~said~~ city shall be subject to be covered by stagnant water or if the owner or occupant thereof shall permit any offensive or unwholesome substance to remain or accumulate thereon, the ~~said~~ council may cause such ground to be filled up, raised or drained, or may cause such substance to be covered or removed therefrom, provided, that reasonable notice shall be first given to the ~~said~~ owner or occupant or his agent. In case of nonresident owners who have no agent in ~~said~~ the city, such notice may be given by publication; in which event two insertions of such notice on separate days, in any newspaper published in ~~said~~ the city, at least ten days before the first day any action is to be taken shall be sufficient notice.

(~~18~~) (v) To direct the location of all buildings for storing gunpowder or other explosive or combustible substances, to regulate or prohibit the sale and use of dynamite, gunpowder, firecrackers, kerosene oil, gasoline, nitroglycerine, camphene, burning fluid, and all explosive or combustible materials, the exhibition of fireworks, the discharge of firearms, the use of candles and lights in barns, stables and other buildings, the making of bonfires and the carrying of concealed weapons, and to regulate the movement over its streets of dangerous, explosive, or highly combustible materials.

(~~19~~) (w) To regulate or prohibit the running at large in ~~said~~ the city of any or all animals and fowl; to regulate or prohibit the keeping or raising of same within ~~said~~ the city, and to subject the same to such levies, regulations and taxes as it may deem proper; to prohibit or regulate the keeping or raising of pigeons or other birds; and to provide for the seizure, impounding, destruction or disposition of any such animal or fowl found running at large or raised or kept in violation of such regulation.

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(~~20~~) (x) To restrain and punish drunkards, vagrants, mendicants and street beggars, and to provide for the treatment of drunkards, alcoholics and drug addicts.

(~~21~~) (y) To prevent vice and immorality; to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages; to suppress houses of ill fame, gambling houses and gambling devices of all kinds, to prevent lewd, indecent or disorderly conduct or exhibitions in the city.

(~~22~~) (z) To inspect, test, measure and weigh any commodity or article for consumption or use, manufactured, stored, processed or offered for sale within the city, and to establish, regulate, license and inspect weights, meters, measures and scales.

(~~23~~) (aa) To extinguish and prevent fires and compel citizens to render assistance to the fire department in case of need, and to establish, regulate and control a fire department or division; to regulate the size, materials and construction of buildings, fences, and other structures hereafter erected in such manner as the public safety and convenience may require; and to remove, or require to be removed, any building, structure or addition thereto which by reason of dilapidation, defect of structure, or other causes, may have become dangerous to life or property, or which may be erected, contrary to law, ~~; to establish and designate from time to time fire limits within which limits wooden buildings shall not be constructed, removed, added to or enlarged, and to direct that any or all future buildings within such limits shall be constructed of stone, natural or artificial, concrete, brick, iron or other fireproof material.~~

(~~24~~) (bb) To provide for the care, support and maintenance of children and of sick, aged, insane, disabled or poor persons and paupers.

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~~(25)~~ (cc) To establish, organize and administer public schools, colleges and libraries subject to the general laws establishing a standard of education for the state.

~~(26)~~ (dd) To provide and maintain, either within or without the city, charitable, recreative, curative, corrective, detentive, or penal institutions.

~~(27) To provide for the removal of paupers or dependent persons recently come into the city where permitted by state or federal laws.~~

~~(28)~~ (ee) To provide for the preservation of the general health of the inhabitants of ~~said~~ the city, make regulations to secure the same, inspect all food and foodstuffs and prevent the introduction and sale in ~~said~~ the city of any article or thing intended for human consumption, which is adulterated, impure or otherwise dangerous to health, and to condemn, seize and destroy or otherwise dispose of any such article or thing without liability to the owner thereof, to prevent the introduction or spread of contagious or infectious diseases; and prevent and suppress diseases generally; to provide and regulate hospitals within or without the city limits, and to enforce the removal of persons afflicted with contagious or infectious disease to hospitals provided for them, ~~to provide a department of health, to have the powers of a board of health, for said city, with the authority necessary for the prompt and efficient performance of its duties, with power to invest any or all the officials or employees of such department of health with such powers as the police officers of the city have; to establish a quarantine ground within or without the city limits, and such quarantine regulations against infectious and contagious disease as the said council may see fit, subject to the laws of the Commonwealth and the United States; to provide and keep records of vital statistics and compel the return of all births, deaths and other information necessary thereto.~~

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~~(29)~~ (ff) To acquire by purchase, gift, devise, condemnation or otherwise, lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof; and generally to regulate the burial and disposition of the dead.

~~(30)~~ (gg) To exercise full police powers, and establish and maintain a department ~~or division~~ of police.

~~(31)~~ (hh) To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, safety, trade, commerce or industries of the city or its inhabitants.

~~(31.1)~~ (ii) To enact an ordinance, after a public hearing, to define places of public accommodation and to prohibit discrimination in such places of public accommodation on the basis of race, creed, color, national origin or sex.

~~(32)~~ (jj) To make and enforce all ordinances, rules and regulations necessary or expedient for the purpose of carrying into effect the powers conferred by this charter or by any general law, and to provide and impose suitable penalties for the violation of such ordinances, rules and regulations, or any of them, by fine not exceeding two thousand five hundred dollars or confinement not exceeding twelve months, or both, or such greater penalty as may otherwise be permitted by law, the city may maintain a suit to restrain by injunction the violation of any ordinance notwithstanding such ordinance may provide punishment for its violation.

(kk) The enumeration of particular powers in this charter shall not be deemed or held to be exclusive, but in addition to the powers enumerated herein implied thereby, or appropriate to the exercise thereof, the ~~said~~ city shall have and may exercise all other powers which are now or may hereafter be possessed or enjoyed by cities under the Constitution and general laws of this state.

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§2.1 Differences in rate of taxation [on real estate within areas added to city limits]; taxing districts.

Pursuant to Article X, Section 1 of the Constitution of Virginia, the council may, from time to time, provide for differences in the rate of taxation to be imposed upon real estate by the city within all or parts of areas added to its territorial limits. Such differences in the rate of taxation shall bear a reasonable relationship to differences between nonrevenue producing governmental services giving land urban character which are furnished in one or several areas in contrast to the services furnished in other areas of the city. In so doing, the council may, from time to time, establish such taxing districts as may be necessary to reasonably differentiate between those areas added to the territorial limits of the city receiving contrasting services as hereinabove provided, and having once established such taxing districts the council may, from time to time thereafter alter, amend or abolish the same as the character or extent of such services are changed.

§2.2 Transit system.

The city shall have the power to:

~~(1)~~ (a) Acquire, own, operate, maintain or otherwise provide for a transit system and transit facilities;

~~(2)~~ (b) Enter into agreements or leases with private companies for the operation of a transit system or operate such system itself;

~~(3)~~ (c) Make application for and accept loans and grants of money or materials or property at any time from the United States of America and the Commonwealth of Virginia or any agency or instrumentality of either; and

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~~(4)~~ (d) Enter into contracts with ~~counties, cities and towns adjoining the city~~ other localities to provide or cause to be provided transit facilities and services to such ~~counties, cities and towns~~ localities.

§3. Creation and [general] powers of council.

There is hereby created a council, which shall have full power and authority, except as herein otherwise provided, to exercise all of the powers conferred upon the city, and to pass all laws and ordinances relating to its municipal affairs, subject to the Constitution and general law of the State and of this charter. It shall by ordinance ~~fix the salaries~~ establish a system of compensation for all officers and employees of the city, and may, so far as is not inconsistent with the provision of this charter, define the powers and prescribe the duties of all such officers and employees.

§4. Composition of council; [terms of members; designation of vice-mayor;] vacancies.

The council as presently composed shall continue and shall consist of seven members, one of which shall be the mayor, all of whom shall be elected at large and shall serve for the respective terms as hereinafter provided. The members of council shall serve for terms of four years, from the first day of July next following the date of their election and until their successors shall have been elected and qualified. The mayor shall serve for a term of four years from the first day of July next following the date of election and until a successor shall have been elected and qualified; provided, however, that on the first Tuesday in May, nineteen hundred seventy-two, and on ~~said~~ such day each four years thereafter, three ~~councilmen~~ council members and a mayor shall be elected for a term of four years, and on the first Tuesday in May, nineteen hundred seventy-four, and each four years thereafter, three ~~councilmen~~ council members shall be elected for a term of four years.

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~~Notwithstanding the foregoing provisions in this section, the terms of the mayor and of the three members of council elected in nineteen hundred sixty-eight shall continue for four years from the first day of September, nineteen hundred sixty-eight, and until such time as their successors shall have been elected as hereinabove provided and qualified, and the terms of the mayor and of the three members of the council to be elected as hereinabove provided in nineteen hundred seventy-two shall be for three years and ten months, to commence on September one, nineteen hundred seventy-two; and, further, the terms of the three members of council elected in nineteen hundred seventy shall continue for four years from the first day of September, nineteen hundred seventy and until such time as their successors shall have been elected and qualified, and the terms of the three members of council to be elected as hereinabove provided in nineteen hundred seventy-four shall be for three years and ten months, to commence on September one, nineteen hundred seventy-four.~~

The member of council receiving the largest number of votes in each regular councilmanic election shall be the vice-mayor of the city, for a term of two years, to commence on the first day of July next following the date of such election and until ~~his~~ the vice-mayor's successor shall have been elected and qualified~~; provided, however, that in the years nineteen hundred seventy-two and nineteen hundred seventy-four such term shall commence on the first day of September next following said regular councilmanic election; and provided, further, that the term of the vice-mayor so elected in the regular councilmanic election held in nineteen hundred seventy-four shall be for one year and ten months.~~.

The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of the expiration of the term of office or removal of the members of ~~said body~~ council, or any of them. No person may be a candidate for the office of mayor and for the office of ~~councilman~~ council member in the same election.

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Vacancies in the council or vacancy in the office of mayor shall be filled within thirty days, and until the day upon which the terms of office of ~~councilmen~~ council members elected in the next following regular councilmanic election shall commence, by a majority vote of the remaining members of council, and if as much as two years of any such unexpired term of a member of council or of the mayor remains at the time of such next regular councilmanic election, a ~~councilman~~ council member or a mayor, as the case may be, shall be elected at ~~said~~ such election for the remaining portion of such unexpired term.

§5. Qualification of members ~~[~~of council~~]~~; conduct of candidates.

Any person qualified to vote in ~~said~~ the city shall be eligible to the office of ~~councilman~~ council member or mayor therein. No candidate for the office of councilman or mayor shall promise any money, office, employment or other thing of value, to secure a nomination or election, or accept in connection with his candidacy any money except as permitted by the general laws of the State; and any such candidate violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment for a term not exceeding six months, or both, in the discretion of the court or jury, and shall forfeit his office, if elected; in which event, the person receiving the next highest number of votes, who has not violated ~~the said~~ these provisions shall be entitled to ~~said~~ such office.

§6. Compensation of the mayor, vice-mayor and of ~~councilmen~~ council members.

The salary of the mayor, vice-mayor and each council member shall be such as is from time to time fixed by ordinance of city council within the limits established by general law. Such salaries shall be payable no less frequently than monthly.

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§7. Limitations of the powers of the council.

Neither the mayor, the council, nor any of its members, shall dictate, urge or suggest the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager, or prevent ~~him~~ the city manager from exercising his or her judgement in the appointment of officers or employees in the administrative service; provided, however, that the city manager's appointments of ~~directors of directorates~~ deputy or assistant city managers, but not of department heads, shall be subject to confirmation by a majority of the members of the council. Except for the purpose of inquiry, the mayor, the council and its members shall deal with the administrative service solely through the city manager, and neither the mayor, the council, nor any member thereof, shall give orders to any of the subordinates of the city manager either publicly or privately.

§8. Officers elective by council; rules~~[~~; journal of council proceedings; quorum of council~~]~~.

The council shall elect a city manager, a city clerk, a director of finance, a municipal auditor, and a city attorney, none of whom need be a resident of the city at the time of their election ~~or during their tenure in such office~~ but who shall take up residence within the city within three (3) months of their election if not already a resident. Unless herein otherwise specifically provided, the council shall also appoint the members of such boards and commissions as are hereafter provided for. All elections by the council shall be viva voce and the vote recorded in the journal of the council. The council may determine its own rules of procedure; may punish its members for misconduct and may compel the attendance of members in such manner and under such penalties as may be prescribed by ordinance. It shall keep a journal of its proceedings. A majority of all of the members of the

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council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

Upon a vacancy occurring in any such office the council shall elect a person to fill the unexpired portion of any term created by such vacancy; or, in the council's discretion, it may elect a person as an acting city manager, city clerk, director of finance, municipal auditor, or city attorney to hold such office for such lesser term and for such compensation as the council shall then determine; and any person so elected shall have, during the term for which he was elected, all of the authority and shall be charged with all of the duties and responsibilities of the office for which he was elected.

§9. Elections by council, when held, terms, et cetera[~~; maximum age of officers elected by council~~].

During the month of September, nineteen hundred seventy-four and during the month of September of every second year thereafter, the council shall elect a city clerk, a director of finance, a municipal auditor, and a city attorney, each of whom shall serve for a term of two years from the first day of October next following the date of ~~his~~ their election and until ~~his~~ their successor shall have been elected and qualified. ~~Prior to the first day of September, nineteen hundred seventy-four, the council may elect a director of finance and a municipal auditor whose terms shall expire on the last day of September nineteen hundred seventy-four, or at such time thereafter as their successors shall have been elected and qualified~~.

~~No officer elected by the council pursuant to §§ 8, 9 or 21.1 of this charter shall be more than sixty-five years of age at the time of such election; and any such officer attaining the age of~~

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~~sixty-five years during any term of office for which he was elected shall be deemed to have vacated such office upon his sixty-fifth birthday~~.

§10. Meetings of council ~~[~~generally~~]~~.

At two o'clock post meridian on the first Monday of July next following each regular municipal election, or if such day be a city holiday, then on the day following, the council shall meet at the usual place for holding meetings of the legislative body of the city, at which time the newly elected ~~councilmen~~ council members shall assume the duties of their offices. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, provided, that it shall hold at least two regular meetings each calendar month, and it shall so order and schedule meetings as to promptly and orderly attend to the business and legislative affairs of the city. The mayor, any member of the council, or the city manager, may call special meetings of the council at any time upon at least twelve hours written notice to the mayor and each member, served personally or left at his usual place of business or residence; or such meeting may be held at any time without notice, on the call of the mayor or the city manager provided at least five members of the council attend such meeting. All meetings of the council shall be public, and any citizen may have access to the minutes and records thereof at all reasonable times, except where the public interest may require ~~executive sessions~~ closed meetings

§11. Penalty for absence ~~[~~from council meetings~~]~~.

Absence from five consecutive regular meetings shall operate to vacate the seat of a member ~~[~~of the council~~]~~, unless the absence is caused by ~~his~~ the member being incapacitated by sickness or

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is excused by the council by a resolution setting forth the reason thereof and entered upon the journal.

§ 12. Legislative procedure [generally].

Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or issuance of bonds or other evidence of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

The enacting clause of all ordinances passed by the council shall be, "be it ordained by the council of the city of Roanoke." No ordinance, unless it be an emergency measure, shall be passed until it has been read by title at two regular meetings or the requirement of such reading has been dispensed with by the affirmative vote of five-sevenths of the members of the council. Any ordinance introduced and adopted on its first reading at one meeting of the council may be amended and adopted as amended at the next such meeting or subsequent meeting provided that the amendment does not materially change the purpose and character of the proposed ordinance. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance, or section or subsection as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of a majority of the members. No member shall be excused from voting

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except on matters involving the consideration of his own official conduct, or where his financial or personal interests are involved.

In authorizing the making of any public improvements, or the acquisition of real estate or any interest therein; or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of taxes or revenue or of the sale of bonds lawfully authorized); or authorizing the sale of any property or rights in property of the city of Roanoke, or granting any public utility franchise, privilege, lease or right of any kind to use public property or easement of any description or any renewal, amendment or extension thereof, the council shall act only by ordinance unless otherwise permitted by law; provided, however, that after any such ordinance shall have taken effect, all subsequent proceedings incidental thereto and providing for the carrying out of the purposes of such ordinance may, except as otherwise provided in this charter, be taken by resolution of the council.

§ 13. Effective date of ordinances and resolutions; emergency measures.

All ordinances passed by the council shall be in effect ~~from and after ten days from the date of~~ upon their passage, except that council may, by the affirmative vote of five-sevenths of its members, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution immediately necessary, in the discretion of council, for the preservation of the public peace, property, health or safety, or providing for the usual daily operation of the municipal government or of a municipal department, in which measure the emergency shall be set forth and defined in a preamble thereto, or in which measure there is contained a statement of such immediate necessity. Ordinances appropriating money for any such emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or

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making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall be so passed. All resolutions of the council shall be effective upon passage.

§14. Record~~[~~, authentication and numbering of ordinances and resolutions; admission of ordinances and resolutions in evidence~~]~~.

Every ordinance or resolution upon its final passage shall be recorded in a book kept for the purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. Lack of authentication of any such ordinance or resolution by signature of the presiding officer and the city clerk ~~as provided in the first sentence of this section~~ shall not, of itself, affect the validity of any such measure heretofore or hereinafter duly adopted by the council. The city clerk shall assign every ordinance and resolution adopted by the council a permanent serial number.

A record of entry made by the city clerk or a copy of such record or entry duly certified by ~~him~~ the city clerk shall be prima facie evidence of the terms of the ordinance or any amendment thereof and its due publication, or its receipt in quantity as a printed code of ordinances.

All ordinances and resolutions of the council may be read in evidence in all courts and in all other proceedings in which it may be necessary to refer thereto, either from a copy thereof certified by the clerk or from the volume or code of ordinances printed by authority of the council.

§15. ~~[~~General powers and duties of~~]~~ the mayor.

The mayor shall preside at meetings of the council, and perform such duties as are imposed upon ~~him~~ the mayor by this charter and such other duties consistent with ~~his~~ the mayor's office as may be imposed by the council. ~~He~~ The mayor shall be entitled to a vote, but shall possess no veto

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power. ~~He~~ The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. ~~He may, as mayor,~~ The mayor may execute all requisite contracts or other legal instruments in writing for and on behalf of the city and ~~as such mayor~~ perform all other functions or requirements arising from federal or State law, procedure, rules or regulations but these authorizations shall not be construed as conferring upon ~~him~~ the mayor ~~the~~ administrative or judicial functions.~~, or other powers or functions, of a mayor, under the general laws of the State.~~ In time of public dangers or emergency, ~~he~~ the mayor may, with the consent of the council, take command of the police and maintain order and enforce the laws, and for this purpose may deputize such special police~~men~~ as may be necessary. During ~~his~~ the mayor's absence or disability ~~his~~ the mayor's duties shall be performed by the vice-mayor of the city.

The powers and the duties of the mayor shall be such as are conferred upon ~~him~~ the mayor by this charter, together with such others as may be conferred by the council in pursuance of the provisions of this charter, and no others.

§16. Time of holding municipal elections.

A municipal election shall be held on the first Tuesday in May in nineteen hundred seventy-two, and every second year thereafter which shall be known as the regular election for the election of ~~councilmen~~ council members.

§17. Method of conducting municipal elections.

The candidates at any regular municipal election for the election of ~~councilmen~~ council members, equal in number to the places to be filled, who shall receive the highest number of votes

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at such election, shall be declared elected to the council, and the candidate receiving the highest number of votes for the office of mayor shall be declared elected mayor.

In any such election each ~~elector~~ voter shall be entitled to vote for as many persons as there are vacancies to be filled, and no more; and no ~~elector~~ voter shall in such elections cast more than one vote for the same person.

§18. Election [and terms for Commonwealth's attorney, commissioner of revenue, city treasurer, city sheriff and circuit court clerk].

The attorney for the Commonwealth, commissioner of revenue, city treasurer and city sheriff elected at the general election held in November of nineteen hundred seventy-three, shall hold office until their respective terms expire; thereafter, there shall be elected by the qualified voters of ~~said~~ the city, on the Tuesday after the first Monday in November, nineteen hundred seventy-seven and quadrennially thereafter, the following officers: one attorney for the Commonwealth, one commissioner of revenue, one city treasurer, and one city sheriff, who shall hold their offices for the term of four years from the first day of January ensuing their election and until their successors are duly elected and qualified. ~~The clerk of the Hustings Court of the City of Roanoke elected at the general election held in November of nineteen hundred sixty-nine, shall hereafter be and be known as the Clerk of the Circuit Court of the City of Roanoke, and he shall hold office until the term prescribed for such clerks by the General Assembly of Virginia shall expire; thereafter,~~ ~~t~~There shall be elected by the qualified voters of ~~said~~ the city on the Tuesday after the first Monday in November, nineteen hundred seventy-nine, and every eight years thereafter, one clerk of the Circuit Court of the City of Roanoke, who shall be clerk of all courts of record in this city, whose term shall begin and end as is now, or may hereafter be prescribed by the General Assembly of Virginia.

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§19. General provisions relating to elections; how elections conducted.

All elections provided for in this charter, except as otherwise provided herein, shall be conducted, and the result canvassed and certified by the regular election officials provided for by the general election laws of the state and all such elections shall be governed by the general election laws.

§20. The city manager; appointment, qualifications~~, et cetera~~.

The city manager shall be the administrative head of the municipal government. ~~He~~ The city manager shall be chosen by the council without regard to his or her political beliefs and solely upon the basis of ~~his~~ executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or State. ~~He~~ The city manager shall be appointed for an indefinite period and shall hold office during the pleasure of the council. ~~He~~ The city manager shall receive such compensation as shall be provided by the council by ordinance~~. He~~ and shall be bonded as the council may deem necessary. During the ~~absence,~~ disqualification or disability of the city manager the council may designate some properly qualified person to perform the duties of the office.

§21. Same--Powers and duties of city manager.

The city manager shall be responsible to the council for the efficient administration of all offices of the city. ~~He~~ The city manager shall have the power, and ~~it shall be his~~ the duty:

(a) To see that all laws and ordinances are enforced.

(b) Subject to the limitations contained in § 7 of this charter and except as otherwise provided in this charter, the city manager or his or her designees shall appoint such city officers and employees as the council shall determine are necessary for the proper administration of the affairs

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of the city, and the city manager or his or her designees shall have the power to discipline and remove any such officer and employee.

(c) To attend all meetings of the council, with the right to take part in the discussion, but having no vote.

(d) To recommend to the council for adoption such measures as ~~he~~ the city manager may deem necessary or expedient.

(e) To make reports to the council from time to time upon the affairs of the city and to keep the council fully advised of the city's financial condition and its future financial needs.

~~(f) [Repealed.]~~

(f) To be responsible for the day to day operation of the city, and to execute such documents as may be necessary to accomplish the same.

~~(f1)~~ (g) To appoint in writing a city officer reporting to the city manager as acting city manager for a time period not to exceed thirty days when the city manager will be absent from the city.

~~(f2)~~ (h) To acquire on behalf of the city easements, licenses, permits, privileges or other rights of any kind to use property for nominal consideration.

~~(g)~~ (i) To perform such other duties as are prescribed by this charter or as may be prescribed by the council.

§21.1 Deputy and ~~Assistant~~ assistant city managers.

The city manager may appoint ~~an~~ a deputy and one or more assistant city managers subject to confirmation by a majority of the members of council. The deputy and assistant city managers shall hold office at the pleasure of the city manager making the appointment. ~~He~~ They shall be

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responsible to the city manager for the administration of all city affairs placed in ~~his~~ their charge by the city manager or under this charter. During the absence~~, disqualification or disability~~ of the city manager, ~~he~~ the deputy or an assistant city manager shall perform the duties of that office unless the city manager has designated in writing some other city officer to serve as acting city manager.

§22. Investigations.

The council, the city manager, and any other officer, board or commission authorized by them, or either of them, shall have power to make investigations as to city affairs, and for that purpose to subpoena witnesses, administer oaths, and compel the production of books and papers.

Any person refusing or failing to attend, or to testify or to produce such books and papers, may by summons issued by such board or officer be summoned before the ~~municipal~~ general district court of the city by the board or official making such investigation, and upon failure to give satisfactory explanation of such failure or refusal, may be fined by a ~~municipal~~ judge not exceeding one hundred dollars or imprisoned not exceeding thirty days, such person to have the right to appeal to the ~~hustings~~ circuit court of the city. Any person who shall give false testimony under oath at any such investigation shall be liable to prosecution for perjury.

§23. Creation of departments and department heads; ~~directorates of departments and directors~~; deputies and assistants.

The council may by ordinance provide for administrative departments, and when such departments are created may define the functions which such departments are to administer, may provide for the appointment of heads for such departments and define their duties and responsibilities. ~~; and, further, the council may provide for the city manager's administration of the~~

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~~various departments under directorates, the heads of which shall be known as directors.~~, ~~In addition~~ ~~t~~The council may by ordinance provide for the appointment of one or more assistants or deputies in the offices of the city attorney, the director of finance, the municipal auditor and the city clerk and may define their duties and responsibilities. Such assistants or deputies, when acting in such official capacity, shall possess all of the power and authority and shall be subject to all of the duties and responsibilities given to or imposed upon their respective superiors under this charter.

§24. City clerk.

The city clerk shall be elected at the time, in the manner, and for the term provided by section nine of this charter. ~~He~~ The city clerk may by and with the consent of the council appoint one deputy and such number of assistants as may be provided for by ordinance. ~~He~~ The city clerk shall be the clerk of the council; shall keep a record of its proceedings, and either ~~he or his~~ the city clerk or the deputy city clerk shall attend all meetings thereof. ~~He~~ The city clerk shall keep all books and papers which by the provisions of this charter or by direction of the council, are required to be kept by or filed with ~~him~~ the city clerk. ~~He~~ The city clerk shall be the keeper of the city seal, and shall affix and attest the same when so directed by the council. ~~He~~ The city clerk shall transmit copies of all ordinances or resolutions to such officers and persons as are affected thereby. ~~He~~ The city clerk shall give information to persons presenting communications or petitions to the council of the final action of the council thereon. ~~He~~ The city clerk shall, except as otherwise expressly provided in this chapter, publish or cause to be published, all reports, ordinances, and other documents required by this charter to be published, and also such other reports as the council may by ordinance or resolution direct. ~~He~~ The city clerk shall perform such other duties as are required by this charter, and in general shall perform such acts and duties as the council shall by ordinance or resolution require of

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~~him~~ the city clerk. Any of the duties of ~~said~~ the city clerk may be performed by ~~his~~ the deputy city clerk. The city clerk and ~~his~~ deputy city clerk shall receive such compensation and give such bond as the council may by ordinance provide.

§25.1 Director of finance.

The director of finance shall be elected by the council at the time, in the manner, and for the term provided by §9 of this charter~~; provided, however, that the term of the first director of finance elected hereunder, if elected prior to the first day of September, nineteen hundred seventy-four, shall expire on the last day of September, nineteen hundred seventy-four, or at such time thereafter as his successor shall have been elected and qualified.~~.

(a) The director of finance shall have charge and shall maintain control of the keeping of all accounts and financial records of the ~~City of Roanoke~~ city, in accordance with generally accepted principles of accounting, wherein shall be stated, among other things, the appropriations for the year for each distinct object and branch of expenditures, and also the receipts from each and every source of revenue, so far as it can be ascertained. All such accounts and financial records shall be public records, and shall be subject to the examination of the city manager and members of the city council, or other person or persons required by order of the city manager or ordinance of the council to make such examination.

(b) The director of finance shall be charged with and shall exercise a general fiscal supervision over all the officers, departments, offices, agencies and employees of the city charged in any manner with the assessment, receipt, collection or disbursement of the city revenues, and with the collection and return of such revenues into the city treasury; and ~~he~~ the director shall prescribe

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such system and regulation as is necessary for the proper reporting and accounting for all city revenues and receipts.

(c) The director of finance shall have the power to and shall examine and audit all accounts, claims and demands for or against the city; and, unless otherwise provided by law or by this charter, no money shall be drawn from the treasury or be paid by the city to any person unless the balance due and payable by the city be first settled and adjusted by the ~~said~~ director of finance.

(d) The director of finance shall draw a ~~warrant~~ check on the treasury for such money as is determined by ~~him~~ the director to be due and payable to any person, stating the particular fund or appropriation to which the same is chargeable and the person to whom payable; and no money shall be drawn from the treasury except on the ~~warrant~~ check of the director of finance as aforesaid, countersigned by the city manager. The director of finance is forbidden to issue ~~his warrant~~ a check for the payment of any money in excess of the appropriation on account of which such money is drawn.

(e) It shall be the duty of the director of finance to charge all officers in receipt of revenues or moneys of the city with the whole amount, from time to time, of such receipts. ~~He~~ The director shall also require of all officers in receipt of city moneys that they submit reports thereof, with vouchers and receipts of payment therefor into the city treasury, daily, weekly or monthly, or at such times as may be otherwise provided by ordinance of the council; and if any such officer shall neglect to make adjustment of his accounts, when required, ~~as aforesaid,~~ and to pay over such moneys as received, it shall then be the duty of ~~said~~ the director of finance to issue notice in writing, directed to such officer and ~~his~~ such officer's surety or sureties, requiring him or them within ten days to make settlement of his ~~said~~ or their accounts with the director of finance, and to pay over the balance of moneys found to be due and in his or their hands belonging to ~~said~~ the city, according

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to the books of ~~said~~ the director of finance; and in case of the refusal or neglect of such officer to adjust his ~~said~~ accounts or to pay over such balance into the treasury of the city, as required, it shall be the duty of the director of finance to make report of the delinquency of such officer to the council, the city manager, the municipal auditor and the city attorney. For good cause appearing, the city attorney shall at once take action to have such officer suspended from office, and shall proceed forthwith to institute the necessary proceedings for the removal of such officer from office, and shall institute suit in the name of the city against such officer and his surety or sureties to recover the balance of moneys so found by the director of finance to be due ~~and in his hands~~ belonging to ~~said~~ the city.

(f) The director of finance shall prepare an annual statement, promptly after the end of each fiscal year, giving full and detailed statement of all the receipts and expenditures during the year, which statement ~~he~~ the director shall forthwith file with the city manager ~~and he~~ shall lay the same before the next meeting of the council. When required by the council, such annual statement shall be certified by independent certified public accountants.

(g) It shall be the duty of the director of finance, each and every month, to prepare a monthly statement, giving a full and detailed account of all moneys received, from what sources and on what account received, and of all moneys ordered to be paid or drawn by ~~warrant~~ check by ~~him~~ the director, and on what account the same have been paid; and ~~he~~ the director shall deliver ~~said~~ such statement to the city manager, and shall lay the same before the council at its next meeting.

(h) No contract, agreement or other obligation involving the expenditure of money shall be entered into nor shall any ordinance of the council or order of any officer of the city authorizing the city's obligation for expenditure of money be effective until and unless the director of finance shall have certified in writing that the money required for such contract, agreement, obligation or

expenditure is in the city treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certification may be endorsed on or recited in such ordinance, endorsed upon the contract, agreement or other instrument creating such obligation or upon such order, or may be contained in separate certification filed and preserved in the office of the city clerk; provided, however, that requirement of such certification shall not be applicable to the city's execution or issuance of bonds or notes under §47 of this charter. The sum so certified shall not thereafter be considered unencumbered, until the city is discharged from the contract, agreement or obligation.

(i) For the purpose of the certification required in subsection (h), ~~supra,~~ of this section, all moneys actually in the treasury to the credit of the fund from which they are to be drawn and all moneys applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation from taxes, assessments, license fees or from sales of property or of services, products, or by-products of any city undertaking and all moneys to be derived from lawfully authorized bonds or from other sources, shall be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

(j) Unless otherwise provided in this charter, the director of finance shall have all of the duties, responsibilities, powers and authority heretofore imposed upon or lodged in the city auditor by this charter or by the ordinances and resolutions of the council heretofore or hereafter adopted prior to the council's election of a director of finance.

(k) The director of finance shall have the power and the authority to use any and all collection methods available to the treasurers of the counties and cities under general law to collect delinquent real estate taxes, provided the responsibility for such collection has been transferred to the director of finance by ordinance adopted by city council.

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§25.2. Municipal auditor.

The municipal auditor shall be elected by the council at the time, in the manner and for the term provided by §9 of this Charter. ~~; provided, however, that the term of the municipal auditor first elected hereunder, if elected prior to the first day of September, nineteen hundred seventy-four, shall expire on the last day of September, nineteen hundred seventy-four, or at such time thereafter as his successor shall have been elected and qualified.~~

(a) The municipal auditor shall have such qualifications as the council shall from time to time establish.

(b) It shall be ~~his~~ the duty of the municipal auditor:

(1) To examine and audit all accounts, books and records of the city that reflect transactions involving financial activities of the city, including those for which the city has a responsibility as an agent, custodian or trustee, ~~said~~ such audit to be made in a timely manner or as prescribed by ordinance.

~~(c)~~ (2) ~~It shall be his duty~~ To work closely with the director of finance in promulgation of systems and procedures employed in the accounting for revenue received and expenditures made by the city.

~~(d)~~ (3) When so directed by the council, ~~it shall be his duty~~ to see to implementation of and to supervise all systems recommended to be established by independent public accountants making audits for city functions.

(e) (4) ~~It shall be his duty~~ To report to the council within sixty days after the close of the fiscal year a summary of the activities of ~~his~~ the auditor's office during the preceding fiscal year, ~~. It shall be his duty~~ and to report to the council in writing within sixty days after the completion of an examination of any department, agency or activity of the city, a summary of all

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findings resulting from ~~his~~ the auditor's examination. A copy of each audit report shall be submitted to the council, the city manager and to the department, agency or office audited.

~~(f)~~ (5) ~~It shall be his duty t~~ To report immediately in writing to the city manager and to the council any unauthorized, illegal or irregular act or practice ~~he discovers~~ discovered affecting or involving public funds or the financial affairs of the city.

~~(g)~~ (c) In the performance of ~~his aforesaid~~ the auditor's duties, ~~he~~ the auditor shall have access at any and all times to all books, records and accounts of each department, office, officer, employee or agency of the city subject to examination or audit by ~~him~~ the auditor.

~~(h)~~ (d) Subject to the provisions of §9 of this charter, ~~he~~ the auditor shall have power to appoint such assistants and employees as the council shall authorize and appropriate funds to provide for.

~~(i)~~ (e) The municipal auditor shall devote ~~his~~ full time and effort to post-audit examinations and reporting and shall receive only such compensation as may be fixed for the position by ordinance of the council. ~~He~~ The auditor shall not serve in any capacity on any administrative board, commission, district, or agency of the city, county, or the State nor shall ~~he~~ the auditor have a material direct or indirect financial or other economic or personal interest in the transactions of any officer, department, board, commission, district, or other organization for which ~~he~~ the auditor is responsible to audit or cause to be audited. ~~He~~ The auditor shall not be directly responsible for the collection of any money belonging to the Commonwealth of Virginia, the city of Roanoke, or other political subdivisions of the State or the city, nor shall ~~he~~ the auditor be directly responsible for the handling or custody of state or local public funds. Neither ~~he~~ the auditor nor any member of ~~his~~ the auditor's staff shall engage in or be associated with any partisan political activity or hold any other public office.

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~~He~~ The auditor shall neither conduct nor supervise an audit or post-audit of any office, department, program or activity of the city ~~of Roanoke~~ for which ~~he~~ the auditor was responsible or in which ~~he~~ the auditor may have participated or been employed during any preceding two years. The council shall provide otherwise for any necessary audit or post-audit of any such office, department, program and activity falling within the proscription of this provision.

The council shall assign to ~~him~~ the auditor no administrative or other duties, except such as may be incidental to the objectives and functions of post-auditing or such as do not act to impair the independence of ~~his~~ the auditor's audits.

§26. City attorney.

The city attorney shall be elected at the time, in the manner, and for the term provided by section nine of this charter. ~~He~~ The city attorney shall be the legal advisor of and attorney and counsel for the city and the school board of the city and for all officers, and departments thereof, in matters relating to their official duties. ~~He~~ The city attorney shall prosecute all suits, actions and proceedings for and on behalf of the city and the school board of the city, and defend all suits, actions and proceedings against the same, and shall prepare all contracts, bonds and other instruments in writing, in which the city or the school board of the city are interested or concerned, and shall endorse on each his or her approval of the form and correctness thereof, provided that in the case of bonds to be issued by the city, it shall be sufficient if ~~he~~ the city attorney ~~certify~~ certifies to the council his or her approval thereof as to form in a separate writing, to be filed and preserved with the records of the council.

The council, the city manager, or any officer, board or commission may require the opinion of the city attorney upon any question of law involving their respective powers and duties.

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The city attorney shall apply in the name of the city to a court of competent jurisdiction for such injunction or injunctions as may be necessary to restrain and prevent the misapplication of the funds of the city, or the invasion or abuse of its corporate powers, or the usurpation of authority by any city official, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

When an obligation or contract made on behalf of the city granting a right or easement or creating a public duty is being evaded or violated, the city attorney, when directed by council, shall institute and prosecute such suit or suits as may be necessary to enforce the forfeiture thereof, or the specific performance thereof, as the nature of the case may require.

In case any officer, board or commission shall fail to perform any duty required by law, the city attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

Whenever the city or school board shall purchase or otherwise acquire real estate or any interest therein, unless other provision is made by the council, the city attorney shall conduct such title examination as he or she deems appropriate before the purchase price thereof shall be paid. The ~~said~~ city attorney shall perform such other duties as may be required of him or her by ordinance or resolution of the council.

~~§ 27. [Reserved.]~~

~~Editor's note--Section 27, as amended by Acts 1954, Ch. 89, § 1, and Acts 1972, Ch. 625, § 1, relating to the municipal court, was repealed by Acts 1974, Ch. 149, § 2.~~

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~~§ 27.1. General District Court of the City of Roanoke.~~

~~There shall be a General District Court of the City of Roanoke, which shall be governed and shall have all of the powers, authority and jurisdiction conferred by the general district court laws of the Commonwealth upon such courts; and wherever in this charter or in the ordinances and resolutions of the council the municipal court of the city is given jurisdiction or otherwise referred to the same shall be taken to mean the general district court of the city, unless a contrary intent or construction clearly appears or is inapplicable, or would be invalid.~~

~~§ 28. [Reserved.]~~

~~Editor's note--Section 28, as amended by Acts 1956, Ch. 393, § 1, Acts 1966, Ch. 73, § 1, and Acts 1972, Ch. 625, § 1, relating to the clerk of the municipal court, was repealed by Acts 1974, Ch. 149, § 2.~~

~~§ 29. Juvenile and domestic relations district court.~~

~~There shall be a juvenile and domestic relations district court for the city of Roanoke, which shall be governed and have all of the powers, authority and jurisdiction conferred by the juvenile and domestic relations district court laws of the Commonwealth upon such courts; and wherever in this charter or in the ordinances and resolutions of the council the juvenile and domestic relations court of the city is given jurisdiction or otherwise referred to the same shall be taken to mean the juvenile and domestic relations district court of the city, unless a contrary intent or construction clearly appears or is inapplicable, or would be invalid.~~

~~§ 30. [Reserved.]~~

~~Editor's note--Section 30, relating to bail commissioners and bail, was repealed by Acts 1976, Ch. 573, § 2.~~

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§31. Police department.

The police department shall be composed of a ~~superintendent or~~ chief of police and of such officers, patrolmen and other employees as the council may determine. The ~~superintendent or~~ chief of police shall have the immediate direction and control of the ~~said~~ department, subject, however, to the supervision of the city manager and to such rules, regulations and orders as the ~~said~~ city manager may prescribe. The ~~superintendent or~~ chief of police shall issue all orders, rules and regulations for the government of the whole department. ~~In case of the disability of the superintendent or chief of police to perform his duties by reason of sickness, absence from the city or other cause, the city manager shall designate some member of the police department to act as superintendent or chief of police during such disability, and the officer so designated, shall serve without additional compensation.~~ The members of the police department shall be appointed and may be removed by the city manager or ~~his~~ the city manager's designee. The council may by ordinance prescribe rules and regulations governing the residence or nonresidence of any or all members of the police department. ~~Each member of the police department, both rank and file, shall have issued to him a warrant of appointment signed by the city manager, in which the date of his appointment shall be stated, and such warrant shall be his commission.~~ Each member of the ~~said~~ department shall, before entering upon the duties of ~~his~~ office, take and subscribe an oath before the city clerk that he will faithfully without fear or favor perform the duties of his or her office, and such oath shall be filed with the city clerk and preserved with the records of ~~his~~ the clerk's office. And in addition, the ~~several~~ officers of the ~~said~~ department shall, if so required by the council, give bond in such penalty and with such security as the council may by ordinance prescribe.

No person except as otherwise provided by general law or by this charter shall act as special police, special detective or other special police officer for any purpose whatsoever except upon

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written authority from the city manager. Such authority, when conferred, shall be exercised only under the direction and control of the ~~superintendent or~~ chief of police and for a specified time; provided, however, that the council may from time to time designate the maximum number of such special police, special detective or other special police officers.

The officers ~~and privates~~ constituting the police department of ~~said~~ the city shall be, and they are, hereby invested with all of the power and authority which pertains to the office of constable at common law in taking cognizance of and in enforcing criminal laws of the State and the ordinances and regulations of ~~said~~ the city, and it shall be the duty of each such officer ~~and private~~ to use his or her best endeavors to prevent the commission within the ~~said~~ city of offenses against the laws of ~~said~~ the State, and against the ordinances and regulations of ~~said~~ the city; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of ~~said~~ the city, and to secure the inhabitants thereof from violence and the property therein from injury. Except as provided by general law, ~~Such policeman~~ such officers shall have no power or authority in civil matters, but shall execute any criminal warrant or warrant of arrest that may be placed in ~~his~~ their hands by any judge ~~or municipal judge~~ of the city, and shall make due return thereof.

The ~~city manager~~ chief of police shall prescribe the uniforms and badges for the members of the police department, and direct the manner in which the members of ~~said~~ the department shall be armed. Any person other than a member of ~~said~~ the department who shall wear such uniform or badge as may be prescribed ~~as aforesaid~~, may be subjected to such fine or imprisonment, or both, as may be prescribed by the council by ordinance.

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§32. Fire department.

The fire department shall be composed of a chief and such other officers, firefighters and employees as the council may determine. The fire chief shall have immediate direction and control of the ~~said~~ department, subject, however, to the supervision of the city manager, and to such rules and regulations and orders as the ~~said~~ city manager may prescribe. The city manager shall issue all orders, rules and regulations for the government of the whole department.

The members of the fire department shall be appointed and removed by the city manager or his or her designee. In case of riot, conflagration or emergency, the city manager or his or her designee may appoint additional firefighters and officers for temporary service.

The chief of the fire department and ~~his~~ the chief's assistants are authorized to exercise the powers of police officers while going to, attending or returning from any fire or alarm of fire. ~~The fire chief and each of his assistants shall have issued to him a warrant of appointment signed by the city manager, in which the date of his appointment shall be stated, and such warrant shall be his or her commission.~~ The ~~city manager~~ fire chief shall prescribe the uniform and badges for the members of the fire department.

Whenever any building in ~~said~~ the city shall be on fire it shall be lawful for the chief of the fire department to order and direct such building or any other building which ~~he~~ they may deem hazardous and likely to communicate fire to other buildings, or any part of such buildings, to be pulled down or destroyed; and no action shall be maintained against ~~said~~ the chief or any person acting under ~~his~~ the chief's authority or against the city therefor. ~~But any person interested in the property so destroyed may within one year thereafter apply in writing to the council to assess and pay the damages he has sustained. The council may thereupon pay to the claimant such sum as may be agreed upon between him and the council. If no agreement be effected, such claimant may give~~

~~to the city attorney of said city ten days' written notice of his intention to apply to the circuit court of said city for the appointment of commissioners to ascertain and assess his said damage. Upon it appearing that such notice has been given, the circuit court of said city shall appoint five disinterested freeholders, residents of said city, any three or more of whom may act, for the purpose of ascertaining and assessing the amount of such damages. Thereupon the said commissioners shall proceed to ascertain and assess the amount of such damages in the same manner as is now or may hereafter be provided by law in the case of taking private property for public use, and the procedure upon the filing of the report of said commissioners shall conform as nearly as may be to the procedure under the statutes of Virginia relating to eminent domain.~~

The council may establish, within the fire department, ~~a rescue squad, emergency squad or first aid crew to aid the injured and ill~~ an emergency medical service.

§33. The annual budget.

The city manager, at least sixty days prior to the beginning of each fiscal year, shall submit to the council a budget for the ensuing fiscal year. It shall be the duty of the head of each department, the judge of each court, each board or commission, including the school board, and each other office or agency supported in whole or in part by the city, including the commissioner of the revenue, the city treasurer, the sheriff, the attorney for the Commonwealth and clerk of courts to file with the director of finance by March 15 of each year estimates of revenue and expenditure for that department, court, board, commission, office or agency for the ensuing fiscal year. Such estimates shall be submitted on forms furnished by the director of finance and it shall be the duty of the head of each such department, judge, board, commission, office or agency to supply all the information required to be submitted thereon. The director of finance shall assemble and compile all such

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estimates and supply such additional information relating to the financial transactions of the city as may be necessary and present them to the city manager for the timely preparation of the budget. The city manager, with the assistance of the director of finance, shall review the estimates and other data pertinent to the preparation of the budget and make such revisions in such estimates as ~~he~~ the city manager may deem proper subject to the laws of the Commonwealth relating to obligatory expenditures for any purpose, except that in the case of the school board budget ~~he~~ the city manager may recommend a revision in category totals only.

The budget submitted to the council shall contain the following:

(a) An itemized statement of the appropriations recommended with comparative statements showing appropriations made for the current and next preceding year.

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the ensuing fiscal year, with comparative statements of the taxes and other revenues for the current and next preceding year, and of the increases or decreases estimated or proposed.

(c) A fund statement showing a condition of the various appropriations, the amount of appropriations remaining unencumbered, and the amount of revenues remaining unappropriated.

(d) ~~Explanatory text relative to the conditions, reasons, et cetera, connected with~~ An explanation of the estimates for the ensuing year; also a work program showing the undertakings to be begun and those to be completed during the next year and each of several years in advance.

(e) A statement of the financial condition of the city.

(f) Such other information as may be required by the council.

(g) Such other information as the city manager deems appropriate or advisable.

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In no event shall the expenditures recommended by the city manager in the budget exceed the receipts estimated, unless the city manager shall recommend new or increased revenues within the power of the city to levy and collect in the ensuing fiscal year.

The city manager shall submit to the council with the budget a budget message which shall incorporate the most current statement of the financial condition of the city, shall ~~be explanatory of~~ explain the budget and shall describe ~~the~~ its important features. ~~of the budget plan~~. It shall set forth the reasons for salient changes from the previous year in cost and revenue items. As a part of the budget message, with relation to the proposed expenditures for capital projects included in the budget, the city manager shall include a statement of pending capital projects and proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts, if any, proposed to be raised therefor by the issuance of bonds during the budget year.

§34. The annual appropriation.

Before the end of each fiscal year, the council shall pass an annual appropriation ordinance which shall be based on the proposed budget submitted by the city manager, and shall levy such tax for the ensuing fiscal year as in its discretion shall be sufficient to meet all just demands against the city on any account, subject, however, to the provisions and limitations contained in section 2 and section 33 of this charter.

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§35. Fiscal year[; determination of when licenses and taxes payable].

The council may determine when the fiscal year of the city shall begin and end, and may change the same from time to time. The council may also determine when city licenses and taxes shall be payable.

§36. Unencumbered balances[; money not to be withdrawn or obligations incurred except pursuant to appropriations].

At the close of each fiscal year, or upon the completion or abandonment at any time within the year of any work, improvement or other object for which a specific appropriation has been made, the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to further appropriation. No money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred except pursuant to the appropriations made by the council.

§37. City treasurer.

The city treasurer shall be elected at the time, in the manner and for the term provided in section eighteen of this charter. ~~He~~ The treasurer shall give bond in such sum as the council may prescribe with surety to be approved by the council, conditioned for the faithful discharge of ~~his~~ the treasurer's official duties in relation to the revenue of the city, and of such other official duties as may be imposed upon ~~him~~ the treasurer by this charter and the ordinances of the city. ~~He~~ The treasurer shall collect and receive all city taxes, levies, assessments, license taxes, rents, school funds, fees and all other revenues or moneys accruing to the city, except such as council shall by ordinance make it the duty of some other officer or persons to collect, and for that purpose shall be vested with any and all powers which are now or may hereafter be vested in such city treasurer as

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collector of State taxes. ~~He~~ The treasurer shall be the custodian of all public money of the city, and all other money coming into his hands as city treasurer. The city treasurer shall keep and preserve such moneys in such banks or trust companies as may be determined by ordinance or by the provisions of any law applicable thereto, and may permit securities pledged by the depositories of city funds to be held in custody by the Federal Reserve Bank of Richmond, Virginia, in accordance with any operating circular or circulars of such bank. ~~He~~ The treasurer shall perform such other duties, have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance. For such services the city treasurer shall receive such compensation as the council may from time to time prescribe by ordinance in conformity with general law.

§38. Commissioner of revenue.

The commissioner of the revenue shall be elected at the time, in the manner and for the term provided in section eighteen of this charter. ~~He~~ The commissioner shall give bond in such sum as the council may by ordinance prescribe, with surety to be approved by the council, conditioned for the faithful performance of all ~~his~~ the commissioner's duties under this charter, and under any ordinance of the city. ~~He~~ The commissioner shall perform such duties not inconsistent with the laws of the State in relation to the assessment of property and licenses as may be required by the council for the purpose of levying city taxes and licenses. ~~He~~ The commissioner shall have power to administer such oaths as may be required by the council in the assessment of license taxes or other taxes for the city. ~~He~~ The commissioner shall make such reports in regard to the assessment of both property and licenses, or either, as may be required by the council. The council may by ordinance require that all tax bills shall be made out by the commissioner of the revenue and delivered in such manner as ~~said~~ the ordinance may prescribe. For all such services the ~~said~~ commissioner of the

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revenue shall receive such compensation as the council may from time to time prescribe by ordinance in conformity with general law.

§39. Vacancies in the office of city treasurer or commissioner of revenue.

In case of any vacancy in the office of the city treasurer or commissioner of the revenue, the council shall select a qualified person to fill the office in which such vacancy occurs for the unexpired term; provided that if the term of office so filled does not expire for two years or more after the next regular municipal election for the election of ~~councilmen~~ council members following such vacancy, and such vacancy occurs in time to permit it, a city treasurer or commissioner of the revenue, as the case may be, shall then be elected and shall from and after the date of his qualification succeed such appointee and serve the unexpired term.

§40. Contracts for public improvements; purchases.

Any purchase, public work, or improvement, costing more than ~~thirty~~ fifty thousand dollars, except as provided in the next succeeding section, shall be executed by contract. All contracts for more than ~~thirty~~ fifty thousand dollars shall be awarded after public advertisement and competition, as may be prescribed by general law. The city council shall have the power to reject any and all bids, and all advertisements shall contain a reservation of this right.

§41. Improvement by direct labor; emergency work.

After bids shall have been advertised for and received for making any public improvement or doing any public work, the council may authorize the making of such improvement or doing such work by the direct employment of the necessary labor and purchase of the necessary materials and

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supplies on the basis of detailed estimate submitted by the city manager; provided the probable cost of such work or improvements as shown by such estimate is less than the bid of the lowest responsible bidder for the same work or improvement; and provided, further, that the city manager shall certify to the council that in his or her opinion the cost of making such improvement or doing such work will not exceed ~~the said~~ such estimate. Separate accounts shall be kept of all work and improvements so done or made.

In an emergency requiring immediate action, the city manager may make any purchase or cause any such improvements to be made or other public work to be done by direct employment of the necessary labor and purchase of the necessary material and supplies without previously advertising for or receiving bids therefor. Every such case shall be reported by ~~him~~ the city manager in writing to the council at its next regular meeting with a statement of the facts constituting such emergency. Separate accounts shall be kept of all such work; provided that nothing in this or the next preceding section shall prevent the ~~said~~ city from doing maintenance and repair work by direct labor and from maintaining a reasonable work force ~~of men~~ for that purpose.

§42. Alterations or modifications of contracts.

When it becomes necessary in the prosecution of any work or improvement under contract to make alterations or modifications of such contract, such alterations or modifications shall be made on order of the city council. However, when the amount involved in the proposed alterations or modifications does not exceed twenty-five percent of the amount of the contract or ~~twenty-five~~ fifty thousand dollars, whichever is greater, such alterations or modifications may be made on the order of the city manager, if the funds necessary therefor have been appropriated. No such order shall be effective until the price to be paid for the work and material, or both, and the credits, if any, to be

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allowed the city, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and by the city manager.

§43. Public advertising.

All public advertising or publications necessary under this charter shall be in a newspaper of general circulation, published in the city; provided, however, that when the city provides for the regular periodic publication of an official bulletin of general circulation independent of any newspaper, advertising or publication therein shall be sufficient except where otherwise required by law.

§44. Actions against the city for damages.

No action shall be maintained against the city for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the city or of any officer, agent or employee thereof, unless a written statement by the claimant, his agent, attorney or representative, of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received, shall have been filed with the city attorney, ~~or president of council, or with~~ the mayor, or city manager, within six months after such cause of action shall have accrued, except if the complainant during such six-month period is able to establish by clear and convincing evidence that due to the injury sustained for which a claim is asserted that he was physically or mentally unable to give such notice within the six-month period, then the time for giving notice shall be tolled until the claimant sufficiently recovers from ~~said~~ such injury so as to be able to give such notice.

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§45. Laying out of streets.

No property within the corporate limits of the city ~~of Roanoke~~ or within three miles of ~~said~~ such limits, as now or hereafter established, shall be laid out with streets, alleys or public easements or ways thereon, except in accordance with such rules, regulations and provisions which may have been or hereafter be established, from time to time, by ordinance of the city council. To provide for the proper and orderly development of the city and its environs the council shall have the power, by ordinance, to make and enforce rules, regulations and provisions for the laying out of such streets, alleys, public ways or easements and shall have power to require, by the recordation of plats or otherwise, that the title to land so laid out shall thereby vest in the ~~said~~ city or in such county as the land may be situate.

Notwithstanding anything in this section contained, the city shall not be liable for any accidents or injuries which may occur or be sustained upon any street, alley, boulevard or way, heretofore or hereafter laid out, until and unless the ~~said~~ street, alley, boulevard or way shall have been accepted by the city, and the approval of any plan or plat shall not be taken as an acceptance by ~~said~~ the city of any street, alley, boulevard, way or public place shown on such plan or plat.

~~§ 46. [Reserved.]~~

~~Editor's note--Section 46, relating to the sinking fund and sinking fund commission, was repealed by Acts 1976, Ch. 573, § 2.~~

§47. Bond issues; borrowing in anticipation of issuance of bonds.

(a) The council may, in the name and for the use of the city, cause to be issued bonds for any one or more of the following purposes~~, namely~~: To provide for parks and other recreational purposes, water supply, water works, electric lights or other lighting system, suitable equipment against fire, or for erecting or improving bridges, viaducts, school buildings, jails, city

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halls, fire houses, libraries, museums~~,~~ and other public buildings, incinerators, auditoriums, armories, airports and equipment and furnishings for same; to provide for hospitals and clinics~~,~~ to provide for a local bus transportation system to operate on regular schedules; grading, paving, repaving, curbing~~,~~ or otherwise improving any one or more of the streets or alleys, or widening existing ones; or to provide for locating, instituting and maintaining sewers, drains and culverts~~,~~ or ~~for~~ any other permanent public improvement; to provide for the acquisition of automobiles, trucks and other automotive and movable equipment or a revolving fund ~~of not more than five hundred thousand dollars ($500,000.00)~~ for the establishment of a pool of automobiles, trucks and other automotive and movable equipment~~, provided, that the council shall first establish by ordinance such conditions under which the respective departments, courts, bureaus, boards, commissions, offices and agencies of the city shall have the use of such equipment as will recoup the said fund within the estimated life of each class and type of such equipment; provided that no such~~. No bonds shall be issued under this Charter except by an ordinance or a resolution adopted by a recorded affirmative vote of a majority of all members ~~of the council; no such bonds to provide for the acquisition of a supply of water to said city and its inhabitants, or for other specific undertaking, from which the city may derive a revenue, as provided in the Constitution of Virginia and Chapter 358 of the Acts of Assembly of 1918, as amended by Chapter 217 of the Acts of Assembly of 1930, shall be issued except by ordinance adopted by a majority of all members of council; but such bonds shall not be irredeemable for a period greater than thirty-five years.~~ elected to the council. Any bonds issued under this Charter may be dated, may mature at such time or times not exceeding forty years from their date or dates, may be subject to redemption or repurchase at such price or prices and under such terms and conditions and may contain such other provisions, all as determined before their issuance by the council or in such manner as the council shall provide. Any such bonds may bear interest payable

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at such time or times and at such rate or rates as determined by the council or in such manner as the council may provide, including the determination by reference to indices or formulas or by agents designated by the council under guidelines established by it. The council may fix the denomination or denominations of the bonds and the place or places of payment. Any such bonds may be issued in registered or book entry form, or any combination of such forms, as the council may determine. The council may sell any bonds authorized under the provisions of this Charter in such manner, either at public or private sale, and for such price as the council may determine. All proceeds received by the city from the sale of bonds issued under this Charter shall be deposited and invested in accordance with the provisions of the Public Finance Act of 1991, as from time to time amended.

(b) The council, in its discretion, may require that an ordinance or a resolution adopted by the council authorizing the issuance of general obligation bonds, as defined by the Public Finance Act of 1991, as from time to time amended, be approved by the affirmative vote of the majority of the qualified voters of the city voting on the question at an election for such purpose to be called, held and conducted in accordance with an ordinance or a resolution adopted by the council providing for such election and ~~for giving due publicity to the same and also providing by whom and how the ballots shall be prepared and return canvassed and the result certified.~~
the provisions of the Public Finance Act of 1991, as from time to time, applicable to the ordering and conduct of special elections on the question of the issuance of bonds.

(c) In no case shall the city issue any bonds or other interest-bearing obligations which, including existing indebtedness, shall at any time exceed ten percent of the assessed valuation of the real estate in the city subject to taxation, as shown by the last preceding assessment for taxes. In determining the limitation for the city, there shall not be included the classes of indebtedness

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described in paragraphs (1), (2), (3) and (4) of subsection (a) of Section 10 of Article VII of the Constitution of Virginia.

~~The said council shall not endorse the bonds of any company whatsoever or make the city liable therefor.~~

(d) The council shall determine the form and the manner of execution of the bonds~~, including any interest coupons to be attached thereto~~. Any bonds issued under the provisions of this Charter ~~and any interest coupons attached thereto, if so authorized by the said council,~~ may bear or be executed with the facsimile signature of any official authorized to sign or to execute such bonds ~~or coupons. In case~~. If any law shall provide for the sealing of ~~such~~ bonds with the official or corporate seal of the city ~~or of the said council or any official thereof~~, a facsimile of such seal may be imprinted on the bonds ~~if so authorized by said council~~, and it shall not be necessary in such case to impress such seal physically upon such bonds. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds ~~or coupons~~ shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if ~~he~~ such officer had remained in office until such delivery~~, and any~~. Any such bond may bear the facsimile signature of, or may be signed by, ~~such persons as~~ any person who at the actual time of the execution of such bonds shall be the proper ~~officers~~ officer to sign such bond although at the date of such bond such ~~persons~~ person may not have been such ~~officers.~~ officer. When all signatures on bonds are facsimiles, the bonds must be authenticated by an agent appointed by the council or in such manner as the council may provide.

~~When all signatures on bonds are facsimiles, the bonds must be authenticated by an approved agent of the said council.~~

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~~The said bonds shall be sold by resolution of the council and the proceeds used under its direction. Every bond issued by the council shall state on its face for what purpose or purposes it is issued, and the proceeds shall be applied exclusively to the purpose or purposes for which such bonds are issued.~~

(e) In anticipation of the issuance of bonds under the provisions of this section or under the provisions of the Public Finance Act of 1991, as from time to time amended, and of the receipt of the proceeds of sale of such bonds, the council may, in the name and for the use of the city, by an ordinance or a resolution adopted by the council, cause to be borrowed money for the purpose for which such bonds have been authorized and within the maximum authorized amount of the bond issue. ~~The~~ Negotiable notes shall be issued for all moneys borrowed in anticipation of the issuance of bonds under this section or of the Public Finance Act of 1991, as from time to time amended. The ordinance or resolution authorizing any such borrowing shall specify the maximum rate of interest to be paid by the city on such ~~loan,~~ notes and ~~each~~ such ~~loan~~ notes shall mature and be paid within five years from the date of ~~its original issue~~ their original issuance. Any such notes may be extended or refinanced from time to time; *provided* that no note issued upon any such extension or refinancing shall mature later than five years from the date of the original issuance of such notes. The city may, in its discretion, retire any such loans by means of current revenues, special assessments~~,~~ or other funds, in lieu of retiring them by means of bonds, and may, thereafter, provide for the issuance of the maximum amount of bonds that has been authorized without reduction by the amount of such loans retired in such manner. ~~Negotiable notes shall be issued for all moneys borrowed in anticipation of the issuance of bonds under this section or of the Public Finance Act of 1991, as amended, and such notes may be renewed from time to time, but all such notes shall mature within the time limited by this section.~~ The issuance of such notes and other details thereof shall be

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governed by provisions of the ordinance or the resolution ~~or ordinance~~ of the council authorizing such borrowing, not inconsistent with the provisions contained in this ~~paragraph.~~ section.

(f) Notwithstanding any other provision of law, the council is authorized and required to levy and collect annually, at the same time and in the manner as other taxes of the city are assessed, levied and collected, a tax upon all taxable property within the city, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and premium, if any, and interest on any general obligation bonds or notes of the city issued under the provisions of this Charter to the extent other funds of the city are not lawfully available and appropriated for such purpose.

(g) All such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth and are made securities in which public officers and bodies of the Commonwealth, counties, cities and towns and municipal subdivisions of the Commonwealth, insurance companies and associations, savings banks, savings institutions, savings and loan associations, trust companies, beneficial and benevolent associations, administrators, guardians, executors, trustees and other fiduciaries in the Commonwealth may properly and legally invest funds under their control.

~~§48.. Refunding bonds.~~

~~The council shall have authority by ordinance adopted by a majority of all members of the council to issue bonds for the purpose of refunding any bonds of the city prior to or at maturity of such bonds, for such term or terms and at such interest rate or rates as council may fix and determine, provided that no refunding bond shall be issued for a term exceeding thirty years. Such refunding bonds shall be sold by the council, and the proceeds from such sale or sales shall be used for the~~

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~~purpose of paying the bonds maturing or called for payment, and for no other purpose. Such refunding bonds shall be executed in the same manner as prescribed by the preceding section for bonds issued under the authority of such section.~~

~~§49. Temporary loans.~~

~~The council shall have the power to negotiate and secure short term loans for the purpose of paying current expenses, debts or contractual obligations of the city. Such loans shall be evidenced by bonds or notes bearing interest, payable in not more than one year from the date of issue. The aggregate of such short term bonds and notes outstanding at any one time shall not exceed the revenue for such fiscal year nor shall it exceed an amount equal to twenty-five per centum of the revenue from all sources collected by the city in the preceding fiscal year.~~

§50. Special assessments.

All local or special assessments shall be made and collected as council shall prescribe by ordinance and in accordance with law, and such special assessments shall have priority over all other claims or liens, whether prior or subsequent thereto.

§51. Lien of taxes~~, et cetera~~.

There shall be a prior lien on all real estate and on each and every interest therein for the city taxes as assessed thereon, from the commencement of the year for which they were assessed, and also for all local assessments which may be made thereon according to law. There shall also be a lien on any land or premises for the amount of expense incurred by ~~said~~ the city in abating any nuisance thereon or cutting or removing weeds therefrom, after notice to the owner thereof by publication or

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otherwise as may be provided by ordinance; provided, however, that the lien for the amount of any such local assessment or for the expense of abating any nuisance or cutting or removing weeds from any premises shall not be good against a purchaser of land or premises for value without notice except and until from the time that the same shall be recorded in records or books kept for that purpose in the office of the city clerk and recorded and indexed in the office of the clerk of the circuit court in the name of the person or persons owning such estate or land at the time the ~~said~~ lien accrued. The council may require such real estate in the city delinquent for the non-payment of taxes, or assessments or expenses incurred as above provided, to be sold for ~~said~~ taxes or assessments or expenses, with interest thereon at the maximum rate authorized by general law of the Commonwealth, and such percentage as may be prescribed for charges; and the council may regulate the terms on which the real estate so delinquent may be sold or redeemed.

§52. {Distraint and sale of goods and chattels for unpaid taxes; payment of taxes by tenants or fiduciaries.}

All goods and chattels of any person against whom taxes for the city are assessed may be distrained and sold for ~~said~~ taxes when due and unpaid in the same manner and to the same extent that goods and chattels may be distrained and sold for State taxes.

A tenant by whom payment is made or from whom payment is obtained, by distress or otherwise, of taxes or levies due the city, by a person under whom he holds, shall have credit for the same against such person out of the rents he may owe him, except when the tenant is bound to pay such taxes and levies by an express contract with such persons. And where taxes or levies are paid to the city by any fiduciary on any estate in his hands or for which he may be liable, such taxes and levies shall be refunded out of the ~~said~~ estate.

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§53. License taxes.

(a) License taxes may be imposed by ordinance on businesses, trades, professions, and callings and upon the persons, firms, associations and corporations engaged therein and the agent thereof, except in cases where taxation by the localities shall be prohibited by the general law of the State, and nothing herein shall be construed to repeal, or amend any general law of the State with respect to taxation.

(b) The council may require every person, firm or corporation using or operating a cart, ~~wagon, dray, buggy, motorcycle, automobile~~, or motor ~~truck, or other~~ vehicle, on the streets of the city to secure a license and to pay a tax therefor, whether such vehicle is used or operated for compensation or not.

(c) The council may subject any person, firm or corporation who or which without having obtained a license therefor, shall follow any business, occupation, vocation, trade, pursuit, calling, or shall do any other act for which a license is required by this section, to such fine or penalty as it is authorized to impose for any violation of its laws.

(d) The council may, in its discretion, determine whether or not the commissioner of the revenue shall receive fees for issuing and transferring city licenses, and it may fix the amount of such fees and change the same from time to time; provided, however, that no such fees shall be payable out of the city treasury, but shall be paid by the person obtaining the license or transfer, and such license or transfer may be withheld by the commissioner of the revenue until such fees are paid.

(e) Council may provide by ordinance for revoking any license for failure to comply with conditions upon which same is granted.

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§53.1. Rehabilitation incentive program.

Council shall be authorized to establish by ordinance a grant program to encourage the rehabilitation and use of older residential, commercial and industrial buildings, for the improvement and revitalization of the city. Such ordinance shall specify the age of buildings and type and extent of rehabilitation qualifying for rehabilitation grants, shall establish a formula for determining the amounts of such grants, which shall be related to the value added to the buildings by renovation, and shall set the time and procedure for payment, which may be in one lump sum or in installments.

§54. School ~~districts~~ board members.

The city ~~of Roanoke~~ shall not be subdivided into school districts, but for the purpose of the election and qualification of school ~~trustees~~ board members of the School Board of the City of Roanoke shall be considered as one district. Seven (7) members shall be elected by council as prescribed by ordinance, and they shall serve the city at large.

~~§ 55. School board [generally].~~

The members of the school ~~trustees~~ board now in office shall continue until the end of the terms for which they were elected~~, and council shall elect their successors as prescribed by ordinance, and provide for the election of a board of seven members~~.

§56. Powers and duties of the school board.

The school ~~trustees of said~~ board members of the city school board shall be a body corporate under the name and style of the School Board of the City of Roanoke, and shall have all of the powers, perform all of the duties and be subject to all of the limitations now provided, or which may hereafter be provided by law in regard to school boards of cities and except that all real estate with

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the buildings and improvements thereon heretofore or hereafter purchased with money received from the sale of bonds of this city, appropriated by the council or received from any other source for the purpose of public education, shall be the property of the ~~said~~ city of Roanoke, unless such money so received from any other source be received on other conditions. The school board shall transmit to the council and to the city director of finance a detailed statement of all moneys received by ~~said~~ the board or placed to its credit. Separate accounts shall be kept by the ~~said~~ board of moneys appropriated by the council, and moneys received from other sources, and every such statement shall show the balance of each class of funds on hand or under control of ~~said~~ the board as of the date thereof.

The school board shall on or before March 15 of each fiscal year prepare and submit to the council or its designee for its information in making up its proposed annual budget a detailed estimate, in such form as ~~said~~ the council or its designee shall require, of the amount of money required for the conduct of the public schools of the city for the ensuing fiscal year, with an estimate of the amount of all funds which will probably be received by ~~said~~ the board for the purpose of public education from sources other than appropriations by the council.

The council may, at its discretion, by ordinance provide for an audit of the affairs and records of the school board by the municipal auditor or by any other competent person or firm selected by the council.

§57. ~~[Courts of record continued;~~ Extraterritorial jurisdiction of city and general district court~~]~~.

~~All courts of record of said city as now constituted and established by law shall be continued with the same jurisdiction as heretofore.~~

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The city shall have and may exercise all police power granted by general law or this charter with respect to city-owned land and property lying beyond the corporate limits of the city. The general district court of the city shall have jurisdiction of all offenses committed within one mile from the corporate limits of the city against its ordinances prescribing rules and regulations, and penalties for violation of such rules and regulations, relating to city-owned land and property beyond its corporate limits. Beyond ~~said~~ such one mile limit, the general district court having criminal jurisdiction in the municipal corporation wherein the offense was committed, or the general district court of the county wherein such offense was committed shall have jurisdiction of offenses against the aforesaid ordinances of the city committed more than one mile from its corporate limits; and appeals may be taken in such cases to the court of record having jurisdiction in ~~said~~ such other municipality, or county. All fines and costs assessed upon conviction in ~~said~~ such other jurisdictions shall be paid into the treasury of the county or municipality wherein the offense was committed and tried.

§57A. Clerks of court.

Notwithstanding any provision of general law, the clerk of the circuit court of the city shall be paid a salary as provided by law, which salary shall be in full compensation for services and shall be in lieu of the retention by such clerk of any and all official fees and commissions of whatever kind or character, and from whatever source derived, and the council shall provide for the payment of such salary out of the treasury of the city. The expenses of the office of such clerk, including compensation of deputies and employees, shall be likewise paid out of the treasury of the city on duly authenticated vouchers, when and as such expenses are incurred, or may become due and payable.

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All fees and commissions of every kind or character received or collected by such clerk, and from whatever source derived, shall be paid into the treasury of the city. All fees and commissions of every kind and character, whether payable by the State, the United States, or by private persons, firms or corporations, now or hereafter receivable by law or ordinance by such clerk, shall continue to be paid to and collected by him, and shall be paid into the treasury of the city. The city shall not be required to pay any such clerk any fees or commissions for services performed for such city.

§58. [Ownership and custody of] books, records, et cetera.

All books, records and documents used by any city officer, or employee, attorney for the commonwealth, commissioner of the revenue, clerk of court, or treasurer for this city, in his office or pertaining to his duties shall be deemed the property of ~~said~~ the city, and the chief officer in charge of such office shall be responsible therefor. Any such officer or person made by this section responsible for the keeping of such books, records and documents shall, within ten days after the end of his term of office, or within ten days after the date of his resignation or removal from office, as the case may be, deliver to his successor or the city clerk, as may be proper, all such records and documents. Any such officer or person failing to deliver such books, records or documents, as required by this section, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not exceeding six months, or both, in the discretion of the court or jury before whom the case is tried.

§59. Qualification of members of the council and other officials.

The members of the council before entering upon the duties of their respective offices shall each take the oaths prescribed by the laws of this State for State officers. Such oaths may be

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administered by any judge of a court of record within ~~said~~ the city, and the certificate thereof shall be filed with the city clerk and entered upon the journal of the council. Every other person elected or appointed to any office under this charter or under any ordinance of the council, ~~except clerks and laborers~~, shall before entering upon the duties of ~~his~~ office take and subscribe ~~said~~ oaths together with such other oaths as may be required by ordinance, before any person authorized to administer an oath, and the certificate of the same shall be filed in the office of ~~said~~ the city clerk. The clerk of the circuit court of ~~said~~ the city shall notify all persons elected by the people under this charter of their election, and the city clerk shall notify all persons elected by the council of their election. If any person elected to any office in the ~~said~~ city shall after receiving notice of election fail to take such oaths and give such bonds, with surety, as may be required by law or ordinance, he shall be considered as having declined ~~said~~ such office, and the same shall be deemed vacant, and such vacancy shall be filled according to the provisions of this charter.

§60. Bonds of officers [and employees].

Except in the case of officers whose bonds are specially provided for by this charter, the council in fixing the salary of any officer, clerk or employee of the city, shall determine whether such officer, clerk or employee shall give bond and the amount or penalty thereof. All officers required by this charter to give bond, and all officers, clerks and employees of whom bond is required by the council shall, before entering upon their respective duties, give bond with surety to be approved by the council, conditioned for the faithful performance of the duties of their respective offices, which bond, unless otherwise specially provided by this charter, shall be payable to the ~~said~~ city, and in such penalty as the council may by ordinance prescribe. The council shall accept as surety on any such official bond only a good solvent surety or fidelity company authorized to do

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business in this State. The council may provide that the premium on any such bond shall be paid by the city. The sureties cn the bond of any such officer shall be equally liable for the acts of any deputy or deputies of such officer as for those of such officer himself. Unless otherwise specially provided in this charter, all such bonds shall be filed with and preserved by the city clerk. The parties to bonds taken in pursuance of this section shall be subject to the same proceedings on ~~said~~ such bonds for enforcing the conditions and terms thereof by motion or otherwise before the circuit court of ~~said~~ the city, as are now or may hereafter be provided by law in the case of collectors of the county levy and the sureties on their bonds for enforcing payment of the county levies.

§ 61. [Reserved].

Editor's note--Acts 1989, Ch. 129, § 2, approved March 6, 1989, repealed § 61, which pertained to general disqualifications (conflicts of interest), and derived from Acts 1976, Ch. 573, § 1.

§62. Zoning.

~~(1)~~ (a) For the promotion of health, safety, morals, comfort, prosperity, or general welfare of the general public, the ~~C~~council ~~of the City of Roanoke~~ may, by ordinance, divide the area of the city into one or more districts of such shape and area as may be deemed best suited to carry out the purposes of this act, and in such district or districts may establish, set back building lines, regulate and restrict the location, erection, construction, reconstruction, alteration, repair or use of buildings and other structures, their height, area and bulk, and percentage of lot to be occupied by buildings or other structures, the size of yards, courts and other open spaces, and the trade, industry, residence and other specific uses of the premises in such district or districts. Any ordinance enacted under the authority of this act may exempt from the operation thereof any building or structure used or to be used by a public service corporation (not otherwise exempted) as to which proof shall be presented

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to the ~~board of zoning appeals~~ city that the exemption of such building or structure is reasonably necessary for the convenience or welfare of the public.

~~(2)~~ (b) All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

~~(3)~~ (c) Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

~~(4)~~ (d) The ~~C~~council ~~of the City of Roanoke~~ shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public hearing in relation thereto, conducted in conformity with state law, at which parties in interest and citizens shall have an opportunity to be heard. ~~At least fifteen days notice of the time and place of such hearing shall be published in a paper of general circulation in said city, or in a city official bulletin as provided in § 43 of this charter.~~

~~(5)~~ (e) Such regulation, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. ~~In case, however, of a protest against such change signed by the owners of twenty percent or more either of the area of the lots included in each~~

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~~proposed change, or of those immediately adjacent in the rear thereof, or of those directly opposite thereto, such amendment shall not become effective except by the favorable vote of five-sevenths of all the members of the council. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments~~.

~~(5.1)~~ (f) In order to facilitate the creation of a convenient, attractive and harmonious community, the ~~Council~~ council ~~of the City of Roanoke~~ may, after recommendation from the planning commission and public notice and hearing pursuant to ~~§ 15.1-431~~ State law, establish design overlay districts to encourage compatible development in areas of the city identified on an adopted comprehensive plan as having historic value or unique architectural value and located within an area designated on an adopted plan for conservation, rehabilitation or redevelopment. In such areas, city council shall adopt specific standards as to new construction or rehabilitation within view from the public streets and provide for a design review process. City council may establish a fee applicable to such design review process which shall not exceed the actual cost of such review process or two hundred dollars, whichever is less.

~~(6)~~ (g) The ~~Council~~ council ~~of the City of Roanoke~~ shall appoint a commission to be known as the planning commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. ~~Such commission shall make a preliminary report or reports and hold public hearings thereon before submitting its final report, and the Council of the City of Roanoke shall take such action on said preliminary report or reports, and also on the final report of the commission, as it shall deem necessary~~.

[Present subsections 7 through 21 moved to new §62.1, Board of Zoning Appeals]

~~(22)~~ (h) In case any building or structure is erected, constructed, reconstructed, altered, repaired, or converted; or any building, structure or land is used in violation of this ~~act~~ charter or of

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any ordinance or other regulation made under authority conferred hereby, the proper authorities of the city, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, to restrain, correct or abate such violation, to prevent the occupancy of ~~said~~ such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

~~(23)~~ (i) ~~Said~~ Such regulations shall be enforced by the division of building inspection which is empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of this or the preceding paragraph. The owner or general agent of the building or premises where a violation of any provision of ~~said~~ such regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violations shall exist shall be guilty of a misdemeanor, punishable ~~by a fine of not less than ten dollars nor more than one thousand dollars.~~ as permitted by State law. In any case of the existence of a violation of any provision of ~~said~~ such regulations the owner, lessee, tenant or agent shall be subject to a civil penalty ~~of fifty dollars.~~ as permitted by State law. ~~Any such person who having been served with an order to remove any such violation, shall fail to comply with said order within ten days after such service or shall continue to violate any provisions of the said regulations in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars.~~

§62.1 Board of Zoning Appeals.

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§62.1 Board of Zoning Appeals.

~~(7)~~ (a) The ~~Council~~ council ~~of the City of Roanoke~~ may appoint a board of zoning appeals, and in the regulations and restrictions adopted pursuant to the authority of this act may provide that the ~~said~~ board of zoning appeals may, in appropriate cases and subject to appropriate conditions and safeguards, vary the application of the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

~~(8)~~ (b) The board of zoning appeals shall consist of ~~five~~ seven members, each to be appointed for a term of three years and removable for cause by the ~~appointing authority~~ council, upon written charges and after public hearing. ~~The preceding sentence notwithstanding, at the expiration of the terms of the members serving on the board of zoning appeals as of January 1, 1991, two members shall be appointed for terms of three years each; two members shall be appointed for terms of two years each, and one member shall be appointed for a term of one year. Thereafter, all members shall be appointed for terms of three years each.~~ Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

~~(9)~~ (c) The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairman and such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board, and shall be a public record.

~~(10)~~ (d) Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken ~~within a reasonable time as~~ in the manner provided by ~~the rules of the board~~ state law by filing with the officer from whom the appeal is taken and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

~~(11)~~ (e) An appeal shall stay~~s~~ all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of zoning appeals after the notice of appeal shall have been filed ~~with him~~ that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of zoning appeals or by a court of record on application therefor, ~~and~~ following notice to the officer from whom the appeal is taken and on due cause shown.

~~(12)~~ (f) The board of zoning appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

~~(13)~~ (g) The board of zoning appeals shall have the following powers:

~~(a)~~ (1) To hear and decide appeals ~~where it is alleged there is error in~~ from any order, requirement, decision, or determination made by an administrative officials in the administrative enforcement of this ~~act~~ charter or of any ordinance adopted pursuant thereto.

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~~(b) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.~~

~~(b)~~ (2) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, ~~and so~~ provided that the spirit of the ordinance shall be observed and substantial justice done.

~~(14)~~ (h) In exercising the above-mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

~~(15)~~ (i) The concurring vote of ~~three~~ four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

~~(16)~~ (j) Any person or persons, jointly or severally, aggrieved by any decision of the board of zoning appeals, or any officer, department, board or bureau of the municipality, may present to a court of record of the ~~City of Roanoke~~ city a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.

~~(17)~~ (k) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the board of zoning appeals to review such decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the

relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

~~(18)~~ (l) The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

~~(19)~~ (m) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceeding upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

~~(20)~~ (n) Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

~~(21)~~ (o) All issues in any proceeding under this section shall have preference over all other civil actions and proceedings, except where otherwise provided by general law.

§62.2. Architectural Review Board.

~~(24)~~ The ~~Council of the City of Roanoke~~ council shall appoint an architectural review board. Such board may be authorized to delegate to an agent its authority to issue any certificate of

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completed pursuant to the applicable city ordinance, and shall apply the same guidelines and review standards applicable to the board. Any person aggrieved by any decision of the agent made pursuant to this delegation may appeal to the board within a reasonable time as provided by city ordinance by filing with the board a notice of appeal specifying the grounds thereof. A decision of the board may be appealed to the city council and thereafter to the circuit court pursuant to ~~§ 15.1-503.2~~ the provisions of the Code of Virginia.

§62.3 Authority of city council to impose civil penalties for wrongful demolition of historic buildings.

~~1.~~ (a) Notwithstanding the provisions of any state law which authorizes civil penalties for the violation of a local zoning ordinance, ~~the~~ city council ~~of the City of Roanoke~~ may adopt an ordinance which establishes a civil penalty for the demolition, razing or moving of a building or structure without obtaining any required demolition permit and certificate of appropriateness when such building or structure is located within any historic zoning district of the city. The penalty established by the ordinance shall be imposed on the party deemed by the court to be responsible for the violation and shall not exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition.

~~2.~~ (b) An action seeking the imposition of such a penalty shall be instituted by petition filed by the city in circuit court, which shall be tried in the same manner as any action at law. It shall be the burden of the city to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose. The filing of any action pursuant to this section shall preclude a criminal prosecution for the same offense, except where the demolition, razing or moving has resulted in personal injury.

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~~3.~~ ~~(c)~~ The defendant, within twenty-one days after the filing of the petition, may file an answer and, without admitting liability, agree to restore the building or structure as it existed prior to demolition. If the restoration is completed within the time agreed upon by the parties, or as established by the court, the petition shall be dismissed from the court's docket.

~~4.~~ (d) Nothing in this section shall preclude any other action by the zoning administrator ~~under § 15.1-491(d) of the Code of Virginia~~ or by the city, ~~under § 15.1-499 of the Code of Virginia,~~ as authorized by law, either by separate action or as a part of the petition seeking civil penalty.

§63. Power to appoint boards or commissions of citizens.

The council may provide for the appointment of boards or commissions, to be composed of such number of citizens as the council may deem expedient to act in an advisory capacity in conjunction with any one or more of the officers of the city. The members of all such commissions shall serve without compensation, unless otherwise provided by law.

§64. Working prisoners and other persons convicted of offenses.

Subject to the general laws of the State regulating the working of those convicted of offenses against the State, the council shall have the power to provide by ordinance for the supervision, management, and control of persons convicted of violating the laws of the Commonwealth of Virginia or the ordinances of the city of Roanoke who are referred to the city for public service work by courts of record and not of record.

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§65. Pensions, relief and retirement funds.

The council shall maintain and preserve the systems for the pension, relief and/or retirement of employees of the city existent on the effective date of this charter and none of the privileges and benefits provided for or available to the members of such systems shall be curtailed or lessened; provided, however, that the council shall, from time to time, by ordinance, make such reasonable changes in ~~said~~ such systems as will keep them actuarially sound and may, likewise, increase the privileges and benefits provided for or available thereunder to the members thereof; and provided, further, that the council may, at any time, limit the operation of such systems to those employees who are members thereof on the effective date of such limitation.

The council of ~~said~~ the city shall continue to have authority to establish and maintain a fund or funds for the pension, relief and/or retirement of persons in the service of the city; to receive gifts, devises and bequests of money or property for the benefit of such fund or funds; to make contributions of public moneys thereto on such terms and conditions as it may see fit; and to make rules and regulations for the management, investment and administration of such fund or funds not inconsistent with this charter.

In addition, the council shall have authority, by ordinance, to provide for the participation of the city and its employees, the employees of the school board and the employees of any board or commission established by the council, in any welfare, relief, retirement, or security program established by the Congress of the United States or by the General Assembly of Virginia.

The council may, in its discretion, provide for participation in any pension or retirement fund by any deputies or employees of the commissioner of the revenue, treasurer, Commonwealth's attorney, the clerk of courts or city sergeant, whose salaries are paid in whole or in part by the city, and allow them to participate in any such welfare, relief, retirement or security program.

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§66. General laws to apply.

All general laws of the State applicable to municipal corporations now in existence or hereafter enacted and which are not in conflict with the provisions of this charter or with ordinances or resolutions ~~whereafter~~ hereafter enacted by the council pursuant to authority conferred by this charter shall be applicable to the ~~said~~ city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the council to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this charter.

§67. Attorney for Commonwealth to prosecute violations of ordinances.

The ~~said~~ attorney for the Commonwealth shall prosecute the violations of all city ordinances, both in the general district court and upon appeal, and shall notify the city attorney in all such prosecutions in which the validity of a city ordinance is attacked.

§68. Present ordinances and rules and regulations continued in effect.

All ordinances and resolutions of the city and all rules, regulations and orders legally made by any department, board, commission or officer of the city, in force at the effective date of this charter, insofar as they or any portion thereof are not inconsistent therewith, shall remain in force until amended or repealed.

§69. Continuance of officials and officers.

Except where this charter may otherwise provide, all officials and officers of the city holding office immediately prior to the effective date of this charter, whether such office be elective or appointive, shall continue in such office until the expiration of their respective current term of office

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or until their respective successors shall have been elected or appointed and qualified or until such office may be lawfully terminated.

§70. Continuance of internal organization of the city.

Except where this charter may otherwise provide, the several departments, commissions, boards and other administrative units of the city functioning at the effective date of this charter are hereby continued until otherwise provided by ordinance.

§71. Continuance of contracts.

All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public works begun prior to the taking effect of this charter shall be continued and completed hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws.

§72. Partial invalidity.

If any clause, sentence, paragraph, or part of this ~~Act~~ {charter} shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of ~~said Act~~ the charter, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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§73. Citation of charter.

This charter may for all purposes be referred to or cited as the Roanoke Charter of Nineteen Hundred and Fifty-two.