ROANOKE CITY COUNCIL
REGULAR SESSION

JULY 15, 2002
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 D. Keith Beasley, Pastor, Good Shepherd Lutheran 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, July 18, 2002, at 7:00 p.m., and Saturday, July 20, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

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

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

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

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

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A RESOLUTION memorializing the late Murray A. Stoller. R. 13

Presentation of awards for financial reporting achievements.

3. CONSENT AGENDA

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

C-1 Minutes of the regular meetings of City Council held on Monday, May 20, 2002, and Monday, June 3, 2002. P. 15; P. 56

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

C-2 A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended. P. 88

RECOMMENDED ACTION: Concur in the request.

C-3 A communication from the City Manager requesting a Closed Meeting to discuss disposition of publicly-owned property, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended. P. 89

RECOMMENDED ACTION: Concur in the request.

C-4 Qualification of the following persons:

William D. Bestpitch as a member of the Roanoke Valley Area Metropolitan Planning Organization for a term ending June 30, 2005;

Sherman V. Burroughs, IV, as a member of the Fair Housing Board for a term ending March 31, 2003;

Cyril J. Goens for a term ending June 30, 2004, and David C. Key for a term ending June 30, 2006, as members of the City of Roanoke Pension Plan, Board of Trustees;

Frank J. Eastburn and Anna S. Wentworth as members of the Roanoke Arts Commission for terms ending June 30, 2005; and

Barry W. Baird as a member of the Roanoke Valley Greenway Commission for a term ending June 30, 2005.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending execution of a 2002-03 Community Development Block Grant Subgrant Agreement with Total Action Against Poverty. P. 90; R. 101

2. A communication recommending acceptance of Juvenile Justice and Delinquency Prevention Title II Grant funds from the Department of Criminal Justice Services for Sanctuary's Aggression Replacement Training and Education Program; and appropriation of $35,143.00 in connection therewith. P. 102; B/O 105; R. 107

3. A communication recommending execution of Amendment No. 2 to the subgrant agreement with "McCray Court Senior Living". P. 108; R. 113

4. A communication recommending execution of lease renewal agreements with Triton PCS Property, Co., L.L.C., and Virginia PCS Alliance, a Virginia Limited Liability Co., also d/b/a/ NTELOS, for use of certain City water tank facilities. P. 114; O. 120; O. 123

5. A communication recommending extension of a lease agreement with Roanoke Valley Swimming, Inc. P. 126; O. 136

6. A communication recommending execution of a Use Agreement with the Commonwealth of Virginia Department of Military Affairs to permit the Virginia National Guard to use the City-owned Armory. P. 137; O. 139

7. A communication recommending execution of a joint use agreement with the Roanoke City School Board. P. 140; R. 153

8. A communication recommending appropriation of $8 million from bond proceeds in connection with the South Jefferson Redevelopment Area. P. 154; B/O 156

9. A communication recommending acceptance of a donation from Calvin Powers for a parcel of land containing approximately one-half acre identified as Official Tax No. 3070321, in connection with construction of a multipurpose stadium/amphitheater facility. P. 157; O. 159

10. A communication with regard to revenue and expenses of the Fleet Management Fund for fiscal year 2003. P. 160; B/O 162

11. A joint communication from the City Manager and the Director of Finance recommending execution of an Administrative Services Agreement between the City of Roanoke and the Roanoke Valley Detention Commission to provide for continued accounting and payroll services by the City through December 31, 2002, for a fee of $22,500.00; and to provide for continuation of retirement administrative services for the Commission. P. 163; R. 170

12. A communication with regard to a Regional Competitiveness Program. P. 171; B/O 173

b. DIRECTOR OF FINANCE:

1. A report recommending adoption of ordinances to reappropriate funds into the current year budget in order that certain encumbrances may be properly liquidated.

P. 175; B/O's: 177; 179; 180; 181; 182; 183; 184; 185; 186

7. REPORTS OF COMMITTEES:

a. A report of the Roanoke City School Board requesting appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. P. 187; B/O 191

8. UNFINISHED BUSINESS: NONE.

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

10. MOTIONS AND MISCELLANEOUS BUSINESS:

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

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

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

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, 215 CHURCH AVENUE, S. W., FOR A JOINT MEETING OF CITY COUNCIL AND THE ARCHITECTURAL REVIEW BOARD.

THE CITY COUNCIL MEETING WILL RECONVENE 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.

CITY COUNCIL/ARCHITECTURAL REVIEW BOARD JOINT MEETING

5:00 P.M.

EMERGENCY OPERATIONS CENTER CONFERENCE ROOM

AGENDA

1. Introduction and General Comments. Robert B. Manetta, Chair, Architectural Review Board.

2. Zoning/historic districts in Cotton Mill/Jefferson Center area and a area north of The Hotel Roanoke.

3. Regulation of work in City rights-of-way.

4. Application fees.

5. Developing Architectural Review Guidelines for new materials.

6. Other Business.

THE CITY 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.

ROANOKE CITY COUNCIL
REGULAR SESSION

JULY 15, 2002
7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

Call to Order -- Roll Call.

The Invocation will be delivered by Vice-Mayor C. Nelson Harris.

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

Welcome. Mayor Smith.

NOTICE:

Tonight's meeting will be televised by RVTV Channel 3 to be replayed on Thursday, July 18, 2002, at 7:00 p.m., and Saturday, July 20, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Continuation of a public hearing on the request of Robert Evan, L.L.C., that a portion of Hite Street, S. W., extending from the southerly end of the existing cul-de-sac in a southerly direction to the northerly line of the right-of-way of U. S. Route 220 in the City of Roanoke, be permanently vacated, discontinued and closed. Edward A. Natt, Attorney, Spokesperson. (The public hearing was tabled at the June 17, 2002 meeting of Council.) P. 194; O. 201

2. Continuation of a public hearing with regard to the lease and renovation of certain City-owned buildings located at 117 and 119 Norfolk Avenue, S. W., subject to certain terms and conditions. Darlene L. Burcham, City Manager, Spokesperson. (The public hearing was continued at the July 1, 2002 meeting of Council.) None

3. Public hearing on the request of Structures Design/Build, L.L.C., representing Franklin Road, L.L.C., that a 0.717 acre portion of excess right-of-way of Franklin Road, S. W., adjoining Official Tax No. 1300101, be permanently vacated, discontinued and closed. Steve S. Strauss, Manager, Structures Design/Build, L.L.C., Spokesperson. P. 205; O. 216

4. Public hearing on the request of Kitina A. Gimbert and Sue E. Harrison that a certain unopened portion of Whitman Street, S. E., from the southerly boundary of Arbutus Avenue, between parcels of land identified as Official Tax Nos. 4151207 and 4160301, to the boundary of property acquired for the Roanoke River Flood Reduction Project, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager, Spokesperson. P. 220; O. 228

5. Public hearing on the request of the City of Roanoke that a proposed 30-foot public right-of-way, known as Mason Mill Road, N. E., extending from the southerly boundary of Official Tax No. 7230101 to the northerly boundary of said parcel, be permanently vacated, discontinued and closed. Darlene L. Burcham, City Manager, Spokesperson. P. 232; O. 240

6. Public hearing on the request of the City of Roanoke to convey City-owned property located at 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., to Blue Ridge Housing Development Corporation, in connection with establishment of a housing assistance program for City employees. Darlene L. Burcham, City Manager, Spokesperson.

P. 244; O. 266

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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

1. Request of Ms. Teresa Minton to address water issues.

MOTION AND CERTIFICATION WITH RESPECT TO CLOSED MEETING

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

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

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

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

W MB

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Murray A. Stoller, a former City Council member and Mayor of the City of Roanoke.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Stoller on Thursday, July 4, 2002;

WHEREAS, Mr. Stoller was born in New York City, New York, and was a graduate of the University of Virginia and the University of Virginia Law School; and

WHEREAS, after graduation, Mr. Stoller started a law practice in Arlington, Virginia;

WHEREAS, Mr. Stoller served in the U.S. Army during World War II, and after the war, Mr. Stoller moved to Roanoke and established a law practice with offices in the Colonial-American Bank building;

WHEREAS, the Democratic Party backed Mr. Stoller as a candidate for the House of Delegates in 1947;

WHEREAS, Mr. Stoller was appointed in 1947 as the only person in the city other than ordained ministers authorized to perform marriage ceremonies, and as a Marriage Commissioner, he married over 8,000 couples;

WHEREAS, Mr. Stoller was elected to the Roanoke City Council in 1962, after which Council members appointed him Mayor;

WHEREAS, during Mr. Stoller's term as mayor, he fought to close the Washington Park dump after residents complained of its smell and proximity to homes;

WHEREAS, Mr. Stoller was a member of American Legion Post #3 and served as editor of the Legion Bulletin; was a member of the American Bar Association, State Bar Association, and National Bar Association; and was a charter member of LABAC in Roanoke and had been active serving on the boards of the City Rescue Mission and Girl Scouts; and

WHEREAS, Mr. Stoller was a long-time member of Calvary Baptist Church, where he served as church clerk, adult Sunday School teacher, and was Deacon Emeritus.

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

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Murray A. Stoller, and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Stoller's widow, Arlene W. Stoller, of Roanoke, Virginia.

ATTEST:

City Clerk

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

May 20, 2002

2:00

The Council of the City of Roanoke met in regular session on Monday, May 20, 2002, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members Linda F. Wyatt, William White, Sr., W. Alvin Hudson, Jr., William H. Carder, William D. Bestpitch, and Mayor Ralph K. Smith-----6.

ABSENT: Council Member C. Nelson Harris----------1.

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

The meeting was opened with a prayer by The Reverend Marion G. Harris, Director, Virginia Evangelizing Fellowship.

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

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-COMMITTEES-WAR MEMORIAL: Council Member Bestpitch advised that the Roanoke Valley War Memorial Committee has voted to donate $5,000.00, or almost one half of its surplus, in support of the National D-Day Memorial Foundation's fund raising campaign, with the hopes that its donation will inspire others to keep faith with those who beached the line of Nazi domination in Europe and pointed the way to victory over the Axis powers, as well as with those responsible for building the Memorial to honor this event. Also, he advised that the National D-Day Memorial Foundation is seeking contributions to retire its substantial outstanding debt from construction of the D- Day Memorial.

Mr. Bestpitch offered the following resolution:

(#35871-052002) A RESOLUTION paying tribute to the Roanoke Valley War Memorial Committee for its donation to the National D-Day Memorial.

(For full text of Resolution, see Resolution Book No. 65, page 49.)

Mr. Bestpitch moved the adoption of Resolution No. 35871-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

Sloan Hoopes, Chair, Roanoke Valley War Memorial Committee, presented a check, in the amount of $5,000.00, to representatives of the National D-Day Memorial Foundation.

Council Member Bestpitch advised that a Roanoke native, the late Donald McArthur Young, was one of the victims of the September 11, 2001, attack on the Pentagon. He stated that Mr. Young's widow, Felicia Young of Virginia Beach, Virginia, along with other members of Mr. Young's family, will be in attendance at the Memorial Day Ceremony to be held in Lee Plaza on Monday, May 27, 2002; whereupon, Mr. Bestpitch offered the following resolution memorializing the late Donald McArthur Young, a long time resident of the City of Roanoke:

(#35872-052002) A RESOLUTION memorializing the late Donald McArthur Young, a longtime resident of Roanoke.

(For full text of Resolution, see Resolution Book No. 65, page 50.)

Mr. Bestpitch moved the adoption of Resolution No. 35872-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

ACTS OF ACKNOWLEDGEMENT-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER-VIRGINIA TECH: Mr. Hudson offered the following resolution expressing gratitude to John H. Parrott for his years of service as a Commissioner of the Hotel Roanoke Conference Center Commission.

(#35870-052002) A RESOLUTION expressing gratitude to John H. Parrott for his years of service to the Hotel Roanoke Conference Center Commission.

(For full text of Resolution, see Resolution Book No. 65, page 47.)

Mr. Hudson moved the adoption of Resolution No. 35870-052002. The motion was seconded by Mr. White and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

The Mayor advised that Mr. Parrott has served on the Hotel Roanoke Conference Center Commission since July 1, 1996, he was elected as Chair on November 20, 1997, and continued to serve in that capacity until April 2002 when his term expired. On behalf of the Members of Council, he commended Mr. Parrott, who, without any financial remuneration or incentive other than his commitment to the Commonwealth of Virginia, took countless hours away from his construction consulting firm to review and reform a highly complex rededication plan for the Conference Center designed by the Commission's engineers and assisted the Commission's attorneys in their multi-party litigation against those responsible for the building's defects; and Mr. Parrott's counsel contributed to the Commission's resounding success in 2001 when its construction litigation climaxed in a large financial settlement and the Conference Center rededication project concluded ahead of schedule and under budget.

On behalf of the Members of Council, the Mayor presented Mr. Parrott with a ceremonial copy of the above referenced resolution, with the appreciation of Council for his years of service.

PROCLAMATIONS -FIRE DEPARTMENT- EMERGENCY MEDICAL SERVICES: The Mayor presented a proclamation declaring the week of May 19-25, 2002, as Emergency Medical Services Week.

ACTS OF ACKNOWLEDGEMENT-CLEAN VALLEY COUNCIL: The City Manager introduced Ann Masters, Executive Director, Clean Valley Council, for presentation of an award.

Ms. Masters advised that the Clean Valley Council is an environmental, educational, not-for-profit agency serving all five of the Roanoke Valley municipalities with conservation, preservation, appropriate waste reduction practices, litter prevention and recycling management, and is about to embark on its 25th year of service to the Roanoke Valley. She further advised that the Clean Valley Council receives nominations each year for Clean Valley awards and six awards are given annually for stellar performance for the previous year, covering stewardship and teaching by example. She stated that individual businesses and non profits in local governments are eligible to receive the awards which are unwritten by businesses, individuals and non-profit organizations; whereupon, she presented the highest award for excellence, sponsored by The Kroger Company, to the City of Roanoke Solid Waste Management Department, under the direction of Frank Decker, Operations Superintendent, Solid Waste Collection. She advised that the award is based on the City's program to keep neighborhoods looking cleaner, to make solid waste collection and recycling more efficient and customer friendly, with the goal of improving neighborhood appearance and simplifying residential waste collection by involving citizen participation in a recycling program. She explained that the City of Roanoke also designed a new no call route-based brush and bulk collection system in which items remain on the curb for a shorter period of time, and 10,000 households are now receiving co-mingled recycling collection. She stated that clean up and neighborhood initiative create positive action, change, a power of place and community pride; therefore, for the year 2001, she presented the City of Roanoke Refuse Collection Department with The Kroger Company bench in recognition of the City's achievements for excellence in mission, implementation and spirit.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

COMMITTEES- FIFTH PLANNING DISTRICT COMMISSION: A communication from Evelyn S. Lander submitting her resignation as a member of the Roanoke Valley-Alleghany Regional Commission, effective immediately, was before Council.

Mr. Carder moved that the communication be received and filed. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

OATHS OF OFFICE-PARKS AND RECREATION-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER-VIRGINIA TECH: A report of qualification of Darlene L. Burcham as a Commissioner of the Hotel Roanoke Conference Center Commission, for a term ending April 12, 2006; and James C. Hale for a term ending March 31, 2003, Mark S. Lawrence and David Nixon for terms ending March 31, 2004, and Brian M. Shepard for a term ending March 31, 2005, as members of the Parks and Recreation Advisory Board, was before Council.

Mr. Carder moved that the report of qualification be received and filed. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

WATER RESOURCES-EQUIPMENT: The City Manager submitted a communication advising that Mid Eastern Builders, Inc., was awarded a contract in the amount of $4,477,000.00 at the October 1, 2001, meeting of Council for building construction and equipment installation at the Crystal Spring Water Treatment (Filtration) Plant, as defined in contract documents prepared by Wiley & Wilson, Inc.; Change Order No. 1 was administratively approved in the amount of $14,902.00, for a total contract amount of $4,491,902.00; Change Order No. 2 provides for relocation of the raw water pump manhole and strainer box ($111,033.00), addition of a sink and cabinets in the control room ($11,136.00), and credits for reduced quantities of driven piles (-$13,953.00); total cost value of Change Order No. 2 is $108,216.00, with a contract time extension of two days; and the construction administration consultant, Construction Dynamics Group, Inc., recommends approval of Change Order No. 2.

Summary of Changes:	
Contract Amount	$4,477,000.00
Change Order No. 1	14,902.00
Proposed Change Order No. 2	108,216.00
Total	$4,600,118.00

The City Manager recommended that she be authorized to execute Change Order No. 2, in the amount of $108,216.00 and two additional days of contract time, to the contract with Mid Eastern Builders, Inc.

Mr. Carder offered the following emergency ordinance:

(#35873-052002) AN ORDINANCE authorizing the City Manager's issuance of Change Order No. 2 to the City's contract with Mid Eastern Builders, Inc., for the relocation of the raw water pump manhole and strainer box, modifications to three restrooms for ADA compliance, and credits for reduced quantities of driver piles in connection with the Crystal Spring Water Treatment (Filtration) Plant Project; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 52.)

Mr. Carder moved the adoption of Ordinance No. 35873-052002. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

FLEET MAINTENANCE FUND-EQUIPMENT: The City Manager submitted a communication advising that the need to evaluate contracting for operation of the Fleet Parts Warehouse was identified by the City's Fleet Management Division; proposals were requested and after due and proper advertisement, one response was received from NAPA Auto Parts; a cost analysis of the NAPA Auto Parts proposal indicated that contracting operation on the Fleet Warehouse would not result in any cost savings, but would result in an incremental cost of approximately $32,300.00; contracting for operation of the Fleet Management function is being considered, and management of the Parts Warehouse would be a part of the scope of services to ensure control; and it is the intent of the City Administration to not foreclose any opportunities with respect to contracting for operation of the Fleet Management function.

The City Manager recommended that Council reject the proposal of NAPA Auto Parts for turnkey parts operation in the Fleet Management Division.

Mr. Carder offered the following resolution:

(#35874-052002) A RESOLUTION rejecting the proposal for Turnkey Parts Operation for the City's Fleet Division.

(For full text of Resolution, see Resolution Book No. 65, page 53.)

Mr. Carder moved the adoption of Resolution No. 35874-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

CITIZEN SURVEY-PROCUREMENT CODE: The City Manager submitted a communication advising that as part of its commitment to service excellence for all citizens, in the year 2000 the City of Roanoke began contracting with an outside vendor to conduct an annual citizen survey; the City wishes to continue the survey

process and desires the opportunity to enter into a contractual agreement with a qualified firm or independent professional specializing in telephone survey services; the successful offeror shall provide assistance to the City by conducting surveys to receive public input in order to improve City services and to help guide the use of City resources; and it is the City's intent to award a one-year contract, with the option to renew under the same terms and conditions for two additional years, subject to funding availability.

It was further advised that although the sealed bid method of procurement would normally be used, it is not practicable or fiscally advantageous to the public in procuring the above service; the experience, qualifications, and references of individuals or firms that can provide the above referenced services are of equal, if not greater, importance than the cost; therefore, the process of competitive negotiation using the request for proposal has been identified as the best method for procurement of the services; the City Code provides, as an alternate method of procurement to using the bid process, a process identified as "competitive negotiation", which requires prior approval by Council before the alternate method may be used; and this method will allow for negotiations with two or more providers to determine the best qualified at the most competitive price or rate.

The City Manager recommended that Council authorize the use of competitive negotiation as the method to secure vendors to provide appropriate services as above described.

Mr. Carder offered the following resolution:

(#35875-052002) A RESOLUTION designating the procurement method known as competitive negotiation, rather than the procurement method known as competitive sealed bidding, to be used for the procurement of telephone survey services to conduct an annual citizen survey; and documenting the basis for this determination.

(For full text of Resolution, see Resolution Book No. 65, page 53.)

Mr. Carder moved the adoption of Resolution No. 35875-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

TRAFFIC-STREETS AND ALLEYS-OUTDOOR DINING: The City Manager submitted a communication advising that Council at its meeting on April 1, 2002, adopted an ordinance to amend the conditions for outdoor dining on public property and within the public right-of-way; and regulations for the outdoor dining program make available the use of certain streets between 6:30 p.m. and 3:00 a.m. on Market Street, S. E. from Salem Avenue, S. E. to Church Avenue, S. E. (including the Market Square area south of Campbell Avenue, S. E.) as well as Wall Street, S. E. from Salem Avenue, S. E. to Campbell Avenue, S. E.

It was further advised that closure of the streets to vehicular and pedestrian passage during certain hours of the day on a frequent basis for an extended period of time requires authorization of Council; and in anticipation that some restauranteurs will soon apply for outdoor dining permits to include street areas, it would help to expedite the approval process if Council approved an ordinance closing to vehicular and pedestrian use the above identified streets during specified hours and under certain circumstances.

The City Manager recommended that Council adopt an ordinance declaring that Market Street, S. E., from Salem Avenue, S. E. to Church Avenue, S. E. (including the Market Square area south of Campbell Avenue, S. E.), as well as Wall Street, S. E. from Salem Avenue, S. E. to Campbell Avenue, S. E. will be closed to the public as a right-of-way for vehicular and pedestrian traffic from 6:30 p.m. to 3:00 a.m., if the street, or any portion thereof, is subject to an outdoor dining permit issued by the City Manager, pursuant to Section 30-9.1, Code of the City of Roanoke, (1979) as amended.

Mr. Carder offered the following ordinance:

(#35876-052002) AN ORDINANCE authorizing the temporary closure, as needed, by barricade of certain public rights-of-ways for outdoor dining in the City of Roanoke, Virginia, as is more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 55.)

Mr. Carder moved the adoption of Ordinance No. 35876-052002. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

CITY PROPERTY-WATER RESOURCES: The City Manager submitted a communication advising that in January, 2001, the City finalized the drilling and testing of a well on the Muse Spring property, Official Tax No. 4360601, located at the intersection of Mount Pleasant Boulevard and Riverland Road, S .E., which well was a result of the groundwater development project initiated during the 1999 drought; final phases of using the well as a water supply were put on hold pending completion of the Crystal Spring Treatment Plant and evaluation of the impact of I-73 construction passing near the well site; on February 4, 2002, Council declared that a water supply emergency existed and the use of this water supply was revisited; and the Virginia Department of Health (Health Department) has given its approval to place the Muse Spring well into service through use of temporary equipment, pending certification of final construction plans.

It was further advised that the Health Department requires that the City dedicate the portion of the parcel that the well site occupies; to establish the area for water supply use only; an area 200' by 200' feet, centered on the well, needs to be dedicated for this purpose; the Health Department has agreed to permit construction of the facilities required to operate the well site, however, the Health Department will not give final approval to use the water until the site is surveyed and platted; and the Water Division has initiated the process as of April 26, 2002, for possible completion in approximately three weeks.

The City Manager recommended that Council approve dedication of the portion of real estate of the Muse Spring property that will be used as a well site for a water supply system for the City, and authorize the City Manager to execute a well dedication document and to take such further actions and to execute such additional documents as may be necessary to obtain approval by the Health Department.

Mr. Carder offered the following emergency ordinance:

(#35877-052002) AN ORDINANCE authorizing the City Manager to execute a Well Dedication Agreement and any related and necessary documents providing for the dedication of a portion of certain City owned property located at the intersection of Mount Pleasant Boulevard and Riverland Road, S. E., containing an area approximately 200 by 200 feet and being a portion of Official Tax Map No. 4360601, upon certain terms and conditions; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 56.)

Mr. Carder moved the adoption of Ordinance No. 35877-052002. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

BUDGET-GRANTS-TREES: The City Manager submitted a communication advising that in March, 2002, Urban Forestry staff at the Department of Parks and Recreation applied for a $15,000.00 grant from the Urban and Community Forestry program at the Virginia Department of Forestry to be used for the purpose of preparing an Urban Forestry Plan; and on April 17, 2002, the City received a letter from the Virginia Department of Forestry stating that the $15,000.00 grant will be awarded as soon as paperwork to activate the grant is provided by the City.

It was further advised that the project is needed in order to devise a systematic method of managing the City's urban forest to the maximum benefit of the community and the environment and to allow citizens to participate in the planning process; the City's Urban Forester has presented information to Council indicating a decrease in tree canopy cover from 40 per cent in 1973 to 35 per cent in 1997; and with the current tree planting budget (for trees maintained by the City on streets and in parks), there is a net loss of approximately 50 trees each year.

It was explained that the Urban and Community Forestry Grant is a Federal grant, sponsored by the U. S. Forest Service and administered by the Virginia Department of Forestry; funds are awarded on a reimbursement basis after verification of the 50 per cent local match; the required $15,000.00 in City matching funds will include $7,432.00 in FY 2002 temporary wages for an Urban Forestry Planner, $4,400.00 in staff time provided by the Urban Forester and $800.00 in staff time from cooperating departments, such as Public Works and Planning and Code Enforcement; and time spent by Task Force members on the project will count as the remainder of the match at the grantor's approved rate of $15.39 per volunteer hour.

It was noted that major elements of the Urban Forestry Plan will include an assessment of trees along streets and in parks, a review of tree management practices, prioritization of criteria for tree planting projects, urban forestry goals, recommendations (including education and incentives for better management of trees on private property), and an implementation strategy; and coordination is underway with other City departments (such as Engineering, Planning, and Public Works) in regard to several plan elements.

The City Manager recommended that Council accept the Urban and Community Forestry Grant, in the amount of $15,000.00, and authorize the City Manager to execute an agreement with the Virginia Department of Forestry and any other forms necessary to accept such grant, to be approved as to form by the City Attorney; appropriate $15,000.00 in Federal funding to accounts to be established in the Grant Fund by the Director of Finance and establish corresponding revenue estimates in the Grant Fund.

Mr. Bestpitch offered the following emergency budget ordinance:

(#35878-052002) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 58.)

Mr. Bestpitch moved the adoption of Ordinance No. 35878-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

Mr. Bestpitch offered the following resolution:

(#35879-052002) A RESOLUTION accepting the Urban and Community Forestry Grant from the Virginia Department of Forestry, and authorizing the execution of the necessary documents.

(For full text of Resolution, see Resolution Book No. 65, page 59.)

Mr. Bestpitch moved the adoption of Resolution No. 35879-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

CITY CODE-CITY EMPLOYEES-PENSIONS: The City Manager and the Director of Finance submitted a joint communication advising that Internal Revenue Service Regulations (IRS) require that all qualified Pension Plans be amended to include revisions made to the Internal Revenue Code (IRC) over the past several years; amended Plans must be submitted for an updated IRS Determination Letter by June 30, 2002; and the IRS Determination Letter provides a statement that the Plan has been reviewed by the IRS and determined to be in compliance with all applicable IRC provisions governing qualified retirement plans.

It was further advised that the Plan has evolved over the years to provide for administration of three retirement systems: the original police and fire system, the Employees' Retirement System (ERS), and the Employees' Supplemental Retirement System (ESRS), which amended and restated the ERS in 1984; numerous amendments and additions have been made to Chapter 22.1 of the City Code to incorporate various Plan revisions through the years; and the required IRS amendment has provided an opportunity to restate the Plan to improve its organization, as well as to increase both ease of understanding and administration.

It was noted that as outlined at the City Council briefing on May 6, 2002, restated Chapter 22.2 addresses issues relative to the Plan's evolution into a multiple employer plan encompassing three retirement systems; it provides significant administrative clarification and flexibility, is in compliance with all required IRS regulations, and includes no changes in benefits as existed prior to the Plan's amendment and restatement; and the required IRS Determination Letter filing deadline is June 30, 2002.

The City Manager and the Director of Finance recommended that Council adopt an ordinance repealing Chapter 22.1, Pensions and Retirement, and enacting new Chapter 22.2, Pensions and Retirement, such new chapter recodifying the City's pension systems.

Mr. Hudson offered the following ordinance:

(#35880-052002) AN ORDINANCE amending the Code of the City of Roanoke (1979), as amended, by repealing Chapter 22.1, Pension and Retirement, consisting of §§22.1-1 through 22.1-82, and enacting new Chapter 22.2, Pension and Retirement, consisting of §§22.2-1 through §§22.2-75, such new Chapter consolidating, reorganizing, and recodifying pension systems of the City, specifically: Police and Fire System, the Employees' Retirement System and the Employees' Supplemental Retirement System; providing for an effective date; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 65, page 59.)

Mr. Hudson moved the adoption of Ordinance No. 35880-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

PUBLIC WORKS-ENVIRONMENTAL POLICY: The City Manager submitted a communication advising that the City of Roanoke has been working with the Virginia Department of Environmental Quality (VDEQ) to appropriately remediate the area of the Middle Lot at the Public Works Service Center, in accordance with a Consent Order dated March 21, 2000; two areas of the property, Unit Number 1 and Unit Number 2, are under consideration; Unit Number 2 contains approximately 0.26 acre; and in order to complete work and obtain VDEQ closure of the site, the VDEQ has requested that the City of Roanoke limit future uses of Unit Number 2 to industrial uses through a Notice of Use Limitation that will be recorded in the City of Roanoke Circuit Court Clerk's Office.

It was further advised that the restriction allows the use of Unit Number 2 for construction and grading of a stadium/amphitheater and parking area; it also allows other uses which must meet the following requirements: that in the opinion of an independent Registered Professional Engineer and with the approval of the VDEQ, such other uses shall present no greater risk of harm to health, safety, public welfare or the environment than the stadium/amphitheater or parking area uses; additional restrictions, which will require consultation with VDEQ, would apply if Unit Number 2 might be used for purposes other than those set forth above; however, uses that are listed as not allowed by the restriction are construction and occupancy of residences, playgrounds, childcare centers or public gardens.

The City Manager recommended that she be authorized to execute and record a Notice of Use Limitation and any related and necessary documents, upon certain terms and conditions as required by the Virginia Department of Environmental Quality and to take such further action and to execute such other documents as may be necessary to obtain VDEQ approval for the closure plan for said property.

Mr. Carder offered the following emergency ordinance:

(#35881-052002) AN ORDINANCE authorizing the City Manager to execute a Notice of Use Limitation and any related and necessary documents regarding a portion of City owned property located at 1802 Courtland Road, N. E., containing approximately 0.260 acre, and being a portion of Official Tax Map No. 3070316, upon certain terms and conditions; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 113.)

Mr. Carder moved the adoption of Ordinance No. 35881-052002. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

TRAFFIC-CITY CODE-FEE COMPENDIUM: The City Manager submitted a communication advising that on May 13, 2002, Council approved an increase in the late payment penalty for certain parking tickets from $10.00 to $15.00; the late payment penalty is added to violations paid ten days or more after issuance of the notice of violation, as recommended by the Department of Billings and Collections; and late payments of decal violations and current fee for decal violations is $43.00, with a fee of $53.00 imposed if payment is not made within ten days of issuance of notice of violation.

It was further advised that late payment penalties should be consistent for all late payments; after further review, it was noted that the decal violation late payment penalty had not been increased from $10.00 to $15.00; and to make the late payment penalties consistent, the decal violation fee would be $58.00 rather than $53.00 if payment is not made within ten days.

The City Manager recommend that Council adopt an ordinance amending the City Code to reflect changes in the late payment penalty as above referenced.

Mr. Carder offered the following emergency ordinance:

(#35882-052002) AN ORDINANCE amending and reordaining subsection (e) of §20-33.1, Same-Requirements; obtaining license plate, tag or decal a condition precedent to discharge of violation, of the Code of the City of Roanoke (1979), as amended, the amended section to provide for the increase of certain penalties for decal violations within the City of Roanoke; and providing for an emergency and for an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 114.)

Mr. Carder moved the adoption of Ordinance No. 35882-052002. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent).

REPORTS OF COMMITTEES:

BUDGET- SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of the following:

- $752,295.00 from the Capital Maintenance and Equipment Replacement Fund. The monies will be used for replacement of obsolete instructional technology equipment, Magnet School technology equipment, replacement of school buses, replacement of facility maintenance equipment, replacement of School Plants vehicles, construction of the Blue Ridge Technical Academy Bio-Medical laboratory, and replacement of food services equipment at various schools.

- $199,191.00 for the Fleming-Ruffner Community Learning Center, which is a continuing program that will be one hundred per cent reimbursed by Federal funds.

- $5,400.00 for the Statewide Compulsory Attendance Law Workshop which is a new grant to be funded with Federal funds.

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

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

- $163,671.00 for the Title I Summer program to provide remedial reading, language arts and mathematics instruction for students in targeted schools, to be one hundred per cent reimbursed by Federal funds.

- $7,700.00 for the Roanoke Adolescent Health Partnership to provide for medical services to the Schools in conjunction with the City of Roanoke Health Department and Carilion Health Systems, to be reimbursed by donations from Carilion Health Services and various grants.

- $90,000.00 for the Juvenile Detention Home program to provide funds for the salary and expenses of six educational coordinators and the principal position, which will be one hundred per cent reimbursed by State funds.

- $35,671.00 for the Adult Basic Education program to provide funds for the education of adults who have not completed high school, which will be reimbursed by Federal funds; and matching funds of $22,700.00 have been provided.

- $4,000.00 for the Regional Education Specialist program to provide ancillary and support services for the Adult Literacy and Basic Education program in the planning district, to be funded with member fees.

- $40,639.00 for the Regional Adult Literacy program to provide funds for administration of adult literacy programs, which will be funded with Federal funds.

- $16,647.00 for the Regional Adult Basic Education program to provide funds for administration of adult literacy programs, which will be funded with Federal funds.

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

Mr. Hudson offered the following emergency budget ordinance:

(#35883-052002) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General, School, and School Food Services Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 65, page 116.)

Mr. Hudson moved the adoption of Ordinance No. 35883-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

UNFINISHED BUSINESS:

COMPREHENSIVE PLAN- COMMUNITY PLANNING- DOWNTOWN ROANOKE, INCORPORATED: A communication from the City Manager advising that amendment to the Comprehensive Plan to include the Outlook Roanoke Plan, was tabled by Council at its meeting on February 12, 2002; whereupon, she requested that the matter be removed from the table.

Mr. Carder moved that the matter be removed from the table. The motion was seconded by Mr. Bestpitch and adopted.

A communication from Downtown Roanoke, Inc., in support of adoption of the Outlook Roanoke Update, dated September 2001, was before Council.

Mr. Carder offered the following resolution:

(#35884-052002) A RESOLUTION amending Vision 2001-2020, the City's adopted comprehensive plan, to include Outlook Roanoke Update as an element of the comprehensive plan.

(For full text of Resolution, see Resolution Book No. 65, page 121.)

Mr. Carder moved the adoption of Resolution No. 35884-052002. The motion was seconded by Mr. Hudson.

Ms. Wyatt requested that the record reflect that she is not in favor of making the First Street Bridge a vehicular bridge, instead the First Street Bridge should remain a pedestrian bridge; however, in the spirit of cooperation, she will vote in support of the Outlook Roanoke Plan as a part of the City's Comprehensive Plan.

Mr. White concurred in the remarks of Ms. Wyatt.

Resolution No. 35884-052002 was adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, and Mayor Smith----------6.

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

(Council Member Harris was absent.)

ZONING: Ordinance No. 35818, on second reading, amending, repealing or replacing proffered conditions authorized by Ordinance No. 32294-121994 presently binding upon Official Tax No. 2761409, rezoning Official Tax No. 2761409 from RS-3, Residential Single Family, Low Density District, and C-2, General Commercial District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; and rezoning Official Tax No. 2761421 from RS-3, Residential Single- Family, Low Density District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, having been tabled at the May 6, 2002, meeting of Council, the matter was before the body.

Mr. Carder moved that the item be removed from the table. The motion was seconded by Mr. Bestpitch and adopted.

Mr. Carder offered the following ordinance for its second reading and final adoption:

(#35818) AN ORDINANCE to amend §36.1-3, Code of the City Roanoke (1979), as amended, and Sheet No. 276, Sectional 1976 Zone Map, City of Roanoke, in order to amend, repeal or replace certain proffered conditions, accepted by City Council by Ordinance No. 32294-121994, presently binding upon Official Tax No. 2761409, and rezoning such Official Tax No. 2761409, from RS-3, Residential Single Family, Low Density District, and C-2, General Commercial District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant; and rezoning Official Tax No. 2761421 from RS-3, Residential Single Family, Low Density District, to C-2 General Commercial District, subject to certain conditions proffered by the applicant.

Mr. Carder moved the adoption of Ordinance No. 35818. The motion was seconded by Mr. Hudson.

Vice-Mayor Carder advised that he recently met with Mr. Wells and reviewed the original application for rezoning, at which time it was discovered that there is a mistake in the Official Tax Number which does not match with the original application; therefore, the ordinance before Council is incorrect.

Mr. Carder offered a substitute motion that the matter be referred back to the City Planning Commission for clarification and further report to Council. The motion was seconded by Mr. Hudson.

In explanation, the City Attorney advised that there are three different descriptions of the property to be rezoned and expressed concern that the City Planning Commission and City Planners may not have referenced the same property in the recommendation to Council that the applicant intended to rezone. He stated that a correct description of the property is necessary for inclusion in the ordinance

to provide for a clear and concise understanding of the property to be rezoned. He joined in the request that the matter be remanded back to the City Planning Commission to enable the applicant and the City Planning Department to arrive at a correct definition of the property to be rezoned.

Mr. Bestpitch advised that it is regrettable that there has been an error in the property description; however, Council is familiar with Mr. Wells request, the location of the property, and Mr. Wells future plans; therefore, he did not understand the point in referring the matter back to the City Planning Commission if there are not sufficient votes from the Council to support the request. He stated that further incursion of Mr. Wells current facility is too much for the neighborhood, and regardless of whether the tax numbers are clarified, he would not vote to support the request. He advised that he was not in favor of asking the City Planning Commission to expend extra time and effort on a request that he does not intend to support, and would hope that Council will vote against referring the matter back to the Planning Commission.

The substitute motion to refer the matter back to the City Planning Commission lost by the following vote:

AYES: Council Members Carder, Hudson and Mayor Smith----------3.

NAYS: Council Members Wyatt, White and Bestpitch----------3.

(Council Member Harris was absent.)

The City Attorney offered a suggestion that the matter be tabled indefinitely by Council which would allow the applicant to refile the application with a corrected description. He explained that the matter would again be considered by the City Planning Commission since the property was not properly advertised with a correct legal description.

Ms. Wyatt questioned the chain of events that brought the process to this point only to discover that there were errors in the legal description of the property. She advised that to table the matter at this time and to place the community in a quandary is not the proper thing to do, and she does not intend to vote for further encroachment into the neighborhood. She spoke against referring the matter back to the City Planning Commission because it is a disrespect to residents of the area when they must repeatedly take time out of their schedule to attend meetings of the City Planning Commission and City Council in order to protect their neighborhood.

The question was raised as to the consequence if the ordinance, as drafted, is defeated; whereupon, the City Attorney advised that the ordinance is based upon the application filed by the petitioner, therefore, whatever the petitioner applied for would be denied. He explained that any rezoning that has been denied by Council cannot be reconsidered for one year, unless the position is taken that the

description of the property has changed, in which case the applicant could refile. He reiterated that the description as contained in the ordinance before Council is inaccurate.

The Mayor spoke in support of clarifying the property description without having to go back to the City Planning Commission, and that Council Members cast their votes accordingly so as to eliminate any inconvenience to Mr. Wells and to residents of the area.

There was further discussion as to how Council could legally vote on a measure that is technically incorrect; whereupon, the City Attorney recommended that Council either table the matter, or refer the request back to the City Planning Commission to revise the legal description of the property.

Mr. Hudson offered a substitute motion that the matter be tabled. The motion was seconded by Mr. Carder and adopted, Council Members White and Wyatt voting no.

Following further discussion, Ms. Wyatt moved that the matter be removed from the table. The motion was seconded by Mr. Carder and adopted.

Ms. Wyatt moved that the matter be referred back to the City Planning Commission for proper description of the property and report to Council. The motion was seconded by Mr. Carder and adopted.

Ms. Wyatt requested that property owners in the area receive timely notification of City Planning Commission/City Council meetings regarding the matter.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

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

JAMISON/BULLITT PROJECT-HOUSING AUTHORITY: Vice-Mayor Carder called attention to a meeting that was held on Thursday, May 16, 2002 at Belmont Christian Church in which City staff previewed the Bullitt/Jamison Pilot Project, which was attended by approximately 100 residents from the southeast section of the City. He stated that the scope of the Bullitt/Jamison Pilot project is exciting, representatives from numerous City departments were in attendance, and the southeast neighborhood is excited about serving as the pilot project. He expressed appreciation to the City Manager for involving citizens in the process.

TAXES-LEGISLATION: Vice- Mayor Carder referred to the issue of land value taxation, the premise of which is that the value of real property lies in the land and not in improvements to the land, and in view of the fact that the State basically cut most of the funds for revitalizing urban areas, site value taxation is worth looking into by the City of Roanoke. He explained that the concept is that the value of the land is the most important thing, therefore, persons with vacant lots are incented to develop empty lots, and the concept also incents infill building and construction versus speculation that land values will increase in the future. He asked that the matter be referred to a committee to be composed of Council representatives, the Director of Real Estate Valuation, persons from the business community, and the Director of Finance to review the impact of land value taxation.

GENERAL SERVICES LEGISLATION-PROCUREMENT CODE: Vice-Mayor Carder called attention to meetings with business owners who expressed concern regarding the process in which the City awards contracts for services and products; and one specific business indicated that it lost a $500,000.00 contract by two cents to a company in the State of Michigan to supply the City with waste water chemicals. He pointed out that when looking at economic development dollars, $500,000.00 represents $2.5 million out of the City's local economy, as well as the loss of revenue to a local company. He requested that the matter be referred to the Legislative Committee, and that the City Manager appoint a committee to review enabling legislation that would allow the City to place some type of priority on local businesses in the City's bidding or request for proposals process.

Council Members Wyatt and White spoke in support of the concept; however, before appointing a committee, they suggested that the matter be referred to the City Attorney to address the legality.

WATER RESOURCES-STATE HIGHWAYS: Council Member Bestpitch commended the City Manager for adding information to the City's web-site regarding the rain barrel option for collecting rain water as it drains from the roof of residential housing units. He stated that there are four companies, one of which is located in the local area, that will design a system for collecting rain water.

Council Member Bestpitch advised that he attended a briefing on Wednesday, May 15, 2002, at the Salem District Office of the Virginia Department of Transportation (VDOT) with regard to changes in the Six Year Program by VDOT; and the new Commissioner of Highways participated in the meeting via video conference from Richmond to the nine district offices throughout the state. He stated that Six Year Program goals have been reviewed to ensure that VDOT uses more realistic revenue projections, i.e.: that the actual amount of money that can realistically be expected to be received over the next six years be projected, that more realistic cost estimates be used and that projects be paid off in the year of completion, (allocations should match the schedule for projects, and removal of those projects that have no foreseeable source of funding within the next six years). He explained that the amount of funding for the Six Year Plan has been reduced by

approximately one-third, or $2.9 billion less in this years' Six Year Plan than in last years' plan, which removes 179 projects throughout the State from the Six Year Program. He noted that this does not mean that the 179 projects will not continue to be considered and perhaps added back into future Six Year Programs, but the projects are not currently in the Six Year Program. He stated that about one-third of the $2.9 billion represents revised cost estimates in the amount of $950 million (projects that are currently under construction in which VDOT believes that the cost estimates are $950 million less than the actual cost of the projects). He noted that of particular significance to the City of Roanoke is the removal of the bridge from 13th Street, S. E., to Hollins Road, N. E., which project has been in the VDOT plan for longer than six years, but has not been built and is a good example of what the new Commissioner is attempting to move toward. In total, from the Roanoke Metropolitan Area, he advised that $529 million in projects have been removed, or moved back from the construction to the development phase. He stated that the question was asked as to whether the Six Year Program now includes any support for the TransDominion Express Rail Passenger service, to which VDOT responded that it is committed to passenger service by rail, but there are no funds included in the Six Year Program.

CITY COUNCIL: Council Member Hudson inquired about the status of photographs of former Mayors which were previously on display in the City Council Chamber, and asked that the photographs be appropriately displayed.

CITY MANAGER COMMENTS:

CITY MANAGER-SPECIAL EVENTS: The City Manager commended the Local Colors Festival, which was held on Sunday, May 19, 2002, that celebrated the diversity of cultures represented in the Roanoke Valley.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; it is also a time for informal dialogue between Council Members and citizens; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

There were no requests by citizens to speak.

At 3:50 p.m., the Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m. in the City Council Chamber.

At 7:00 p.m., on Monday, May 20, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members Linda F. Wyatt, William White, Sr., W. Alvin Hudson, Jr., William H. Carder, William D. Bestpitch and Mayor Ralph K. Smith-------6.

ABSENT: Council Member C. Nelson Harris ----------1.

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

The reconvened meeting was opened with a prayer by Council Member William D. Bestpitch.

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

PUBLIC HEARINGS:

PARKS AND RECREATION-LEASES- GOLF PROGRAM: Pursuant to notice of advertisement for bids for lease of East Gate Park for construction, maintenance and operation of a golf facility for use by the general public, the matter was before Council.

The Mayor advised that bids were to be received in the City Clerk's Office until 12:00 noon on Monday, May 20, 2002, and to be held by the City Clerk, unopened, until the 7:00 p.m. session of the Council, at which time the bids would be opened and read before the Council. He inquired if there was any person in attendance who had a question or objection to the opening of the bids. Hearing none, the Mayor instructed the City Clerk to proceed with the opening and reading of the bids.

The City Clerk reported that one bid had been received prior to the deadline from The Scott Robertson Memorial Fund.

In connection with the opening of bids, the Mayor advised that a public hearing was advertised in The Roanoke Times on May 5, 2002 and May 12, 2002, with regard to the lease of certain property in East Gate Park for construction, maintenance and operation of a golf facility for use by the general public, subject to certain terms and conditions, for Monday, May 20, 2002, at 7:00 p.m., on as soon thereafter as the matter may be heard, the matter was before the body.

The City Planning Commission submitted a written report finding that the proposal for a golf facility, including the First Tee Junior Golf Program, is substantially in accord with the City's Comprehensive Plan.

A report of the City Manager advising that East Gate Park, located on North Avenue, N. E., between 13th Street and Tinker Creek is composed of approximately 59 acres; park amenities include a playground, shelter with restroom and one-half

basketball court; and the Parks and Recreation Master Plan does not identify any additional public investment in the park because of the challenges of locating recreational facilities on a landfill, since athletic fields cannot be installed due to lighting requirements which would require disturbing the landfill, was before Council.

It was further advised that The Scott Robertson Memorial Fund is a charitable organization that has conducted annual golf tournaments, summer golf camps and scholarships to area youth and is ready to embark on a project that will introduce golf and mentoring opportunities to youth, while creating a public golf facility; in order to accomplish its goal; the Memorial Fund is working with the First Tee Program which is a 501 (c) (3) corporation that helps create affordable and accessible golf facilities through its local chapters, and has requested a 15 year lease of an approximately 29 acre portion of East Gate Park to implement a First Tee Golf Program; the partnership will provide recreational opportunities, which are not currently offered, to a wide spectrum of Roanoke's citizens of all ages; and the main objective of the First Tee Program is to provide youth with a learning opportunity.

The City Manager explained that East Gate Park is ideally suited for this endeavor; existing park amenities and 30 acres of the Park will remain after leasing and will continue to serve neighbors and visitors as a neighborhood park for recreational opportunities outside of golf; this effort will be the City's first in the redevelopment of a known landfill; because of this relatively unfamiliar process, great care will be taken to see that the development, architectural, and engineering plans and construction are completed with heightened awareness of environmental impacts; as a local chapter responsibility, The Scott Robertson Memorial Fund is actively considering professional services firms, many of which have extensive experience in designing and constructing golf facilities on existing landfill sites; and the Memorial Fund has agreed to assist the City in securing environmental consultation and legal services if the need should arise.

The City Manager advised that this opportunity is a model for how public/private partnership is expected to work; because of this partnership, the Parks and Recreation Department will be the recipient of a state of the art golfing facility with clubhouse, driving range, teaching areas and several golfing holes, in addition to a capital investment in excess of $400,000.00 and maintenance provided by The Scott Robertson Memorial Fund; The Scott Robertson Memorial Fund realizes the goal of being able to provide instruction, and introduce the game of golf to all youth in the community at little or no cost to each participant; and this project also utilizes a park site with limited development opportunities and transforms a brown-field into a renewable community resource.

Mr. Hudson offered the following resolution:

(#35885-052002) A RESOLUTION finding that the proposed use of a portion of East Gate Park by a private entity for a golf facility, subject to certain terms and conditions which encourage young people to learn how to play golf, is substantially in accord with Vision 2001-2020, the City's adopted Comprehensive Plan.

(For full text of resolution, see Resolution Book No. 65, page122.)

Mr. Hudson moved the adoption of Resolution No. 35885-052002. The motion was seconded by Mr. White.

The Mayor inquired if there were persons in attendance who would like to address the matter. There being none, Resolution No. 35885-052002 was adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Bestpitch and Mayor Smith---5.

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

(Council Member Harris was absent.)(Vice-Mayor Carder abstained from voting inasmuch as he serves as a member of The Scott Robertson Memorial Fund Committee.)

The Mayor advised that the City Manager has requested that the bid of The Scott Robertson Memorial Fund be referred to the City Manager for study, report and recommendation to Council; therefore, without objection by Council, it was so ordered.

The Mayor declared the public hearing closed.

ZONING: Pursuant to Resolution No. No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981 , the City Clerk having advertised a public hearing for Monday, May 20, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Cape Town, L.C., and Steven W. Morris that two tracts of land located on the southwest side of Roberts Road, S. W., identified as Official Tax Nos. 1290212 and 1290211, be rezoned from RS-3, Residential Single Family District, to C-1, Office District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Saturday, May 4, 2002 and Saturday, May 11, 2002.

A report of the City Planning Commission recommending that Council deny the rezoning request and advising that issues considered by the Planning Commission included the transitional nature of the properties, impact of adjacent commercial development, availability of other commercially zoned properties, and objection by neighborhood residents, was before Council.

Mr. Carder offered the following ordinance:

"AN ORDINANCE to amend §36.1-3 Code of the City of Roanoke (1979), as amended and Sheet No. 129, 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."

Mr. Carder moved the adoption of the ordinance. The motion was seconded by Ms. Wyatt.

Daniel F. Layman, Jr., Attorney, representing the petitioner, addressed Council in support of the request of his client. He stated that his client has proffered the condition that the brick home on the larger of the two lots will remain substantially as it appears today, even if rezoned, and the other lot is so small that it cannot be developed by itself, therefore, the proffer essentially means that the homes will remain in their present form until there is further petition to Council. He added that the two lots have been so profoundly affected by their surroundings that they are no longer viable as residential properties. He advised that across Roberts Road is the former Moore's Franklin Road location, now owned by Carilion and operated as a kitchen and laundry facility for the entire hospital system, which is a 24 hour per day/seven day a week operation; if one stands on the front porch of the brick home on the larger of the two lots and looks across the Carilion property, one would see the fronts of those buildings, the access drive from Roberts Road into the facility, the upper portion of the parking lot, and there is continuous activity in the area around the clock, seven days a week. He stated that the two homes in question serve as a buffer area for the remainder of the neighborhood. He noted that the City Planning Commission, by a 3 - 3 vote, did not recommend the rezoning to Council and two of the three Planning Commissioners who voted against the rezoning stated the position that Franklin Road frontage should not incur further commercial rezoning. He referred to streets in the Beechwood Subdivision that have already been rezoned to C-1, Office District, therefore, the request of his client does not set a precedent, but more importantly when one looks at the size of the Carilion facility, the vast majority of which is hundreds of feet off of Franklin Road, commercial encroachment already exists. He stated that Mr. Charles Helms, property owner in the area, has argued against the rezoning on the basis that enough has already been done to the neighborhood; however, that argument disregards the fact that what has already been done to the neighborhood affects the two lots in question more than any other lot because they act as a buffer for Mr. Helms' adjoining property and for other lots in the neighborhood. He presented letters from four of the six property owners closest to the property requested to be rezoned which either do not object to, or support the rezoning application, and these property owners recognize that the lots in question as office uses will be more effective buffers for the neighborhood than as residential uses, and such properties are serving as buffers all over the City between intensive C-2 uses and residential uses.

The Mayor inquired if there were persons present who would like to address Council in connection with the request for rezoning.

Mr. Charles B. Helms, 2954 Roberts Road, S. W., advised that he has lived at his residence for 44 years and owns four houses in the area. He called attention to disruptions in the neighborhood in years past as a result of operations by Cycle Systems, Franklin Heights Apartments which were later razed, the Carilion facility, undersirable activity in and around the facility, a gay and lesbian bar on Franklin Road, a used car lot, and General Imports. He advised that the two houses in question should remain as rental property because of the lack of good rental property close to the downtown area, and requested that Council deny the petition for rezoning.

Ms. Maggie Snyder, 2930 Roberts Road, S. W., advised that she lives directly across from the Carilion facility and she has been disturbed during the early morning hours by loud noise, music, and flashing lights. She stated that traffic has increased since Carilion opened its facility, and she plans to move from the area to escape undesirable living conditions.

Mr. John Hall, 558 Dillard Road, S. W., property owner in the area, advised that the petitioner has improved the two houses, and inasmuch as the Carilion facility is already located in the area, the requested rezoning would not be detrimental to the neighborhood. Therefore, he spoke in support of the request for rezoning.

Vice-Mayor Carder advised that the request before Council is a classic example of encroachment into the neighborhood; therefore, he could not support the request for rezoning.

Mr. Bestpitch advised that as a general rule for these types of rezoning requests, two basic questions need to be answered; i.e.: does the City need more of this particular type of zoning in this area, and if the answer is yes, the second question becomes, is the property a good candidate for rezoning to C-1. He explained that there is currently a large area of C-1 zoned property next to this neighborhood that is essentially undeveloped at this point, but more significantly, there is a considerable amount of C-1 property in the area and in most areas of the City that is currently vacant; therefore, it appears that if Council, as a governmental body, continues to rezone additional property to C-I, it is artificially interfering in the free market system that would otherwise regulate the supply and demand for C-1 property. He stated that if the rezoning is approved, the City will be adding to the surplus which can only further depress the rental that C-1 property owners receive which, in turn, depresses the value of the property since appraisal of this type of property is based primarily on the type of rental income it can generate.

Mr. White advised that from a practical point of view, rezoning of the Carilion property impacted the residential use of the two parcels of land in question. He stated that Council has a responsibility to resolve the matter, and inasmuch as the request was defeated by a 3 - 3 vote of the City Planning Commission, it would be appropriate to refer the matter back to the Planning Commission to work with the petitioner and the neighborhood on the highest and best use of the property.

Mr. White offered a substitute motion that the matter be referred back to the City Planning Commission for further study, report and recommendation to Council. The motion was seconded by Ms. Wyatt and adopted.

The Mayor declared the public hearing closed.

ZONING- ROANOKE CIVIC CENTER: Pursuant to provisions of Resolution No. 25523 adopted by the Council of the City of Roanoke on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday May 20, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke, Calvin W. and Mary C. Powers, and Theodore J. and Judy P. Sutton, that a tract of land lying generally west of Courtland Avenue, N. W., north of Orange Avenue and south of Sycamore Avenue, comprised of approximately 24.5 acres, more or less, and designated as Official Tax Nos. 3070301-3070310, inclusive, 3070313-3070316, inclusive, 2041816 and 2041817, currently zoned LM, Light Manufacturing District; and Official Tax Nos. 3070501, 3070318 and 3070319, currently zoned C-2, General Commercial District, be rezoned to C-3, Central Business District, the matter was before the body.

A report of the City Planning Commission recommending approval of the request for rezoning, was before Council. The Planning Commission advised that development of the property for a stadium/amphitheater will encourage economic development of the area, provide a regional entertainment attraction near downtown, redevelop an underutilized area, and incorporate shared parking; and development of the site will also create a better linkage between downtown Roanoke and the Williamson Road area and support an "entertainment complex approach by grouping with the existing Civic Center".

Mr. Carder offered the following ordinance:

(#35886-052002) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 204 and 307, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text Ordinance, see Ordinance Book No. 65, page 124.)

Mr. Carder moved the adoption of Ordinance No. 35886-052002. The motion was seconded by Mr. Bestpitch.

The City Manager advised that staff was to present a briefing; whereupon, James M. Evans, Director, Roanoke Civic Center Facilities, advised that after several years of study and review of multiple locations, 18 different sites were considered for the stadium/amphitheater complex and the location presently before Council at Orange Avenue was considered to be the most appropriate site for a multi-purpose facility for a number of reasons, i.e.: the property is centrally located, the property joins with the Roanoke Civic Center to make a sports and entertainment complex, the property has the ability to be more accessible than any of the other sites that were studied, and the site provides an opportunity to provide sufficient parking for stadium events and to share parking for large events within the two facilities. He added that the area consists of approximately 25 acres, most of which is currently owned by the City.

Charles M. Anderson, Architect, II advised that the stadium/amphitheater project is bounded by Carver Avenue on the south, Courtland Avenue on the east, the City's Public Works Service Center on the north, and I-581 on the west, and encompasses approximately 25 acres of land, most of which is owned by the City of Roanoke. He stated that the project will consist of two elements, the first being a stadium which will provide seating for approximately 8,000 persons, the amphitheater is the second element and will be designed as a permanent facility that will consist of concessions and restroom facilities designed for 12,000 persons, however, the amphitheater will have the capability to seat as many as 16,000 - 18,000 persons. He reviewed a plan for on site parking which will be in the range of 700 - 1000 vehicles and as a part of the project, the City has retained an architectural/engineering consultant to design the work for the facility, and subconsultants will prepare food service designs, acoustics, operation of the amphitheater portion of the facility, engineering, signage, graphics, etc. He stated that as a part of the study, the consultant will provide the City with a traffic study, looking at not only the impact of traffic in and around the stadium, but the study will extend from Elm Avenue, I-581 at the south to Hershberger Road, I-581 to the north as far east as the Gus Nicks/Orange Avenue intersection and to the west at 13th Street and Orange Avenue. He explained that the traffic study includes approximately 37 intersections and is intended to accomplish two major goals; i.e.: to identify a true traffic management plan that will address the movement of traffic in and around both the Civic Center and the stadium/amphitheater functions, both at the Civic Center as well as at the stadium during a normal function that may have 5000 - 6000 persons in attendance, as it relates to the impact of additional traffic on those intersections around the stadium and the civic center, and to also look at those unusual events where there may be as many as 15,000 persons at a single event. Over the short term, he advised that the City will receive a management plan that utilizes traffic cones and uniformed police officers to direct traffic in and about the area during a performance. He stated that the second component of the project

relates to long term infrastructure improvements and costs which is a two phase approach, with short term information relative to the management plan anticipated to be received in mid July and infrastructure improvements information to be received in late August.

Mr. Bestpitch inquired if acoustics involving noise from I-581 traffic that could interfere with certain types of concerts, etc., will be taken into consideration; whereupon, Mr. Anderson advised that the study involves both noise to and from the site.

Ms. Wyatt inquired if the traffic study surrounding and impacting the area will be completed before the design of the stadium is undertaken; whereupon, Mr. Anderson advised that the intent is to have the short term management plan completed by mid July; long range infrastructure improvements will be built into future plans in terms of funding; and infrastructure improvements will not be completed before the stadium is constructed. He explained that a traffic management plan will be developed that reviews present infrastructure, identifies problem areas, and by using variable messaging boards, persons coming into the facility will be able to identify available parking areas, and uniformed police officers will be used to direct traffic, both in and out of the site, all of which are proposed to be used to manage traffic flow.

Ms. Wyatt stated that it is imperative that the traffic problem be solved before the stadium/amphitheater is constructed, and she will not support any plan for construction until traffic issues are addressed.

The City Manager advised that the City would be foolish to design and build a facility if it did not have a design in place to address traffic. She stated that the difference is in semantics, i.e.: the City will have a traffic management plan that will allow for good ingress and egress from the site, although the plan may not involve the construction of new infrastructure and may consist of managing existing infrastructure. For example, she advised that the plan may suggest variable signs over the roadway with two lanes of left turn traffic off of Orange Avenue onto Williamson Road at certain times of the day, as opposed to one left turn lane and one straight lane. She explained that if the traffic plan calls for two additional lanes over the long term which would take longer to design and construct than opening the facility, a plan will be in place that will manage traffic into and out of the facility before the final design is completed and clearly before the project is constructed.

Ms. Wyatt spoke in support of a plan that will create a quick and easy ingress and egress out of both facilities that will not negatively impact the Williamson Road area and surrounding areas. She requested a plan that will demonstrate that the City administration has addressed traffic flow for those persons attending events and for those persons living in the neighborhoods. Minus that, she advised that she could not vote in favor of the proposed construction.

Mr. White raised a question with regard to intersection studies; whereupon, Mr. Anderson advised that the consulting team met with City staff and discussed where intersection studies should occur and there was a concern that the study go beyond 10th Street and Orange Avenue to ensure that the adjacent residential area is included, and 10th Street is a part of the traffic study.

Mr. Hudson expressed concern that rezoning of the property is occuring before the traffic study is completed. He inquired as to the impact on surrounding businesses related to overflow parking for the facility. He called attention to a 4 - 3 vote by the City Planning Commission, which body raised the same questions that have been raised by Council Members with regard to traffic issues. He stated that he was not opposed to the project, but it appears that the City is, "placing the cart before the horse", and Council would never consider approving a rezoning for a private developer without receiving answers to these types of questions, yet, because it is a City project, it appears that favoritism is being shown by the City. He advised that the traffic study is one of the most important components of the project.

Mr. Anderson advised that when the City retained the design consultant for the facility, the contract included the traffic study. He stated that the traffic study has been expedited and the initial piece of the management plan will be received by mid July and infrastructure improvements recommendations are due at the end of August. He further stated that the consulting team has been running traffic counts at the two affected intersections, data will be loaded into a computer program, along with information relative to performances at the civic center and anticipated performances at the stadium/amphitheater, with base line data reviewing rush or non-rush hour traffic and how these events will impact traffic, and from that analysis, the consultant will make recommendations relative to a traffic management plan and infrastructure improvements. In regard to parking issues, he explained that the Civic Center wishes to link the two facilities via a bridge that would cross over Orange Avenue and provide an opportunity to utilize parking at the Civic Center that would help to support events at the stadium/amphitheater and vice versa. He noted that there are approximately 1800 spaces at the Civic Center, 800 - 1000 spaces are anticipated at the new stadium/amphitheater site and there is an agreement to park 400 - 500 vehicles at Civic Mall. He added that design of the facility is proposed to be coupled with the traffic study since one component cannot get in front of the other because there is a need to know how the facility lays on the site, the location of main entrances for vehicle ingress and egress, and location of ingress and egress for service vehicles.

The Mayor inquired if there were persons in attendance who would like to speak to the matter.

Wendy Jones, President, Williamson Road Area Business Association, (WRABA), advised that WRABA is supportive of locating the stadium/amphitheater in the Williamson Road area to revitalize businesses, especially at the lower end of

Williamson Road; however, they want to ensure that the area can handle the additional traffic and parking that will be generated. She encouraged the City to address the issue in a proactive manner and "not place the cart before the horse". She advised that the Williamson Road Area Business Association would like to work with the City to see the project come to fruition, but they would like for the stadium/amphitheater to be designed in such a way so as to accommodate businesses and residents of the area, as well as patrons of the two facilities.

Daniel F. Layman, Jr., Attorney, representing Farrell Properties and Bergland Automotive, advised that for 25 years he has represented petitioners with rezoning requests before the Council, and he would never ask Council to act on a rezoning petition without the appropriate study to address issues of concern. As it relates to the stadium/amphitheater project, he stated that the City is using different and much less stringent standards than it would require of any of its citizens. Secondly, he stated that the zoning process is carefully defined by statute/ordinance to ensure that all major issues are addressed at the staff level, at the City Planning Commission level, and at the City Council level for public hearing and public discussion and that solutions are identified and become part of the proposal. He noted that if a surrounding property owner is aggrieved by the ultimate decision of Council, there is a process for appeal to the Circuit Court so that an impartial judge can decide if the City acted properly. He stated that the City's answer to the request for delaying the proceeding is that there will be public hearings at which time citizens will be heard, and the City Planning Commission will review plans once the traffic study is completed; however, he explained that there is no right of appeal from that process. He added that the appeal right is from the Council process and once the rezoning is approved, there is no opportunity for a court to become involved and a citizen can only express an opinion at one of the public hearings. He stated that his clients are not opposed to the stadium/amphitheater project, but they are opposed to the rezoning at this time based on the above stated facts; therefore, he requested that Council refer the matter back to the City Planning Commission for further public hearings and to conform with the process that is required by the City of Roanoke regarding requests for rezoning.

Ben Burch, President, Airlee Court Neighborhood Association, 923 Curtis Avenue, N. E., advised that he was proud to live in the City of Roanoke and to observe City leaders as they take care of business.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that the City has placed the "cart before the horse". She spoke on behalf of those residents and citizens who have little voice and advised that there were no public hearings for residents who live in the area to provide comments. She spoke with regard to possible encroachment into the historical graveyard; additional traffic lanes being added to I-581, both north and south; encroachment into the neighborhoods, specifically Lincoln Terrace where over $20 million have been expended in rehabilitating housing; encroachment of light and noise from the stadium/amphitheater and the

effect on the surrounding neighborhood; and environmental issues as to whether the ground is suitable for constructing and/or sustaining a stadium/amphitheater. She stated that there are questions that should be considered and answered in the proper documents before consideration is given to the rezoning. She added that citizens have very little way to provide input once a decision is made, therefore, important decisions like traffic problems and business concerns should not be taken lightly, but more importantly, the average citizen needs to be given consideration.

Mr. Bill Tanger, 257 Dancing Tree Lane, Roanoke County, advised that traffic on I-581 this evening at the end of the work day was backed up into the intersection which was a reminder of civic center traffic that sometimes backs up I-581, and with each event, the probability that there will be a serious accident on I-581, or one of the other streets that makes up the local gridlock situation increases. He encouraged Council to table its vote on rezoning of the property until the traffic plan is developed. He stated that the City of Roanoke requires and the intent of the zoning ordinance calls for traffic and parking plans to be developed prior to presenting projects for rezoning, and with a vote of 4 - 3 by the City Planning Commission, there is good reason to refer the matter back to the Planning Commission for further study. He added that a deferral of approximately two months will not delay plans for the project, but will allow citizens from the neighborhoods to provide their input, all of which will result in a better facility. He stated that voting on the rezoning is untimely, and the rezoning should occur in the proper sequence so that Council will not be criticized if the project results in a disaster for traffic, for citizens and for businesses in the area.

The City Manager advised that the problems that currently exist at the intersection of Orange Avenue and Williamson Road did not arise since the decision of Council to construct the stadium/amphitheater at that location, but instead those problems have existed for a long period of time. She stated that the stadium/amphitheater project provides the impetus for the City to deal with a traffic situation that has existed for some time and there are measures that could be taken that would start to better manage the traffic flow and could reduce the line of vehicles going into and out of the civic center. She added that managing what the City has is a different technique and one that has not always been used, without necessarily having to construct new roads or widen roads in the traditional way that traffic has been addressed in the past. Therefore, she advised that those problems that exist today that have gone unaddressed in the past, will be addressed through the traffic study.

Vice-Mayor Carder requested that the City Manager comment on the statement made by a previous speaker that the City is treating itself different from private business developers on rezoning issues; whereupon, the City Manager advised that it has been determined that there is no requirement in the City Code or the zoning ordinance for development of a traffic plan or study. She explained that at the time a rezoning request comes to the City, it is reviewed by a number of City departments,

additional information may be requested and the information is helpful in determining the recommendation. She stated that the last time the City made a formal request for a traffic plan was when the Super Wal-Mart was to be constructed on Valley View Boulevard; however, it should be noted that the traffic impacts of a Super Wal-Mart are different than those for a stadium/amphitheater project. She advised that as the entity responsible for infrastructure, the City of Roanoke will hear from citizens who are satisfied or dissatisfied; and there are numerous examples where the City did not impose requirements on others in the past, particularly the private sector, and the City has had to take responsibility for certain improvements. She stated that a community-wide forum will be held in June to share ideas about the stadium/amphitheater project.

Mr. Hudson moved that action on Ordinance No. 35886-052002 be tabled.

The motion failed for lack of a second.

Mr. Bestpitch advised that a civic center cannot be constructed anywhere in the City, or anywhere in the world without traffic issues that need to be addressed. He stated that it is difficult to understand why anyone would assume that Council is not completely committed to doing everything possible through the study process and through every other available method to mitigate the traffic problem as much as possible, and to provide for improvements that will benefit not just ingress and egress to the stadium/amphitheater facility, but improve traffic flow throughout the area 24 hours a day, 365 days a year. He added that the only action being taken by Council at this time is rezoning of the property to provide for a location for construction of the stadium/amphitheater.

Mr. Bestpitch called for the question.

Ordinance No. 35886-052002 was lost by the following vote:

AYES: Council Members Wyatt, White, Carder and Bestpitch----------4.

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

PRESENT: Council Member Hudson and Mayor Smith----------2.

(Council Member Harris was absent.)

The Mayor declared the public hearing closed.

Vice-Mayor Carder raised a point of order; whereupon, he moved to amend Ordinance No. 35886-052002 to delete the following words: "and dispensing with the second reading of this ordinance by title." The motion was seconded by Mr. White.

The Mayor again ruled that the public hearing was closed.

Ms. Wyatt challenged the ruling of the Chair based on the fact that the Mayor closed the public hearing before the Vice-Mayor was allowed to complete his comments.

The City Attorney was called upon for a ruling; whereupon, he advised that five members of Council may alter or suspend the rules of Council. He stated that the challenge to the ruling of the Chair is addressed by Roberts Rules of Order; whereupon, the Mayor declared the meeting in recess to provide time for the City Attorney to research Roberts Rules of Order.

The Council meeting reconvened at 9:12 p.m., with all Members of the Council in attendance, including Council Member Harris, Mayor Smith presiding.

The Mayor advised that pursuant to Roberts Rules of Order, there is a process for over ruling the Chair, which provides that if a motion is made, duly seconded and adopted by a majority vote of the Council, the decision of the Chair may be over ruled.

Ms. Wyatt respectfully challenged the ruling of the Chair. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Carder, Bestpitch, Harris and Mayor Smith----------6.

NAYS: Council Member Hudson----------1.

The Mayor reopened the public hearing.

The City Attorney advised that the ordinance as drafted did not pass inasmuch as five affirmative votes of the Council are required for passage; however, Council may move to reconsider the ordinance.

Mr. Bestpitch moved that Council reconsider the vote on Ordinance No. 35886-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, Harris and Mayor Smith----------7.

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

Mr. Bestpitch offered the following ordinance:

(#35886-052002) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 204 and 307, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Book No 65, page 124.)

Mr. Bestpitch moved the adoption of Ordinance No. 35886-052002. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, Harris and Mayor Smith----------7.

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

Mayor Smith and Council Member Hudson advised that they voted in favor of the rezoning; however, there are numerous unanswered questions that should be addressed before proceeding with the stadium/amphitheater project.

The Mayor declared the public hearing closed.

LEASES-PARKS AND RECREATION: Pursuant to previous instructions by Council, the City Clerk having advertised a public hearing for Monday, May 20, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to lease an 8.5 acre, more or less, parcel of land located on top of Mill Mountain, as described in Exhibit A to a Lease and Agreement dated January 1, 2002, to the Blue Ridge Zoological Society of Virginia, Inc., for a period of five years, ending December 31, 2006, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, May 12, 2002.

A communication from the City Manager advising that the Blue Ridge Zoological Society of Virginia, Inc., (BRZSV), formerly know as Mill Mountain Zoo, Inc., was created in 1976 by the Roanoke Jaycees, Inc., to take over operation of the Zoo; and the original lease of the property for zoo purposes to Mill Mountain Zoo, Inc., was authorized on September 7, 1976, was before Council.

It was further advised that the current five-year lease with Blue Ridge Zoological Society of Virginia was authorized by Ordinance No. 33231-012197, and expired on December 31, 2001; BRZSV has requested that the revised lease be continued for a term of five years, ending December 31, 2006; the lease will provide for termination at any time with 60 days written notice by either party and a total lease area of approximately 8.5 acres, which includes an additional 2.9 acres to complete the Mill Mountain Zoo's Master Plan; and rental rate of $10.00/yr is

contingent upon the Mill Mountain Zoo continuing full accreditation from the American Zoo and Aquarium Association.

The City Manager recommended, following the public hearing, that Council authorize execution of a Lease Agreement with Blue Ridge Zoological Society of Virginia Inc., for land occupied by the Zoo for a term of five years, ending December 31, 2006, in a form to be approved by the City Attorney.

Mr. Carder offered the following ordinance:

(#35887-052002) AN ORDINANCE authorizing the lease of certain City-owned property to the Blue Ridge Zoological Society of Virginia, Inc., upon certain terms and conditions; and dispensing with the second reading of this ordinace.

(For full text of Ordinance, see Ordinance Book No. 65, page 125.)

Mr. Carder moved the adoption of Ordinance No. 35887-052002. The motion was seconded by Ms. Wyatt.

The Mayor inquired if there were persons in attendance who would like to address the matter. There being none, Ordinance No. 35887-052002 was adopted by the following vote:

AYES: Council Members Wyatt, White, Hudson, Carder, Bestpitch, Harris and Mayor Smith----------7.

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

The Mayor declared the public hearing closed.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY CODE-BUDGET-TAXES-ROANOKE CIVIC CENTER: Ordinance No. 35850 amending Section 32-217, Levied rate, Article IX, Admissions tax, Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, to increase the admissions tax on the stated admission charge to any place of amusement or entertainment from 5 per cent to 6.5 per cent, effective July 1, 2002, having previously been before the Council for its first reading on Monday, May 13, 2002, and adopted on its first reading and laid over, was again before the body.

Mr. Carder moved that the following language be added to the title paragraph of the above referenced ordinance: "and dispensing with the second reading of this ordinance." The motion was seconded by Mr. Harris and adopted.

Mr. Carder offered the following ordinance, as amended:

(#35850-052002) AN ORDINANCE amending §32-217, Levied rate, of Article IX, Admissions tax, of Chapter 32, Taxation, of the Code of the City of Roanoke (1979), as amended, in order to increase the admissions tax on the stated admission charge to any place of amusement or entertainment from five percent to six and one-half percent; dispensing with the second reading of this ordinance; and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 44.)

Mr. Bestpitch moved the adoption of Ordinance No. 35850-052002, as amended. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, White, Carder, Bestpitch, and Harris----------5.

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

ZONING-BUDGET-SUBDIVISIONS-FEE COMPENDIUM: Ordinance No. 35851 amending certain fees and charges, establishing certain new fees and charges with regard to subdivision and zoning fees, and amending the Fee Compendium, effective July 1, 2002, having previously been before the Council for its first reading on Monday, May 13, 2002, read and adopted on its first reading and laid over, was again before the body.

Mr. Carder moved that the following language be added to the title paragraph of the above referenced ordinance: "and dispensing with the second reading of this ordinance." The motion was seconded by Mr. Harris and adopted.

Mr. Carder offered the following ordinance, as amended.

(#35851-052002) AN ORDINANCE amending certain fees and charges, establishing certain new fees and charges with regard to subdivision and zoning fees, and amending the Fee Compendium, dispensing with the second reading of this ordinace and providing for an effective date.

(For full text of Ordinance, see Ordinance Book No. 65, page 45.)

Mr. Carder moved the adoption of Ordinance No. 35857- 052002, as amended. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, White, Carder, Bestpitch, and Harris----------5.

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

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard; it is also a time for informal dialogue between Council Members and citizens; and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

POLICE DEPARTMENT-COMPLAINTS: Ms. Josephine Rouse, 3038 Melrose Avenue, N. W., addressed Council in connection with the closing of the police satellite station on Lafayette Boulevard, N. W., which building was leased for $1.00 by Ms. Vernice Law to the City of Roanoke Police Department. She expressed concern for not only the neighborhood, but for the children because the credibility of the Police Department has long been an issue. She stated that the Police Department abandoned the community and did not tell the truth about the condition of the building; and after the Police Department closed the substation, drug dealers came back to the area. She asked that the issue be resolved in such a way that the community will understand that Council cares about the children and that the City's Police Department can be trusted.

POLICE DEPARTMENT-COMPLAINTS: Ms. Vernice Law, 1509 Lafayette Boulevard, N. W., owner of the building that housed the police satellite station on Lafayette Boulevard, advised that her family's integrity is at stake, because they have never allowed their property to deteriorate as was reported in a recent newspaper article. She stated that residents of the area requested help and the building was offered as a potential site for a police substation because it provided an opportunity to have police in the neighborhood. She stated that residents had great hopes that the substation would make a difference and it did for a short time; however, it was discovered that the building was never staffed from day one, although the police substation on Williamson Road is staffed. She noted that following numerous complaints, "dummy" cars were placed at the substation on Lafayette Boulevard, a police vehicle was placed in front of her residence where it remained for 14 days without being moved and another car was placed on Florida Avenue, also unmoved, for ten days. She called attention to repeated complaints by residents of the area that the station was not staffed, meetings were held with Council members, City staff and the Chief of Police and questions were raised on how to solve the problems, as well as neighborhood concerns. She stated that the condition of the building has not deteriorated as was stated by City staff; however, her main concern is not about the building, but about the fact that the Police Department has not given proper service to the community.

COMPLAINTS -HOUSING/AUTHORITY: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., advised that it has been stated that it is not whether one wins or loses, but how one plays the game; and it has also been stated that one should avoid the appearance of doing anything wrong; however, this evening, Council has shown citizens throughout the Roanoke Valley that it does not matter as long as one gets what one wants. She expressed concern with regard to earlier actions when the

meeting was recessed in order to research Roberts Rules of Order and when the Council meeting reconvened, all seven Council members were in attendance and voting to avoid a second reading of the ordinance rezoning the property on Orange Avenue.

She also spoke on behalf of those persons who do not have a strong voice, but have requested screen doors on housing units at the Lincoln Terrace housing development for safety reasons, and expressed concern over the hesitation and/or refusal of the Roanoke Redevelopment and Housing Authority to provide screen doors for both front and back of Lincoln Terrace housing units.

There being no further business, the Mayor declared the meeting adjourned at 9:40 p.m.

APPROVED

ATTEST:

City Clerk

Mayor

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

June 3, 2002

12:15 p.m.

The Council of the City of Roanoke met in regular session on Monday, June 3, 2002, at 12:15 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members W. Alvin Hudson, Jr., C. Nelson Harris, William H. Carder, William White, Sr., William D. Bestpitch, Linda F. Wyatt and Mayor Ralph K. Smith----------7.

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

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

COMMITTEES-CITY COUNCIL: A communication from Council Member C. Nelson Harris, Chair, City Council's Personnel Committee, requesting a Closed Session to discuss the performance of five Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Carder moved that Council concur in the request of Council Member Harris to convene in a Closed Meeting to discuss the performance of five Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

At 12:25 p.m., the Mayor declared the meeting in recess for one Closed Session.

At 2:00 p.m., on Monday, June 3, 2002, the regular meeting of City Council reconvened in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

PRESENT: Council Members W. Alvin Hudson, Jr., C. Nelson Harris, William H. Carder, William White, Sr., William D. Bestpitch, Linda F. Wyatt and Mayor Ralph K. Smith----------7.

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

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

The reconvened meeting was opened with a prayer by The Reverend Fred Fryar, Pastor, Grace and Truth Baptist Church.

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

PRESENTATIONS AND ACKNOWLEDGMENTS: None.

CONSENT AGENDA

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

MINUTES: Minutes of the regular meeting of Council held on Monday April 15, 2002, and recessed until Thursday, April 18, 2002; and a special meeting of Council held on Monday, April 29, 2002, were before the body.

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

Mr. Carder moved that the reading of the Minutes be dispensed with and that the Minutes be approved as recorded. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

CITY PROPERTY-LEASES-MARKET SQUARE PARKING GARAGE-PARKING FACILITIES: The City Manager submitted a communication advising that the City of Roanoke currently leases 3,000 square feet of retail space to Orvis Roanoke, Inc.; current lease agreement of property located at 11 Campbell Avenue S. E., commonly known as the Market Square Parking Garage, will expire on August 31, 2002; Orvis Roanoke, Inc., has expressed an interest in continuing the lease of space beyond the current term; and in order to continue the lease, a new lease agreement is required.

The City Manager recommended that Council authorize a public hearing on the above referenced matter.

Mr. Carder moved that Council concur in the recommendation to hold a public hearing. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

(A public hearing was advertised for Monday, June 17, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in the City Council Chamber.)

ELECTIONS-CITY COUNCIL: A communication from Gilbert E. Butler, Jr., Secretary, Roanoke City Electoral Board, transmitting the following Abstract of Votes cast in the General Election held in the City of Roanoke on May 7, 2002, was before the Council.

"ABSTRACT OF VOTES

cast in the City of Roanoke, Virginia, at the May 7, 2002 General Election, for:

MEMBER
CITY COUNCIL

AT LARGE
ENTER AT LARGE OR APPROPRIATE DISTRICT OR WARD NAME

Names of Candidates as shown on Ballot	*TOTAL VOTES RECEIVED (IN FIGURES)*
Mark H. Hurley	3,310
Steve J. Mabry	3,016
John H. "Jack" Parrott	4,227
M. Rupert Cutler	4,335

Alfred T. Dowe, Jr. 4,506

C. Nelson Harris 4,905

Don L. Hogan 445

Total Write-In Votes [See Write-Ins Certification] 774

Continue Candidates on Page 2, If Necessary

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 7, 2002, do hereby certify that the above is a true and correct Abstract of Votes cast at said election and do, therefore, determine and declare that the following person(s) has (have) received the greatest number of votes cast for the above office in said election:

C. Nelson Harris Alfred T. Dowe, Jr. M. Rupert Cutler

Given under our hands this 8th day of May, 2002.

A copy test:

s/ Carl T. Tinsley, Chairman
s/ Frances V. Garland, Vice Chairman
s/ Gilbert E. Butler, Secretary
s/ Gilbert E. Butler, Secretary, Electoral Board

City of Roanoke
Member, City Council

AT LARGE
ENTER AT LARGE OR APPROPRIATE DISTRICT OR WARD NAME

NAMES OF CANDIDATES AS SHOWN ON BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
M. Doug Trout	916

WRITE-INS CERTIFICATION

ROANOKE x General Special Election
Town/County x City

MEMBER CITY COUNCIL May 7, 2002
Office Title Page 1 or 1

District Name or Number, If Applicable

WRITE-INS - SUMMARY [REQUIRED] TOTAL VOTES RECEIVED

(IN FIGURES)

1. Invalid Write-Ins 4
ENTER TOTAL INVALID

2. Valid Write-Ins 770
ENTER TOTAL VALID

3. Total Write-Ins 774
[ENTER THIS FIGURE ON LINE FOR TOTAL WRITE-IN VOTES ON ABSTRACT FOR THIS OFFICE.] ADD LINES 1 AND 2

VALID WRITE-INS - DETAIL [REQUIRED ONLY IF (i) TOTAL NUMBER OF WRITE-INS IS 5% OR MORE OF THE TOTAL NUMBER OF VOTES CAST FOR OFFICE OR (ii) A WRITE-IN CANDIDATE WAS ELECTED TO THE OFFICE.]

LIST VALID WRITE-INS IN ALPHABETICAL ORDER BELOW AND ON CONTINUATION PAGES, AS NEEDED. ALL VALID WRITE-INS WHEN ADDED TOGETHER MUST EQUAL TOTAL ENTERED ON LINE 2 ABOVE.

TOTAL VOTES RECEIVED (IN FIGURES)

Evelyn Bethel 1

Chris Craft 1

Bev Fitzpatrick 2

Angela M. Norman 765

Georgia C. Reeves 1

CONTINUED ON PAGES___THROUGH ___

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 7, 2002, do hereby certify that, with the continuation pages indicated, the above is a true and correct certification of the write-in votes cast at said election for the office indicated above.

Given under our hands this 8th day of May, 2002.

A copy teste:

s/ Carl T. Tinsley, Chairman
s/ Frances V. Garland, Vice Chairman
s/ Gilbert E. Butler, Secretary
s/ Gilbert E. Butler, Secretary, Electoral Board"

Mr. Carder moved that the Abstract of Votes be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss a personnel matter with regard to vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

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

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

PURCHASE/SALE OF PROPERTY-CITY PROPERTY: A communication from the City Manager requesting a Closed Meeting to discuss disposition of publicly-owned property, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended, was before the body.

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

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY-YOUTH: The following reports of qualification were before Council:

> Beverly T. Fitzpatrick, Jr., as a Commissioner of the Roanoke Redevelopment and Housing Authority, to fill the unexpired term of Willis M. Anderson, deceased, ending August 31, 2002; and
>
> James H. Smith as a member of the Youth Services Citizen Board for a term ending May 31, 2005.

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

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

REGULAR AGENDA

PUBLIC HEARINGS: None.

PETITIONS AND COMMUNICATIONS:

CITY CODE-BUDGET-CITY COUNCIL-LEGISLATION: A communication from Council Member William D. Bestpitch advising that Chapter 2, Administration, Article XIV. Authorities, Boards, Commissions and Committees Generally, Division 2. Permanent Committees, Code of the City of Roanoke (1979), as amended, provides, in part, for appointment of certain permanent committees, i.e., Audit Committee, Budget and Planning Committee, Human Services Committee, and Personnel Committee.

He further advised that the Legislative Committee is not included as a permanent committee; City Code Section 2-299 requires that the Budget and Planning Committee meet "on the third Monday of each month at 2:00 p.m.", however, this committee has not met in at least ten years; and City Code Section 2-303 does not include a method for choosing a member to chair the Personnel Committee, and requires that evaluations of Council-appointed officers be completed on the anniversary dates of their employment.

Mr. Bestpitch endorsed an ordinance to conform the City Code to current practices of Council, and to provide for greater consistency among the Audit, Budget and Planning, Personnel, and Legislative Committees. He proposed that Section 2-299. Budget and Planning Committee, be amended as follows:

> **The committee shall select a chair from among its members and shall meet at such times as it deems advisable; the responsibilities of the committee shall reflect the work accomplished during financial planning and budget study sessions.**

He further proposed that Section 2-303. Personnel Committee, be amended as follows:

> **The committee shall select a chair from among its members, but shall not be required to conduct performance evaluations on the anniversary dates of council appointees, allowing all evaluations to be conducted at the same time of year.**

He further proposed that a new Section 2-304. Legislative Committee, be added to the City Code to define the responsibilities and membership of the Legislative Committee, as follows:

> The Legislative Committee shall be composed of at least four members of the Council and two members appointed by the school board; the committee shall select a chair from among its members who are members of council; the city clerk shall serve as the secretary of the committee and maintain minutes as a permanent record; the committee shall meet on call of any member or the Mayor.
>
> The Legislative Committee shall prepare annually a legislative program for consideration by Council, setting forth the legislative needs of the City and its school system; once such a program is adopted by Council, the committee shall, in coordination with the City Attorney and the City's legislative liaison, work to advance and promote the program.

Mr. Bestpitch offered the following ordinance:

(#35888-060302) AN ORDINANCE amending Chapter 2, Administration, of the Code of the City of Roanoke (1979), as amended, by amending §2-299, Budget and planning committee, and §2-303, Personnel committee, and by the addition of a new §2-304, Legislative committee, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 66, page 127.)

Mr. Bestpitch moved the adoption of Ordinance No. 35888-060302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: None.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-FDETC: The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) administers the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke, and Salem; and WIA funding is for two primary client populations:

> Dislocated workers who have been laid off from employment through no fault of their own, and
>
> Economically disadvantaged individuals as determined by household income guidelines set up by the U.S. Department of Labor.

It was further advised that the City of Roanoke is the grant recipient and fiscal agent for FDETC funding, thus, City Council must appropriate the funding for all grants and other monies received by the FDETC; and the FDETC has received a Notice of Obligation from the Virginia Employment Commission authorizing the Workforce Area to spend $383,916.00 for WIA Youth Programs.

The City Manager recommended that Council appropriate FDETC funding totaling $383,916.00 and increase the revenue estimate by $383,916.00 in accounts to be established in the Consortium Fund by the Director of Finance.

Mr. Carder offered the following emergency budget ordinance:

(#35889-060302) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Fifth District Employment and Training Consortium Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 129.)

Mr. Carder moved the adoption of Ordinance No. 35889-060302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

BUDGET-STREETS AND ALLEYS: The City Manager submitted a communication advising that following proper advertisement, three bids for the 2002 Street Paving Program were received by the City of Roanoke, with Adams Construction Company submitting the low bid in the amount of $2,034,202.55, which included a base bid of $1,871,702.55 and Alternate No. 1 (raising manholes) of $162,500.00; and a time frame of 180 days was specified for completion of the project.

It was further advised that City staff evaluated the three bids and recommended that a contract in the amount of $2,034,202.55 be awarded to Adams Construction Company which includes the base bid and Alternate No. 1 (raising manholes); unit prices for asphalt ($43.95 per ton) and raising manholes ($325.00 each) are higher than last year's prices, however, they are in line with current industry costs; asphalt quantities total 26,800 tons of asphalt, which will enable the resurfacing of streets listed on the 2002 Paving Program List of Streets, and funding in the amount of $2,074,202.55 is available to cover all associated costs of the paving program, which include contract expense and replacement of traffic signal detectors.

The City Manager recommended that Council accept the bid of Adams Construction Company and that she be authorized to enter into a contractual agreement with Adams Construction Company in the amount of $2,034,202.55 (which includes alternate 1), in a form approved by the City Attorney; and increase the revenue estimate for Highway Maintenance revenues by $273,218.00 and appropriate $273,218.00 to the FY 02 Paving Program account.

Mr. Carder offered the following emergency budget ordinance:

(#35890-060302) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General Fund Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 131.)

Mr. Carder moved the adoption of Ordinance No. 35890-060302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

Mr. Carder offered the following emergency ordinance:

(#35891-060302) AN ORDINANCE accepting the bid of Adams Construction Company for paving of various streets and raising manholes, upon certain terms and conditions, and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 132.)

Mr. Carder moved the adoption of Ordinance No. 35891-060302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

WATER RESOURCES-EQUIPMENT: The City Manager submitted a communication with regard to bids received by the City for ductile iron water pipe for the period of July 1, 2002 to June 30, 2003; whereupon, it was recommended that Council accept the low bid of Griffin Pipe Products Company for a period of one year on a unit cost basis, in an amount not anticipated to exceed $148,688.50, and reject all other bids received by the City.

Mr. Carder offered the following resolution:

(#35892-060302) A RESOLUTION accepting the bid of Griffin Pipe Products Company made to the City for furnishing and delivering ductile iron water pipe; and rejecting all other bids made to the City.

(For full text of Resolution, see Resolution Book No. 66, page 134.)

Mr. Carder moved the adoption of Resolution No. 35892-060302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

WATER RESOURCES: The City Manager submitted a communication with regard to the bids for water and wastewater treatment chemicals for fiscal year 2003; whereupon, the City Manager recommended that Council authorize acceptance of the lowest responsible bids for the above referenced chemicals; reject all other bids received by the City; and authorize the Manager of the Purchasing Division to issue requisite purchase orders for the above mentioned chemicals.

Mr. Carder offered the following resolution:

(#35893-060302) A RESOLUTION accepting the bids for water and wastewater treatment chemicals for fiscal year 2002-2003, and rejecting all other bids.

(For full text of Resolution, see Resolution Book No. 66, page 135.)

Mr. Carder moved the adoption of Resolution No. 35893-060302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

PARKS AND RECREATION-EQUIPMENT: The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program (CMERP) has identified the need to replace one tractor and articulated boom mower system and one rotary mower for the Department of Parks and Recreation; due to pricing of the tractor and the articulated boom mower system being substantially over anticipated budget, current bid specifications will need to be updated to ensure procurement of the highest quality equipment as economically as possible; and as such, the one bid received for the tractor and articulated boom mower, in the amount of $95,867.33 from Boone & Becker Implement, Inc., should be rejected.

It was further advised that the lowest bid for one 16-foot rotary mower was submitted by Smith Turf & Irrigation Co., meeting all specifications at a cost of $68,107.00; and funding for the mower is available in Lease of Vehicle, Account #017-440-9852-9015.

The City Manager recommended that Council award the bid for one 16-foot rotary mower to Smith Turf & Irrigation Co., at a total cost of $68,107.00, and reject all other bids received by the City.

Mr. Carder offered the following resolution:

(#35894-060302) A RESOLUTION accepting the bid of Smith Turf & Irrigation Co. for the purchase of one new 16 foot mower, upon certain terms and conditions; rejecting the bid received for a tractor and articulated boom mower; and rejecting all other bids.

(For full text of Resolution, see Resolution Book No. 66, page 136.)

Mr. Carder moved the adoption of Resolution No. 35894-060302. The motion was seconded by Mr. Harris.

The Mayor advised that it has been reported that specifications provided for extensive factory training on the use of the articulated boom mower and an attachment for the equipment in the price range of $8,000.00 - $10,000.00 was to be included, therefore, after all of the extras were included, the bid total exceeded the amount of funds budgeted for the equipment. He expressed concern that only one bid was received and asked that the City take the necessary steps to ensure that more than one bid is received in the future for equipment purchases.

Ordinance No. 35894-060302 was adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

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

It was further advised that in September 2001, the DMV awarded $15,000.00 to the Roanoke Police Department to conduct selective enforcement activities which target Driving Under the Influence (DUI), speeding, and motor vehicle occupant safety; and this is the sixth year that the City of Roanoke has received funds under this program.

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

The City Manager recommended that Council establish a revenue estimate and appropriate $15,000.00 to grant fund accounts to be established by the Director of Finance; and authorize the City Manager to execute the requisite grant agreement and any related documents, such documents to be approved as to form by the City Attorney.

Mr. Carder offered the following emergency budget ordinance:

(#35895-060302) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 137.)

Mr. Carder moved the adoption of Ordinance No. 35895-060302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

Mr. Carder offered the following resolution:

(#35896-060302) A RESOLUTION accepting the Driving Under the Influence Enforcement Grant offer made to the City by the Commonwealth of Virginia's Department of Motor Vehicles and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 66, page 139.)

Mr. Carder moved the adoption of Resolution No. 35896-060302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

BUDGET-COMMITTEES-HOTEL ROANOKE CONFERENCE CENTER: The City Manager submitted a communication advising that the Hotel Roanoke Conference Center Commission was created by the Virginia General Assembly in 1991 to construct, equip, maintain and operate the Conference Center of Roanoke adjacent to The Hotel Roanoke, and the City of Roanoke and Virginia Tech are participating entities in the Commission; in 1992, Council authorized establishment of an Agency Fund known as, "Hotel Roanoke Conference Center Commission"; the

Commission's enabling legislation allows for participating parties to equally contribute funds to the Commission to fund operating deficits of the Commission and to enable the Commission to expend such revenues for proper purposes; the budget must be approved by each of the participating entities; and Council included funds in the fiscal year 2002-2003 General Fund adopted budget to be used for such purposes.

It was further advised that the Hotel Roanoke Conference Center Commission recommends the fiscal year 2002-2003 operating budget for Council's consideration; whereupon, the City Manager recommended that Council approve the Hotel Roanoke Conference Center Commission Budget for fiscal year 2002-2003, appropriate $250,000.00 to Conference Center Agency Fund accounts and establish revenue estimates of $125,000.00, each, for City of Roanoke and Virginia Tech contributions.

Mr. White offered the following emergency budget ordinance:

(#35897-060302) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Hotel Roanoke Conference Center Commission Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 140.)

Mr. White moved the adoption of Ordinance No. 35897-060302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

Mr. White offered the following resolution:

(#35898-060302) A RESOLUTION approving the annual operating budget of the Hotel Roanoke Conference Center Commission for Fiscal Year 2002-2003.

(For full text of Resolution, see Resolution Book No. 66, page 141.)

Mr. White moved the adoption of Resolution No. 35898-060302. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

The Vice-Mayor presided over the next item on the agenda.

BUDGET-FLOOD REDUCTION/CONTROL: The City Manager and the Director of Finance submitted a joint communication advising that Series 2002 bonds have been issued, and funding of $7.5 million is available for the Roanoke River Flood Reduction Project, which project has been in existence for a number of years with several project accounts established throughout the years to fund the various components; current funding appropriated to the project is $10.3 million, of which approximately $5.0 million has been spent or is obligated; funding currently appropriated consists of approximately $.5 million in Federal funding, plus $9.8 million of local funding; and local funding has been added annually via transfer from the General Fund since the late 1980s as a result of an increase in the utility tax to finance flood reduction efforts.

It was further advised that an analysis has been made of the status of project accounts, initial source of funding, and the extent to which Series 2002 bond funds can be substituted for other funding; and based on the analysis, reallocation of $7.5 million of previously appropriated local funding is recommended which will allow the City to receive reimbursement from bond funds to the extent allowable to remove the funds from exposure to arbitrage.

It was explained that all expenditures within the prior 18 months of Council's approval of the reimbursement request may be reimbursed (expenditures from December 4, 2000 to June 3, 2002); additionally, the City may reimburse itself without regard to a particular reimbursement period for "preliminary expenditures" not in excess of 20 per cent of the issue price of the bonds; and preliminary expenditures include architectural, engineering, surveying, soil testing, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project.

The City Manager and Director of Finance recommended the following transfer of funds:

		Adjustments:	
Project Name	Account	Appropriated from General Revenue	Appropriated from Series 2002 Bonds
RR Corridor Plan	008-052-9614	(66,375.00)	66,375.00
Surveying RRFR	008-056-9618	(413,433.00)	413,433.00
RRFR Land Acquisition	008-056-9619	(754,408.00)	754,408.00
RRFR	008-056-9620	2,687,803.00	4,812,197.00
RRFR Phase II Environmental	008-056-9623	(1,213,587.00)	1,213,587.00
RR Utility Relocation	008-530-9765	(240,000.00)	240,000.00
Series 2002 Public Improvement Bonds	008-530-9711-9185	-	(7,500,000.00)
	Net of Adjustments		-

It was explained that the adjustment shown above for the Roanoke River Flood Reduction account 008-056-9620 fully appropriates the $7.5 million of Series 2002 Bonds sold for the purpose of the Roanoke River Flood Reduction Project; the transfer of Series 2002 bond funds will increase total funding to the Roanoke River project to $17.8 million; and with approximately $5.0 million expended or obligated, funding of $12.8 million will be available for future project costs, with construction on the first phase of the project expected to begin in 2003.

The City Manager and the Director of Finance recommended that Council adopt an ordinance that will transfer funds between various accounts within Roanoke River Flood Reduction Projects and Series 2002 Public Improvements Bond reserve account.

Mr. Harris offered the following emergency budget ordinance:

(#35899-060302) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Capital Projects Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 142.)

Mr. Harris moved the adoption of Ordinance No. 35899-060302. The motion was seconded by Mr. Hudson and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch and Wyatt----------6.

NAYS: None----------0.
(Mayor Smith abstained from voting due to a potential conflict of interest.)

The Vice-Mayor relinquished the Chair to the Mayor.

ARTS MUSEUM OF WESTERN VIRGINIA: The City Manager submitted a communication advising that on October 2, 2000, Council adopted Resolution No. 35091-100200 which authorized execution of an Agreement between the City of Roanoke and the Art Museum of Western Virginia providing for the City to make certain appropriations to the Art Museum, upon certain terms and conditions; and said appropriations are to be used to partially fund construction of a new Art Museum and IMAX Theater.

It was further advised that $300,000.00 was paid to the Art Museum shortly after execution of the Agreement, and an additional $3.7 million was to be paid by June 30, 2004 ($2.5 million by June 30, 2003, the agreed upon construction start date, and an additional $1.2 million by June 30, 2004); total appropriations from the City of Roanoke to the Art Museum were also limited by the Agreement to no more than 20 per cent of total project cost; and Council has previously concurred, conceptually, in the issuance of $3.7 million in General Obligation Bonds at a future date to fund the project.

It was explained that due to various project delays, including a delay in hiring a project architect, the Art Museum is now requesting that the construction start date in the Agreement be changed to June 30, 2005, which would mean that the initial $2.5 million in project funding would not be needed until that date, with an additional $1.2 million needed by June 30, 2006; and at a future date, the Art Museum will also request that the City close that portion of the street cutting between Norfolk and Salem Avenues adjacent to the project site in the City Market area, and donate the land where the street and right-of-way currently exist to the Art Museum to allow a better, safer, more dramatic, and more efficient Art Museum/IMAX Theatre facility.

The City Manager recommended that she be authorized to amend the Agreement previously executed to extend the construction start date to June 30, 2005, with the initial $2.5 million appropriation by the City due at that time; and the second appropriation of $1.2 million would not be required under the amended Agreement until June 30, 2006.

Mr. Carder offered the following resolution:

(#35900-060302) A RESOLUTION authorizing execution of an Amendment to the Agreement, dated October 4, 2000, entered into by and between the City of Roanoke and the Art Museum of Western Virginia, in order to provide for an extension of time for performance of certain actions to be taken pursuant to the Agreement.

(For full text of Resolution, see Resolution Book No. 66, page 144.)

Mr. Carder moved the adoption of Resolution No. 35900-060302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch, Wyatt and Mayor Smith----------7.

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

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of April, 2002.

Mr. White called attention to a recent announcement that State revenue for the month of April was less than projected, and inquired as to the impact on the City's revenue for fiscal year 2003; whereupon, the Director of Finance advised that the City will not notice any impact, because the State previously placed the City on notice of reductions for the current year, and the budget that was adopted by Council for fiscal year 2003 will have the impact of State revenue short falls already included.

Vice-Mayor Carder advised that the legislature is in the process of preparing another tax study, but before the State will agree to the study, the result must be revenue neutral; however, it seems unusual to order a study and to have the conclusion and result pre-set. He expressed concern that the City of Roanoke does not know the impact of the State's departmental cuts; and called attention to projections next year of a $3.8 billion State shortfall, the State has raided all of its funds for one time fixes, and even if the economy improves by six per cent next year, a $3.2 billion shortfall will remain. He expressed concern that citizens of the City of Roanoke need to be educated now in terms of what the potential will be next year when the shortfall could be much worse insofar as what the State passes on to localities. He added that State leadership needs to let the localities know where they stand and what kind of contingency plans need to be made for next years' budget.

The Director of Finance advised that in August, the Department of Management and Budget and the Finance Department will compile a multi year budget plan, reviewing the City's revenue with projections and garnering all possible information from the State.

The City Manager advised that one of the few opportunities for a community such as the City of Roanoke rests in coming together with other communities that are experiencing similar problems, using a multiplier effect and using a number of jurisdictions and delegates from those jurisdictions to review and address mutual issues of concern. She called attention to a meeting of the Virginia's First Cities Coalition on June 19, and advised that the sense of the Executive Committee is one of urgency and that member localities need to begin addressing issues head on this summer and not wait until the next session of the General Assembly, or the next study to be completed. She stated that it is contemplated that the delegates to the 14 cities comprising the First Cities Coalition will meet this summer to discuss budget issues and meet with the Governor to address matters of concern to First Cities localities. She further stated that even though the 2003 budget year was difficult, the next two years will be equally as difficult if not more so unless there is a major tax restructuring that takes place at a level that will save money. She stressed the need to involve citizens and the City's delegation to the General Assembly as soon as possible in the process.

Mr. White concurred in the remarks of Vice-Mayor Carder and suggested that Council, through the Mayor's Office, convene informal meetings during the summer months with the City's delegation to the General Assembly to discuss funding issues. He recommended that the Mayor, or his designee, and at least two Members of Council begin to meet with the City's delegation to the General Assembly.

The City Manager advised that the newly elected Members of Council who will take office on July 1 will attend an orientation sponsored by the Virginia Municipal League on July 10 - 12, in Charlottesville, Virginia, and as a part of orientation, Virginia's First Cities Coalition will host a workshop for all City Council Members from the First Cities Coalition who are interested in receiving a more indepth understanding of the purpose of the First Cities Coalition, its agenda, etc. She encouraged as many Members of Council as possible to attend the workshop on July 10.

Mr. Bestpitch advised that citizens need to understand that for some time the State has not provided its share to fund the Standards of Quality for public schools, and there are problems with school construction funds throughout the Commonwealth of Virginia. He called attention to a technology-related business near Virginia Tech that is relocating to another state because that state offered a better deal than they received from the State of Virginia. He stated that this action not only takes jobs away from the Roanoke Valley region, but inhibits the ability to attract similar types of companies, economic development and jobs. He added that support for higher education, particularly in terms of a research and development

program at the higher education level, is lacking in the State of Virginia, and called attention to significant cuts in the Six Year Plan for transportation projects, and public safety needs that are not being addressed. He stated that unless the Commonwealth of Virginia comes up with additional revenue to address these issues, the problems will continue to get worse year by year.

The Mayor advised that much of corporate Virginia is faced with being revenue neutral in this time of slow economic growth. He stated that whether it be the State or the City, we are all in the dilemma together and we need to figure out a way to solve the problems and needs of the City. He stated that the mindset of the First Cities Coalition is that localities be allowed to raise taxes, and that may have to happen, but first he would like to know where inefficiencies exist and how they can be improved upon across the State. He added that if the legislature is approached with the request to raise taxes, localities will end up with nothing, however, if localities approach the State with an open mind after exhausting all other options, they will be better received at the State level.

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

BUDGET-CITY COUNCIL-LEGISLATION: The Director of Finance submitted a communication advising that by agreement with the City of Roanoke, the Roanoke Redevelopment and Housing Authority administers a large segment of the City's Community Development Block Grant program; the Housing Authority receives program income during the course of its administration of various projects through the sale of land and receipt of loan repayments from project area residents; the Housing Authority is required to transfer program income to the City of Roanoke; and the City is required to use the income for eligible community development activities.

It was further advised that the Housing Authority has made payments to the City in the amount of $31,854.00 from February 1, 2002 to April 30, 2002 in excess of revenue estimates previously adopted; and of this amount, $11,100.00 resulted from parking lot rental and $20,754.00 from various loan repayment programs.

It was explained that the City has received miscellaneous program income of $1,703.00 in various loan payments, which represents the difference between what was actually received and the amount that was previously adopted based on repayment estimates; the Housing Authority also administers a segment of the City's HOME program; assistance provided by the Housing Authority is predominantly in the form of low or no interest active and deferred loans to eligible homeowners and homebuyers; loan repayments constitute program income to the City's HOME program; and as of April 30, 2002, loan repayments received in excess of the budget estimates equals $8,463.00.

The Director of Finance recommended that Council appropriate $33,557.00 in unanticipated CDBG program income as follows:

Unprogrammed CDBG - Other - FY02	(035-G02-0240-5189)	1,703.00
Unprogrammed CDBG - RRHA - FY02	(035-G02-0240-5197)	31,854.00
Unprogrammed HOME - FY02	(035-090-5324-5320)	8,463.00

Mr. Carder offered the following emergency budget ordinance:

(#35901-060302) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 66, page 145.)

Mr. Carder moved the adoption of Ordinance No. 35901-060302. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Hudson, Harris, Carder, White, Bestpitch and Mayor Smith----------6.

NAYS: None----------0.
(Council Member Wyatt was out of the Council Chamber when the vote was recorded.)

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

MOTIONS AND MISCELLANEOUS BUSINESS:

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

COMPLAINTS-HOUSING/AUTHORITY: Council Member White called attention to inquiries regarding the issue of screen doors at the Lincoln Terrace Housing Development; whereupon, David E. Baldwin, Director of Special Projects, Roanoke Redevelopment and Housing Authority, advised that an agreement has been reached with the Resident Council that the Housing Authority will install, initially and as funding is available, screen doors on the back doors of apartments, and if funds become available in the future, consideration will be given to installing screen doors on the front doors of apartments. He stated that the Housing Authority has also concurred in a recommendation of the Resident Council to provide preference initially to senior citizens residing at Lincoln Terrace.

PIPE LINES/STORAGE TANKS-COMPLAINTS-FIRE DEPARTMENT-WATER RESOURCES: Council Member Hudson referred to the loss of water pressure in the northwest area of the City of Roanoke over the weekend as a result of the storm that occurred on Saturday, June 1. He called attention to a report that the City's one and only water tanker was out of service, and inquired as to the status of the tanker.

The City Manager explained that the water pressure issue was the result of an air leak at one of the pumping stations which was caused by a valve that did not automatically open. She advised that she would respond at a later time to Mr. Hudson's inquiry regarding the status of the water tanker.

TRAFFIC-LEGISLATION-TELEPHONE EQUIPMENT: Vice-Mayor Carder addressed the issue of cellular telephones and requested that the matter of prohibiting the use of cellular telephones while operating a motor vehicle in the City of Roanoke be referred to the City's Legislative Committee for study, report and recommendation to Council.

COMPLAINTS-SPECIAL PERMITS-DOWNTOWN ROANOKE, INCORPORATED-FESTIVAL IN THE PARK-STREETS AND ALLEYS: Mr. Carder spoke as a citizen and a business person working in the downtown Roanoke area. He referred to instances during the past four years when the streets surrounding the Patrick Henry Hotel have been barricaded for special activities, resulting in inconvenience to hotel staff and patrons and loss of revenue to the hotel. He stated that by discussing the matter publicly, it is hoped that the City will review parade permits, city-wide, to ensure that area businesses are properly and timely notified of street closings.

BUDGET-FIRE DEPARTMENT-SNOW REMOVAL-SCHOOLS-STREETS AND ALLEYS: Council Member Wyatt referred to an article in The Roanoke Times on Monday, June 3, 2002, comparing, among other things, Roanoke City and Roanoke County with regard to education expenditures. She explained that the newspaper article reports a disparity between the amount of funds that Roanoke City spends for education (24 per cent), as opposed to Roanoke County (49 per cent) of the budget. She advised that Roanoke County receives State subsidized road, street maintenance and snow removal funds, as compared to the City of Roanoke which fully funds such services; also, the City of Roanoke funds a full-time Fire Department, compared to a large percentage of the County's Fire Department being staffed by volunteers, all of which points out that there is a disparity in funding.

COMMITTEES-ROANOKE CIVIC CENTER-SCHOOLS: Council Member Wyatt called attention to concerns expressed by parents with regard to City of Roanoke high school graduation ceremonies which are held in the Auditorium at the Roanoke Civic Center, and limits the number of guests per graduate. She suggested that the matter be referred to the next joint meeting of Council and the Roanoke City School Board for discussion.

PAY PLAN-CITY EMPLOYEES: Council Member Wyatt requested a report on the City's Pay for Performance Program, i.e.: a comparison between 2001-02 of percentages within departments, number of persons in departments, and changes in ratings, etc.

CITY EMPLOYEES: Council Member Wyatt requested that Council approve July 5, 2002, as a floating holiday for City employees.

Following discussion, it was the consensus of Council to refer the matter to the City Manager for report and preparation of the proper measure for consideration by Council at its next regular meeting on Monday, June 17, 2002.

CITY MARKET: Council Member Wyatt referred to a communication from a Roanoke County resident forwarding copy of a newspaper article from The Sunday Gazette, Schenectady, New York, regarding the many assets of the Roanoke City Market.

CITY MANAGER COMMENTS:

SCHOOLS-WATER RESOURCES: The City Manager presented copy of a publication entitled, "Every Drop Counts," which was included in a recent edition of The Roanoke Times, and sponsored by The Roanoke Times, True Value Hardware, and the City of Roanoke. She advised that the publication was provided to every child in the Roanoke City Public School system encouraging them to participate in a contest on water conservation and to learn at an early age the importance of water as a natural resource.

PUBLIC WORKS DEPARTMENT-ECONOMIC DEVELOPMENT-BUDGET-CITY EMPLOYEES-SCHOOLS: The City Manager referred to the remarks of Council Member Wyatt concerning the newspaper article comparing Roanoke City and Roanoke County in regard to disparity in funding. She advised that in addition to the percentages of funding and differences in services, it should be noted that the City of Roanoke's minimum hourly rate for employees has been increased and represents a higher entry level hourly rate than Roanoke County offers to its employees. She further advised that several years ago, the State initiated law enforcement funding in exchange for a decision that cities would no longer annex properties, which limited the City of Roanoke's ability to secure land for additional economic development purposes, and although the State has not kept pace with educational funding and other types of funding, it has provided funds for law enforcement.

ARMORY/STADIUM-ROANOKE CIVIC CENTER: The City Manager referred to remarks of Ms. Evelyn D. Bethel with regard to the stadium/amphitheater project, and clarified that of the $9 million referenced in a recent newspaper article, only a small portion is directly related to the stadium/amphitheater project, and the $9 million refers to all projects included in the City's approved Capital Improvements Program.

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

COMPLAINTS: Mr. Robert D. Gravely, 619 Hanover Avenue, N. W., addressed Council with regard to lack of funding for City services/programs, lack of cleanliness in the City of Roanoke, the City's high crime rate, and the need for more jobs for young people.

ZONING-COMPLAINTS-REFUSE COLLECTION: Ms. Helen E. Davis, 35 Patton Avenue, N. E., addressed Council with regard to respect for each other and for the citizens of the City of Roanoke. She advised that the refuse collection issue has not been resolved, and the new refuse collection program is not working in the northwest section of the City. She requested that Council help citizens, specifically, Mr. Michael Wells, a small businessman, who wishes to expand his car washing facility, and if there are issues of concern in connection with Mr. Wells' business, they should be brought to the attention of the appropriate City departments.

COMPLAINTS-ARMORY/STADIUM-HOUSING/AUTHORITY-ROANOKE CIVIC CENTER: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern that the Roanoke Redevelopment and Housing Authority received over $20 million for rehabilitation of Lincoln Terrace apartments; however, the Housing Authority advises that there are not sufficient funds to provide screen doors for both the front and back doors of Lincoln Terrace apartments. She stated that screen doors are a necessity for health and safety purposes, and spoke in support of the City of Roanoke intervening by providing screen doors for Lincoln Terrace residents. She referred to a recent newspaper article advising that over $9 million will be expended for consulting fees for a stadium/amphitheater project, and inquired if citizens have been properly notified of informal meetings to provide input regarding the issue. She requested that the $9 million be withdrawn and that plans for the stadium/amphitheater project also be withdrawn until meetings are held to properly inform citizens.

BONDS/BOND ISSUES-BUDGET-FLOOD REDUCTION/CONTROL-WATER RESOURCES: M. Rupert Cutler, Council Member-Elect, addressed Council in connection with a communication from the City Manager and the Director of Finance recommending transfer of funds between various accounts within the Roanoke River Flood Reduction Projects and Series 2002 Public Improvements Bond Reserve Account. He expressed concern regarding the environmental impact of the Roanoke River Flood Reduction Project, and asked that before Council makes an irreversible commitment to the U. S. Army Corp of Engineers' structural approach to reducing future flood peaks on the Roanoke River and its tributaries in Roanoke, that Council again review non-structural alternatives that would save the River's beauty and

recreation value, including its value for canoeing and fishing. He advised that the City is presently discussing the issue of creating a Regional Water Authority, and asked that regional flood reduction planning be included, within the purview of the Water Authority, to provide citizens with the most efficient, least environmentally damaging means of addressing all of the City's water related responsibilities.

At 4:35 p.m., the Mayor declared the meeting in recess for continuation of one Closed Session and two additional Closed Sessions.

At 5:50 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance.

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

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

NAYS: None----------0.
(Council Members Harris and White were absent.)

COMMITTEES-HOUSING/AUTHORITY: The Mayor advised that there is a vacancy on the Fair Housing Board created by the resignation of Mary A. Rogers, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Sherman V. Burroughs, IV.

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

FOR MR. BURROUGHS: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

COMMITTEES-PERSONNEL DEPARTMENT: The Mayor advised that the terms of office of Edward L. Crawford, Jr., I. B. Heinemann and Lylburn D. Moore, Jr., as members of the Personnel and Employment Practices Commission will expire on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of I. B. Heinemann and Lylburn D. Moore, Jr.

There being no further nominations, Messrs. Heinemann and Moore were reappointed as members of the Personnel and Employment Practices Commission, for terms ending June 30, 2005, by the following vote:

FOR MESSRS. HEINEMANN AND MOORE: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

COMMITTEES-ROANOKE ARTS COMMISSION: The Mayor advised that the terms of office of Frank J. Eastburn, Anna S. Wentworth, Mary S. Neal, Brook E. Dickson and Susan W. Jennings as members of the Roanoke Arts Commission will expire on June 30, 2002, Ms. Dickson is ineligible to serve another term, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Frank J. Eastburn and Anna S. Wentworth.

There being no further nominations, Mr. Eastburn and Ms. Wentworth were reappointed as members of the Roanoke Arts Commission, for terms ending June 30, 2005, by the following vote:

FOR MR. EASTBURN AND MS. WENTWORTH: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

COMMITTEES-SCHOOLS: The Mayor advised that the terms of office of Margaret M. Grayson and Harriet S. Lewis as members of the Virginia Western Community College Board will expire on June 30, 2002, Ms. Grayson is ineligible to serve another term, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Harriet S. Lewis.

There being no further nominations, Ms. Lewis was reappointed as a member of the Virginia Western Community College, Board of Directors, for term ending June 30, 2006, by the following vote:

FOR MS. LEWIS: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

POLICE DEPARTMENT-COMMITTEES-TOWING CONTRACT: The Mayor advised that the terms of office of Robert R. Young and Christine Proffitt as members of the Towing Advisory Board will expire on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Robert R. Young and Christine Proffitt.

There being no further nominations, Mr. Young and Ms. Proffitt were reappointed as members of the Towing Advisory Board, for terms ending June 30, 2005, by the following vote:

FOR MR. YOUNG AND MS. PROFFITT: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

COMMITTEES-PENSIONS: The Mayor advised that the terms of office of David C. Key, D. Duane Dixon and Cyril J. Goens as members of the City of Roanoke Pension Plan, Board of Trustees, will expire on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of David C. Key, D. Duane Dixon and Cyril J. Goens (position rotates between Police and Fire Department).

There being no further nominations, Messrs. Key and Dixon were reappointed for terms ending June 30, 2006, and Mr. Goens was appointed for a term ending June 30, 2004, as members of the City of Roanoke Pension Plan, Board of Trustees, by the following vote:

FOR MESSRS. KEY, DIXON AND GOENS: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

FIRE DEPARTMENT-COMMITTEES: The Mayor advised that the terms of office of Harry F. Collins and John C. Moody, Jr., as members of the Board of Fire Appeals will expire June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names Harry F. Collins and John C. Moody.

There being no further nominations, Messrs. Collins and Moody were reappointed as members of the Board of Fire Appeals, for terms ending June 30, 2006, by the following vote:

FOR MESSRS. COLLINS AND MOODY: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

COMMITTEES-GREENWAY SYSTEM: The Mayor advised that the term of office of Barry W. Baird as a member of the Roanoke Valley Greenway Commission will expire on June 30, 2002, and called for nominations to fill the vacancy.

Ms. Wyatt placed in nomination the name of Barry W. Baird.

There being no further nominations, Mr. Baird was reappointed as a member of the Roanoke Valley Greenway Commission for a term ending June 30, 2005, by the following vote:

FOR MR. BAIRD: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

COMMITTEES-LIBRARIES: The Mayor advised that the terms of office of JoAnn F. Hayden, Roland H. Macher and Stanley G. Breakell as members of the Roanoke Public Library Board will expire on June 30, 2002, Ms. Hayden has declined to serve another term, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Roland H. Macher and Stanley G. Breakell.

There being no further nominations, Messrs. Macher and Breakell were reappointed as members of the Roanoke Public Library Board for terms ending June 30, 2005, by the following vote:

MESSRS. MACHER AND BREAKELL: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

HUMAN DEVELOPMENT-COMMITTEES: The Mayor advised that the terms of office of The Reverend Frank W. Feather, Pam Kestner-Chappelear, Margaret C. Thompson, Evelyn F. Board, Judy O. Jackson, Cynthia S. Bryant, and Glenn D. Radcliffe as members of the Human Services Committee will expire on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Margaret C. Thompson, Evelyn F. Board, Judy O. Jackson, Cynthia S. Bryant and Glenn D. Radcliffe.

There being no further nominations, Ms. Thompson, Ms. Board, Ms. Jackson, Ms. Bryant and Mr. Radcliffe were reappointed as members of the Human Services Committee for terms ending June 30, 2003, by the following vote:

FOR MS. THOMPSON, MS. BOARD, MS. JACKSON, MS. BRYANT AND MR. RADCLIFFE: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

COMMITTEES-FLOOD REDUCTION/CONTROL: The Mayor advised that the terms of office of R. H. Bennett, Bill Tanger, Lucian Y. Grove, Kathy S. Hill, Mack D. Cooper, II, E. L. Noell, Dennis Tinsley, Read A. Lunsford, and Edgar V. Wheeler as members of the Flood Plain Committee will expire on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Lucian Y. Grove, Kathy S. Hill, Mack D. Cooper, II, E. L. Noell, Dennis Tinsley, Read A. Lunsford, Edgar V. Wheeler, and Sandra B. Kelly.

There being no further nominations, Messrs. Grove, Cooper, Noell, Tinsley, Lunsford, Wheeler, and Ms. Hill were reappointed and Ms. Kelly was appointed as members of the Flood Plain Committee for terms ending June 30, 2003, by the following vote:

FOR MESSRS. GROVE, COOPER, NOELL, TINSLEY, LUNSFORD, WHEELER, MS. HILL AND MS. KELLY: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

COMMITTEES-WAR MEMORIAL: The Mayor advised that the terms of office of Chris Slone, Robert O. Gray, Harold H. Worrell, Jr., Sloan H. Hoopes and Alfred C. Moore as members of the War Memorial Committee will expire June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the name of Alfred C. Moore.

There being no further nominations, Mr. Moore was reappointed as a member of the War Memorial Committee for a term ending June 30, 2003, by the following vote:

FOR MR. MOORE: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5.
(Council Members Harris and White were absent.)

PARKS AND RECREATION-COMMITTEES: The Mayor advised that the terms of office of E. C. Pace, III, William R. Dandridge, Carl H. Kopitzke, Steven Higgs, Richard Clark, Eddie Wallace, Jr., Betty Field and Michael A. Loveman as members of the Mill Mountain Advisory Committee will expire on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Steven Higgs, Richard Clark, Eddie Wallace, Jr., Betty Field and Michael A. Loveman.

There being no further nominations, Messrs. Higgs, Clark, Wallace, Loveman and Ms. Field were reappointed as members of the Mill Mountain Advisory Committee for terms ending June 30, 2003, by the following vote:

FOR MESSRS. HIGGS, CLARK, WALLACE, LOVEMAN AND MS. FIELD: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5. (Council Members Harris and White were absent.)

COMMITTEES-SPECIAL EVENTS: The Mayor advised that the terms of office of Sharon Metzler, Estelle H. McCadden, David W. Davis, III, William X Parsons, Dorothy L. Bull, Rodney E. Lewis, Amy W. Peck, Linda Gravely, Sherley E. Stuart, Kathy Wilson, Sabrina T. Law, H. Marie Muddiman, Cynthia D. Jennings, and Gloria Elliot as members of the Special Events Committee will expire on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of Estelle H. McCadden, David W. Davis, III, William X Parsons, Dorothy L. Bull, Rodney E. Lewis, Amy W. Peck, Linda Gravely, Sherley E. Stuart, Kathy Wilson, Sabrina T. Law, H. Marie Muddiman, Cynthia D. Jennings, and Gloria Elliot.

There being no further nominations, Messrs. Davis, Parsons, Lewis, Ms. McCadden, Ms. Bull, Ms. Peck, Ms. Gravely, Ms. Stuart, Ms. Wilson, Ms. Law, Ms. Muddiman, Ms. Jennings and Ms. Elliot were reappointed as members of the Special Events Committee, for terms ending June 30, 2003, by the following vote:

FOR MESSRS. DAVIS, PARSONS, LEWIS, MS. MCCADDEN, MS. BULL, MS. PECK, MS. GRAVELY, MS. STUART, MS. WILSON, MS. LAW, MS. MUDDIMAN, MS. JENNINGS AND MS. ELLIOT: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5. (Council Members Harris and White were absent.)

COMMITTEES-METROPOLITAN TRANSPORTATION DISTRICT: The Mayor advised that the terms of office of William D. Bestpitch and Sherman A. Holland as members of the Roanoke Valley Area Metropolitan Planning Organization will expire on June 30, 2002, and called for nominations to fill the vacancies.

Ms. Wyatt placed in nomination the names of William D. Bestpitch and Sherman A. Holland.

There being no further nominations, Messrs. Bestpitch and Holland were reappointed as members of the Roanoke Valley Area Metropolitan Planning Organization for terms ending June 30, 2005, by the following vote:

MESSRS. BESTPITCH AND HOLLAND: Council Members Hudson, Carder, Bestpitch, Wyatt and Mayor Smith----------5. (Council Members Harris and White were absent.)

FIRE DEPARTMENT-COMMITTEES-SPECIAL EVENTS: It was the consensus of Council to waive the City residency requirement for Harry F. Collins, Sr., as a member of the Board of Fire Appeals; and Gloria Elliot as a member of the Special Events Committee.

There being no further business, the Mayor declared the meeting adjourned at 5:55 p.m.

APPROVED

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

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

RALPH K. SMITH
Mayor

July 15, 2002

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

Dear Members of Council:

I would like 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

N:\CKSM1\AGENDA.02\CLOSED SESSION ON VACANCIES.DOC

ROANOKE
VIRGINIA, CHARTERED 1882

Office of the City Manager

July 15, 2002

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 to discuss the disposition of publicly-owned property pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Sincerely,

Darlene L. Burcham
City Manager

DLB/f

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

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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

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Authorize Execution of 2002/03 Community Development Block Grant (CDBG) Subgrant Agreement with Total Action Against Poverty (TAP)

Background:

Historically, TAP has received Community Development Block Grant (CDBG) funds from the City to provide emergency home repair services for elderly and disabled homeowners. On May 13, 2002, City Council authorized funding for emergency home repair services to elderly and disabled homeowners by Resolution No. 35848-051302, which approved submission of the City's 2002-2003 Consolidated Plan Action Plan to the U.S. Department of Housing and Urban Development (HUD). On June 17, 2002, City Council accepted the 2002-03 CDBG funds by Budget Ordinance No. 35914-061702 and Resolution No. 35915-061702.

Considerations:

In order to provide funding for TAP to provide emergency home repairs to elderly and disabled homeowners approved in the City's Consolidated Plan, City Council's authorization is needed to execute a subgrant agreement with TAP. Funding is available in Account No. 035-G03-0320-5080 in the amount of $100,000.00.

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CityWeb:www.ci.roanoke.va.us

Recommended Action:

Authorize the City Manager to execute a CDBG Subgrant Agreement with the TAP, similar in content to Attachment 1.

Respectfully submitted,

Darlene L. Burcham
City Manager

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Vickie S. Tregubov, Budget/Management Analyst

CM02-00148

AGREEMENT

THIS AGREEMENT, is made and entered into this ___ day of July 2002, by and between the following parties:

The Grantee - City of Roanoke
215 Church Avenue SW
Roanoke, VA 24011

and the Subgrantee - Total Action Against Poverty
In the Roanoke Valley, Inc.
P.O. Box 11683
Roanoke, VA 24022-1683

WHEREAS, Roanoke City Council approved by Ordinance No. XXXXX-0617902 and Resolution No. XXXXX-061702, adopted June 17, 2002, the 2002 budget for the Community Development Block Grant (CDBG) Program, and the Annual Update to the Consolidated Plan, wherein One Hundred Thousand and 00/100 Dollars ($100,000) of CDBG funds allocated to the Helping Elderly Live Pleasantly (HELP) program is available for program use; and

WHEREAS, TAP is experienced in providing services to and on behalf of citizens of low and moderate income, including verifying general eligibility of assistance programs, and in performing or arranging for the performance of residential repair and rehabilitation, and is the sole agency authorized to administer the Federally-funded HELP program in the City of Roanoke; and

WHEREAS, the United States Department of Housing and Urban Development ("HUD") has declared the use of CDBG funds for this purpose to be an eligible activity if carried out in accordance with applicable federal, state, and local statutes and regulations;

NOW, THEREFORE, the City and TAP do mutually agree as follows:

1. **SCOPE OF SERVICES:**

To provide emergency repairs to approximately 60 homes of elderly very low-income homeowners throughout the City of Roanoke, not including the SE quadrant of the City. The repairs will serve to improve each house and the neighborhood stock. Under this program, repairs to houses will address such problems as falling plaster, broken water lines, holes in roofs and the repair and/or replacement of furnaces.

The Subgrantee will contract out for all repair work. All Contractor(s) on this project will be properly licensed and insured. Work will be contracted out on a bid basis,

with the lowest bidder, consonant with experience and qualifications selected.

Objectives for this program are as follows:

Objective 1. By June 30, 2002, sixty (60) elderly and disabled households will be assisted with emergency home repairs thereby improving their overall safety and health and allowing them to continue living independently in their homes.

By September 30:

Objective 1 - Twenty (20) clients will receive the following services:

- By phone, verify program and income eligibility;
- Complete formal applications;
- Contractor and Services Coordinator will make a home visit to assess damages, take pictures and make cost estimates;
- Execution of contracts for repair work;
- Contractor completes the work for the 20 clients;
- Following completion of work, Service Coordinator will inspect the job, take pictures and have client complete client response form;
- Payment will be make to contractor following successful inspection of the job.

By December 31:

Objective 1 - The next ten (10) clients will receive the following services:

- By phone, verify program and income eligibility;
- Complete formal applications;
- Contractor and Services Coordinator will make a home visit to assess damages, take pictures and make cost estimates;
- Execution of contracts for repair work;
- Contractor completes the work for the 10 clients;
- Following completion of work, Service Coordinator will inspect the job, take pictures and have client complete client response form;
- Payment will be make to contractor following successful inspection of the job.

By March 31:

Objective 1 - The next ten (10) clients will receive the following services:

- By phone, verify program and income eligibility;
- Complete formal applications;
- Contractor and Services Coordinator will make a home visit to assess damages, take pictures and make cost estimates;
- Execution of contracts for repair work;
- Contractor completes the work for the 10 clients;
- Following completion of work, Service Coordinator will inspect the job, take pictures and have client complete client response form;
- Payment will be make to contractor following successful inspection of the job.

By June 30:

Objective 1 - Twenty (20) clients will receive the following services:

- By phone, verify program and income eligibility;
- Complete formal applications;
- Contractor and Services Coordinator will make a home visit to assess damages, take pictures and make cost estimates;
- Execution of contracts for repair work;
- Contractor completes the work for the 20 clients;
- Following completion of work, Service Coordinator will inspect the job, take pictures and have client complete client response form;
- Payment will be make to contractor following successful inspection of the job.

2. **TIME OF PERFORMANCE:**

This agreement shall be for the period of July 1, 2002 through June 30, 2003.

3. **BUDGET:**

The City of Roanoke will provide $100,000 in CDBG funds for the Helping Elderly Live Pleasantly (HELP) Program. The Community Development Block Grant funds will be used only for eligible repairs to homes occupied by very low-moderate income households throughout the City, not including the SE quadrant in accordance with the Helping Elderly Live Pleasantly (HELP) program guidelines.

4 **PAYMENT SCHEDULE and PROCEDURES:**

The total of all payments from the City to TAP under the terms of this contract shall

not exceed $100,000, including materials, expenses to TAP's subcontractors, building permits, and any other allowable costs.

This is a cost reimbursement contract. Requests for payment will be submitted to the Department of Management and Budget for review and approval. Funds will be disbursed monthly, as needed. Payment shall be made to the Subgrantee within ten (10) days from date of receipt of the request for payment, subject to the approval of the Grantee. Approval of each payment request will be subject to CDBG eligibility, and a copy of invoices and all other documents and records required by the City's Department of Management and Budget.

The Grantee reserves the right to refuse payment to the Subgrantee in the event that the Subgrantee submits a payment request more than thirty (30) calendar days after the expiration date of the Agreement.

5. **INDEMNIFICATION:**

Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep hold the City and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of Subgrantee including: (a) Subgrantee's use of the streets or sidewalks of the City or other public property; (b) the performance under this Agreement; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of Subgrantee to perform any duty imposed upon or assumed by Subgrantee by or under this Agreement. In the event that any suit or proceeding shall be brought against the City or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with Subgrantee on account thereof, Subgrantee upon notice given to it by the City or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the City or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgment being awarded against the City or any or its officers, employees, agents, volunteers or representatives, either independently or jointly with Subgrantee then Subgrantee will pay such settlement or judgment in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the City or any of its officers, employees, agents, volunteers or representatives harmless therefrom. Notwithstanding the foregoing, this indemnification provision shall not apply to any liability arising out of the negligence of the City of its officers, employees, agents, volunteers and representatives.

6. **COMPLIANCE WITH FEDERAL REGULATIONS:**

The Subgrantee agrees to abide by the HUD conditions for CDBG programs as set

forth in Attachment A and all other applicable federal regulations relating to specific programs performed hereunder. Further, the Subgrantee agrees to require compliance with applicable federal regulations of the contractor by agreement.

7. **UNIFORM ADMINISTRATIVE REQUIREMENTS:**

The Subgrantee shall comply with the requirements and standards of OMB Circular No. A-122, "Cost Principles for Non Profit Organizations" and with OMB Circular No. A-110.

8. **PROGRAM INCOME:**

"Program income" means gross income received by the Grantee or Subgrantee directly generated from the use of CDBG funds. No program income is expected.

9. **RECORDS AND REPORTS:**

The Subgrantee shall maintain full and accurate records with respect to all matters covered under this Agreement. All records pertaining to this Agreement and the services performed pursuant to it, shall be retained for a period of four (4) years after the expiration date of this Agreement or its amendments. Appropriate City and/or HUD personnel shall have free access to those records during the Agreement duration and the following four-year time period.

10. **CONFLICT OF INTEREST:**

No employee, agent, consultant, officer or appointed official of TAP, who is in a position to participate in a decision-making process or gain inside information with

regard to any CDBG activity, may obtain a personal or financial interest in any contract, subcontract or agreement with respect thereto, or in the proceeds thereunder, either for themselves, their family or business associates, during their tenure or for one (1) year thereafter.

11. **SUSPENSION AND TERMINATION**

Suspension or termination may occur if the Subgrantee materially fails to comply with any term of this award, and the award may be terminated for convenience by the Grantee or Subgrantee upon written notification to the awarding agency (HUD), setting forth the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated.

12. **SECTION 504:**

The Subgrantee agrees to comply with any federal regulation issued pursuant to

compliance with the Section 504 of the Rehabilitation Act of 1973, as amended which prohibits discrimination against the disabled in any federal assisted program.

13. **FAITH-BASED ORGANIZATIONS:**

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

14. **EMPLOYMENT DISCRIMINATION PROHIBITED:**

Pursuant to §23.1-20 of the Code of the City of Roanoke (1979), as amended, this Agreement being valued at over ten thousand dollars ($10,000.00), the Subgrantee shall be subject to the following:

(1) During the performance of this Agreement, the Subgrantee agrees as follows:

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

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

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

(2) The Subgrantee will include the provisions of the foregoing subparagraphs (1)(a), (b) and (c) in every subagreement, subcontract or purchase order of over ten thousand dollars ($10,000), so that the provisions will be binding upon each subgrantee, subcontractor or vendor.

15. **DRUG-FREE WORKPLACE TO BE MAINTAINED:**

Pursuant to §23.1-20.1 of the Code of the City of Roanoke (1979), as amended, this Agreement being valued at over ten thousand dollars ($10,000.00), the Subgrantee shall be subject to the following:

1. During the performance of this Agreement, the Subgrantee agrees to:

   a. Provide a drug-free workplace for the Subgrantee's employees;

   b. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

   c. State in all solicitations or advertisements for employees place by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and

   d. Include the provisions of the foregoing clauses in every subagreement, subcontract or purchase order of over ten thousand dollars ($10,000.00), so that the provisions will be binding upon each subgrantee, subcontractor or vendor.

2. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connections with a specific Agreement, subagreement or contract awarded to the Subgrantee in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Agreement, subagreement or contract.

16. **THIRD-PARTY CONTRACTS:**

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee.

17. **ANTI-LOBBYING:**

To the best of the Subgrantee's knowledge and belief, no federal appropriated funds have been paid or will be paid, by or on behalf of it, to any persons for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an office or employee of Congress, or an employee of a Member of congress in connections with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement. If any funds other than Federal funds have been paid or will be paid to any person for

influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this agreement, the Subgrantee will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying, " in accordance with its instructions.

18. **ENTIRE AGREEMENT**:

This Agreement, including all of its Exhibits, represents the entire agreement

between the parties and this Agreement shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

19. **GOVERNING LAW:**

This Agreement shall be governed by laws of the Commonwealth of Virginia.

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

ATTEST:

CITY OF ROANOKE

_____
Mary F. Parker, City Clerk

By_____
Darlene L. Burcham, City Manager

ATTEST:

TOTAL ACTION AGAINST POVERTY
IN THE ROANOKE VALLEY, INC.

_____
Secretary to the Board

By_____
Theodore J. Edlich, III, President

Approved as to Form:

Approved as to CDBG eligibility:

_____
Assistant City Attorney

_____
Department of Management and Budget

Appropriation and Funds Required for this Agreement Certified:

_____
Director of Finance
Date: _____
Account No. 035-G03-0320-5080
$100,000

Approved as to Execution:

_____
Assistant City Attorney

SJT 7/8/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to enter into the 2002-2003 Community Development Block Grant (CDBG) subgrant agreement with Total Action Against Poverty (TAP) and any necessary amendments thereto to provide emergency home repair services for elderly and disabled homeowners.

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

1. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, a 2002-2003 CDBG subgrant agreement with TAP to provide emergency home repair services for elderly and disabled homeowners, as more particularly set out in the City Manager's letter to this Council dated July 15, 2002.

The form of said agreement, and any necessary amendments thereto, shall be approved by the City Attorney.

ATTEST:

City Clerk.

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of Council:

Subject: Acceptance of Juvenile Justice and Delinquency Prevention (JJDP) Title II Grant funds from the Department of Criminal Justice Services for Sanctuary's Aggression Replacement Training and Education Program (ARTEP)

Background:

ARTEP is an anger control program operated by Sanctuary Crisis Intervention staff. This program is designed to increase public safety and provide accountability to assaultive youth. The pilot for this program had a 94% success rate and continues to be a valuable addition to the continuum of services available in the treatment of juvenile offenders.

ARTEP provides a less costly alternative than incarceration of juvenile offenders. This program increases the options available to juvenile court judges.

This is the fourth year in a five-year funding cycle, with increasing local responsibility for funding. Revenue from JJDP has decreased to 50% of the project total in this the fourth year. Revenues from JJDP will decrease to 25% of the project total in the fifth year, to allow for local assumption of costs. The local cash match this year is $35,143. In FY 2003-2004, the local match will be $52,714.

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

Recommended Action(s):

Adopt a resolution accepting the $35,143 in Federal Funds from the Department of Criminal Justice Services, Grant #03-D3256JJ02, from Sanctuary's Aggression Replacement Training and Education Program.

Authorize the City Manager to execute the required Grant Acceptance, Request for Funds and any other forms required by the Department of Criminal Justice Services in order to accept these funds.

Appropriate $35,143 in state funds to revenue and expenditure accounts in the grant fund to be established by the Director of Finance as detailed in Attachment A. The local match for this grant is in the Crisis Intervention Center budget.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:tem

Attachments

c: Rolanda A. Johnson, Assistant City Manager for Community Development
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Barry L. Key, Director of Management and Budget
Glenn D. Radcliffe, Director of Human/Social Services
Carol Wright, Juvenile Justice Administrator

#CM02-00157

Attachment A

ARTEP FUNDS 2002/2003 Account Set-up Transactions		
Account No.	Description	Amount
	Revenue 2002/2003 DCJS Grant	$35,143
	Total Revenue	$35,143
Expenditures:		
1002	Regular Salaries	$18,835.00
1004	Temporary Employees	$5,905.00
1115	ICMA	$1,754.00
1116	ICMA Match	$650.00
1120	FICA	$1,943.00
1125	Health	$2,748.00
1126	Dental	$202.00
1130	Life	$185.00
1131	Long term disability	$53.00
2021	Cell phone	$1,080
2030	Administrative Supplies	$782
2046	Travel/Mileage	$1,006
	Total Expenditures	$35,143

AHS

THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

Appropriations

Health and Welfare	$ 3,369,753
Aggression Replacement Training and Education Program	
FY03 (1-12).	35,143

Revenues

Health and Welfare	$ 3,369,753
Aggression Replacement Training and Education Program	
FY03 (13).	35,143

1) Regular Salaries	(035-630-5097-1002)	$ 18,835
2) Temporary Employees	(035-630-5097-1004)	5,905
3) ICMA	(035-630-5097-1115)	1,754
4) ICMA Match	(035-630-5097-1116)	650
5) FICA	(035-630-5097-1120)	1,943
6) Medical Insurance	(035-630-5097-1125)	2,748
7) Dental Insurance	(035-630-5097-1126)	202
8) Life Insurance	(035-630-5097-1130)	185
9) Disability Insurance	(035-630-5097-1131)	53
10) Telephone-Cellular	(035-630-5097-2021)	1,080
11) Administrative Supplies	(035-630-5097-2030)	782
12) Local Mileage	(035-630-5097-2046)	1,006
13) State Grant Receipts	(035-630-5097-5097)	35,143

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.

D RC

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of a Juvenile Justice and Delinquency Prevention Title II Grant from the Department of Criminal Justice Services for the City's Crisis Intervention Center (Sanctuary) Aggression Replacement Training and Education Program; and authorizing the execution of the necessary documents.

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

1. The City of Roanoke hereby accepts the Juvenile Justice and Delinquency Prevention Title II Grant from the Department of Criminal Justice Services (Grant No. 03-D3256JJ02), in the amount of $35,143.00, to be used for the City's Crisis Intervention Center's (Sanctuary) Aggression Replacement Training and Education Program, as set out and described in the City's application for said grant, and as more particularly set forth in the City Manager's letter to this Council dated July 15, 2002.

2. The City Manager is hereby authorized to execute any and all requisite documents, including any documents providing for indemnification by the City as are required for the City's acceptance of this grant, upon form approved by the City Attorney, and to furnish such additional information as may be required in connection with the City's acceptance of this grant.

3. The City Manager is further directed to furnish such additional information as may be required by the Department of Criminal Justice Services in connection with the City's acceptance of the grant.

ATTEST:

City Clerk.

H:\RESOLUTIONS\R-Grant-CrimJustice-Sanctuary (7-15-02).wpd

ROANOKE
VIRGINIA, CHARTERED 1882

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Amendment No. 2 to "McCray Court Senior Living" Subgrant Agreement

Background:

Historically, the Northwest Neighborhood Environmental Organization (NNEO) has received Community Development Block Grant (CDBG) funds from the City to conduct housing and other community development projects in the Gilmer neighborhood. The original agreement for the NNEO "McCray Court Senior Living" project was executed September 26, 2000, and provided $300,000 in CDBG funds. On May 7, 2001, City Council authorized funding for continued architectural and engineering and construction costs associated with the "McCray Court Senior Living " project by Resolution No. 35319-050701, which approved the submission of the City's Annual Update to the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). On June 18, 2001, City Council accepted the 2001-2002 CDBG funds for Ordinance No. 35406-070201 and Resolution No. 35407-061801.

On May 13, 2002, City Council authorized funding for the continued architectural and engineering and construction costs associated with the "McCray Court Senior Living " project by Resolution No. 35848-051302, which approved the submission of the City's Annual Update to the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). On June 17, 2002, City Council accepted the 2002-2003 CDBG funds by Ordinance No. 35914-061702 and by Resolution No. 35915-061702.

Considerations:

A second amendment to the Agreement with NNEO is necessary in order to provide the additional funding for NNEO to continue to develop the McCray Court Senior Living project. Funding is available in Account No. 035-G03-0337-5297 in the amount of $277,750. This allocation will fulfill the City's financial commitment to NNEO in support of the McCray Court Senior Living Program.

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

Recommended Action:

Authorize the City Manager to execute Amendment No. 2 to "McCray Court Senior Living" Subgrant Agreement with NNEO, similar in content to Attachment 1.

Respectfully submitted,

Darlene L. Burcham
City Manager

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Vickie S. Tregubov, Budget/Management Analyst

CM02-00149

Amendment No. 2 to
2000-2001 Contract for Services

THIS AMENDMENT, entered into this day of August 2002 by and between the CITY OF ROANOKE (Grantee) and the NORTHWEST NEIGHBORHOOD ENVIRONMENTAL ORGANIZATION, INC. (Subgrantee).

WHEREAS, the Grantee and the Subgrantee have, by a Contract for Services under the Community Development Block Grant (CDBG) program, dated September 26, 2000 ("Agreement"), contracted for the provision of certain services by the Subgrantee to construct the community services building component of a 66 unit senior rental complex in relation to the McCray Court Senior Living program; and

WHEREAS, the Grantee has been authorized by its City Council pursuant to Resolution No. 35319-050701, adopted May 7, 2001, to provide Two Hundred Seventy Seven Thousand Seven Hundred Fifty Dollars and 00/100 ($277,750) towards the continued architectural and engineering and construction costs associated with the community services building component of a 66-unit senior rental complex allowing for consistency with the Scope of Services of the McCray Court Senior Living Program Agreement; and

WHEREAS, by Resolution No. 35407-061801, Roanoke City Council approved the 2001-02 Community Development Block Grant (CDBG) program and, by Ordinance No. 35406-070201, appropriated funds thereto.

WHEREAS, by Resolution No. 35497-080601, Roanoke City Council approved authorizing the execution of Amendment No. 1 to a Subgrant Agreement between the City and Northwest Neighborhood Environmental Organization dated September 26, 2000, for funding to develop the McCray Court Senior Living Project.

WHEREAS, the Grantee has been authorized by its City Council pursuant to Resolution No. 35848-051302, adopted May 13, 2002, to provide Two Hundred Seventy Seven Thousand Seven Hundred Fifty Dollars and 00/100 ($277,750) towards the continued architectural and engineering and construction costs associated with the community services building component of a 60-unit senior rental complex allowing for consistency with the Scope of Services of the McCray Court Senior Living Program Agreement; and

WHEREAS, by Resolution No. XXXXX-061702, Roanoke City Council approved the 2002-03 Community Development Block Grant (CDBG) program and, by Ordinance No. XXXXX-061702, appropriated funds thereto.

WHEREAS, by Resolution No. XXXXX-070802, Roanoke City Council approved authorizing the execution of Amendment No. 2 to a Subgrant Agreement between the City and Northwest Neighborhood Environmental Organization dated September 26, 2000, for funding to develop the McCray Court Senior Living Project.

NOW, THEREFORE, the Grantee and Subgrantee do mutually agree to amend:

Part I, Section 2, shall read as follows:

2. TIME OF PERFORMANCE:

This Agreement shall be for the period of July 1, 2000 through June 30, 2003.

Part I, Section 3, shall read as follows:

3. BUDGET:

The total amount of CDBG funds used for this project shall not exceed $855,500.00. At the sole discretion of the Grantee, any funds remaining unexpended as of the end date of this Agreement may be de-obligated from this Agreement and made available for other CDBG projects, as appropriate. The award of funds for this project shall not be construed to commit the Grantee to award other funding to this or any other project of the Subgrantee.

This Agreement shall remain unchanged in all other terms and provisions.

IN WITNESS WHEREOF, the Grantee and Subgrantee have executed this amendment as of the date first written above.

ATTEST:

By_____
Mary F. Parker, City Clerk

CITY OF ROANOKE:

By _____
Darlene L. Burcham, City Manager

SUBGRANTEE:

By _____
Witness

By _____
James Lesniak, Executive Director

APPROVED AS TO CDBG ELIGIBILITY

_____
Department of Management and Budget

APPROVED AS TO FORM

_____
Assistant City Attorney

APPROVED AS TO EXECUTION

Assistant City Attorney

APPROPRIATION AND FUNDS REQUIRED FOR THIS CONTRACT CERTIFIED

Director of Finance

Date: _____

Account No. 035-G01-0137-5297 $300,000.00
035-G02-0237-5297 $277,750.00
035-G03-0337-5297 $277,750.00

SJT
6/26/02

IN THE COUNCIL FOR THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing execution of Amendment No. 2 to the Subgrant Agreement dated September 26, 2000, between the City and the Northwest Neighborhood Environmental Organization, Inc., for additional funding to develop the McCray Court Senior Living Project.

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

1. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, Amendment No. 2 to the Subgrant Agreement dated September 26, 2000, between the City and the Northwest Neighborhood Environmental Organization, Inc., for additional funding to develop the McCray Court Senior Living Project, within the limits of funds set forth and for the purposes specified in the City Manager's letter to this Council dated July 15, 2002.

2. Amendment No. 2 shall be approved as to form by the City Attorney.

ATTEST:

City Clerk.

H:\RESOLUTIONS\R-Amend2McCray.wpd

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Lease Agreement Renewals for Use of City Water Tank Facilities

City Council approved and adopted the City of Roanoke Policy as to Wireless Telecommunications Facilities located on City property dated January 21, 1997 in accordance with the recommendation set forth in a report of the Water Resources Committee dated February 3, 1997.

The City currently has lease agreements with two (2) wireless communication providers: Triton PCS Property Company, L.L.C., and Virginia PCS Alliance, L.C., also doing business as NTELOS, which allows them to place their equipment on the City's water tanks and the property below. Triton and Virginia PCS have leases for the following three water tanks: (1) the Grandin Court (also called Creston Avenue) Elevated Water Tank No. 1; (2) the Summit Water Tank; and (3) the Washington Heights Water Tank. Triton also has a lease for the Mount Pleasant Water Tank. The term of each of these initial leases expires July 31, 2002. Each lease provides for up to two five year renewals upon mutual agreement of the parties.

The monthly rental was established in the terms of the first five year lease period at $750 per month plus the increase in the Consumer Price Index for each subsequent year. City staff conducted a market survey in the fall of 2001 and found the current market value of these sites to be considerably higher. The new rate schedule average over the five year lease is $1,445.00 per month.

As required by the lease agreements the companies were contacted in writing by the City, provided a new rate schedule, and requested to respond advising the

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CityWeb:www.ci.roanoke.va.us

City if they desired to renew their leases under the new rental rate terms. A copy of those letters is attached for your information.

Each provider has responded and expressed their desire to renew the lease agreements in accordance with the new rate structure, which will be effective August 1, 2002.

Each lease renewal will be for a period of five years, from August 1, 2002, through July 31, 2007, with a provision for up to one additional five year renewal upon mutual agreement of the parties. The other terms and conditions of the leases will continue in force substantially the same as they are currently.

Recommended Action:

Council approve the seven lease renewals as set forth above that will provide for increased rental payments to the City and authorize the City Manager to execute such lease renewal agreements with Triton PCS Property Company, L.L.C., and Virginia PCS Alliance, a Virginia Limited Liability Company, also d/b/a/ NTELOS, such agreements to be in a form approved by the City Attorney. Furthermore, authorize the City Manager to take such further actions or execute such additional documents as may be necessary to implement and administer such agreements.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:je

Attachments

c: Mary F. Parker, City Clerk
George C. Snead, Jr., Assistant City Manager for Operations
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Michael McEvoy, Director of Utilities
Jesse Perdue, Water Division Manager
Will Claytor, Director of Real Estate Valuation

#CM02-00158

May 9, 2002

Scott D. Basham, Vice-President of Engineering
and Operations
Triton PCS Property Company, L.L.C.
SunCom
100 Westgate Parkway
Richmond, VA 23233

Re: Lease Agreements for the Use of the Following City of Roanoke Water Tanks:
1) Washington Heights Water Tank
2) Summit Water Tank/Franklin Road
3) Grandin Court Elevated Water Tank No. 1/Creston Avenue
4) Mount Pleasant Water Tank

Dear Mr. Basham:

As a result of our letter of March 12, 2002 advising that the City intended to implement a substantial increase in monthly rental rates, your company requested that the City consider a reduction in the fees proposed.

We met with Mr. Frank Shortall on April 25, 2002 and discussed your concerns and the budgeting impact. The City is proposing a revised rate structure to increase rates over the lease term (per site) as follows:

$1000/month from August 1, 2002 through December 31, 2002.

$1325/month from January 1, 2003 through December 31, 2003.

$1550/month from January 1, 2004 through December 31, 2004.

$1675/month from January 1, 2005 through July 31, 2007.

We believe that this rate structure provides the relief you requested for the current budget year and recommend it for your acceptance. Please advise Jesse Perdue, Manager of the City's Water Division, at 541 Luck Avenue, Suite 118, Roanoke, VA 24016, 540-853-2601, within seven days, in writing, of your agreement with this revised rate structure in order that we can proceed with extensions of the current lease agreements. We will then refer this to the City Attorney's office to prepare the extension documents to forward to you for your review. After your review, the extensions will be presented to Council for its approval.

We also need you to advise us about the connection between SunCom and Triton PCS Property Company, L.L.C., so that we can determine if some modifications should be made to the Leases, if renewed, concerning the proper name of the tenant(s).

Sincerely,

Michael T. McEvoy
Director of Utilities

MTM/je

c: Triton Management Company, Inc., Attn: Treasurer
George C. Snead, Assistant City Manager of Operations
Jesse A. Hall, Director of Finance
Joe Slone, Director of Technology
Jesse H. Perdue, Jr., Manager, Water Division
Dana Long, Manager, Billings & Collections
William M. Hackworth, City Attorney

May 9, 2002

Beverly Lavender, Property/Lease Administrator
Virginia PCS Alliance, L.C.
1150 Shenandoah Village Drive
Waynesboro, VA 22980

Re: Lease Agreements for the Use of the Following City of Roanoke Water Tanks:
1) Washington Heights Water Tank
2) Summit Water Tank/Franklin Road
3) Grandin Court Elevated Water Tank No. 1/Creston Avenue

Dear Ms. Lavender:

As a result of our letter of March 12, 2002 advising that the City intended to implement a substantial increase in monthly rental rates, your company requested that the City consider a reduction in the fees proposed.

We met with Ms. Debbie Balzer and Mr. David Meenan on April 16, 2002 and discussed your concerns and the budgeting impact. The City is proposing a revised rate structure to increase rates over the lease term (per site) as follows:

$1000/month from August 1, 2002 through December 31, 2002.

$1325/month from January 1, 2003 through December 31, 2003.

$1550/month from January 1, 2004 through December 31, 2004.

$1675/month from January 1, 2005 through July 31, 2007.

We believe that this rate structure provides the relief you requested for the current budget year and recommend it for your acceptance. Please advise Jesse Perdue, Manager of the City's Water Division, at 541 Luck Avenue, Suite 118, Roanoke, VA 24016, 540-853-2601, within seven days, in writing, of your agreement with this revised rate structure in order that we can proceed with extensions of the current lease agreements. We will then refer this to the City Attorney's office to prepare the extension documents to forward to you for your review. After your review, the extensions will be presented to Council for its approval.

We also need you to advise us about the connection between NTELOS and Virginia PCS Alliance, L.C., so that we can determine if some modifications should be made to the Leases, if renewed, concerning the proper name of the tenant(s).

Sincerely,

Michael T. McEvoy
Director of Utilities

MTM/je

c: Virginia PCS Alliance, L.C., c/o CFW Wireless, Inc.,
Attn: Tom Whitaker, Director, Network Operations
George C. Snead, Assistant City Manager of Operations
Jesse A. Hall, Director of Finance
Joe Slone, Director of Technology
Jesse H. Perdue, Jr., Manager, Water Division
Dana Long, Manager, Billings & Collections
William M. Hackworth, City Attorney

R.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the proper City officials to enter into Lease Renewal Agreements between the City and Triton PCS Property Company, L. L.C. (Triton) for use of a portion of the following four City owned water tanks and sites on which those water tanks are located: the Washington Heights Water Tank; the Summit Water Tank; the Mount Pleasant Water Tank; and the Grandin Court Elevated Water Tank No. 1 (also known as Creston Avenue Elevated Water Tank No. 1); providing that such use shall be for the placement, operation, and maintenance of personal communication system antennas and related equipment, upon certain terms and conditions; authorizing the City Manager to take such further actions and execute such additional documents as may be necessary to implement and administer such Agreements; and dispensing with the second reading by title of this ordinance.

WHEREAS, the City and Triton entered into four separate Lease Agreements, each dated November 1, 1998, which were authorized by Ordinance No. 33992-090898, and which allowed Triton to use the above water tanks and sites for the purposes mentioned above and which Agreements provided for up to two five year renewals upon the mutual agreement of the parties; and

WHEREAS, Triton has requested the first five year renewal of each of the above leases to start on August 1, 2002, in accordance with the new rental rate terms referred to in the City Manager's letter dated July 15, 2002, which were established and were recommended by City staff; and

WHEREAS, City Council agrees that it is in the City's interest to accept the five year renewal of the above leases as requested by Triton.

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

1. The City Manager and City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, appropriate Lease Renewal Agreements with Triton PCS Property Company, L. L.C., for the use of a portion of the following four City owned water tanks and sites on which those water tanks are located: the Washington Heights Water Tank located in the 4100 block of Wyoming Avenue, NW; the Summit Water Tank located in the area of 4500 Franklin Road, SW, on the dead end of Summit Way Drive, SW (a private road); the Mount Pleasant Water Tank located in the area of the intersection of Redwood Road and Plateau Road; and the Grandin Court Elevated Water Tank No. 1 (also known as Creston Avenue Elevated Water Tank No. 1) located at the dead end of Creston Avenue, SW; such use will be for the placement, operation, and maintenance of personal communication system antennas and related equipment.

2. The term of such Lease Renewal Agreements will be for a period from August 1, 2002 through July 31, 2007, with up to one five year renewal upon mutual agreement of the parties, with a rental rate for each site as set forth below and upon such other terms and conditions as are deemed appropriate and as more particularly set forth in the above mentioned City Manager's letter to Council.

$1,000 per month from August 1, 2002 through December 31, 2002.

$1,325 per month from January 1, 2003 through December 31, 2003.

$1,550 per month from January 1, 2004 through December 31, 2004.

$1,675 per month from January 1, 2005 through July 31, 2007.

3. The City Manager is further authorized to take such further action and to execute such additional documents as may be necessary to implement or administer such Lease Renewal Agreements.

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

ATTEST:

City Clerk.

D.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the proper City officials to enter into Lease Renewal Agreements between the City and Virginia PCS Alliance, L.C., a Virginia Limited Liability Company also d/b/a NTELOS (Virginia PCS) for use of a portion of the following three City owned water tanks and sites on which those water tanks are located: the Washington Heights Water Tank; the Summit Water Tank; and the Grandin Court Elevated Water Tank No. 1 (also known as Creston Avenue Elevated Water Tank No. 1); providing that such use shall be for the placement, operation, and maintenance of personal communication system antennas and related equipment, upon certain terms and conditions; authorizing the City Manager to take such further actions and execute such additional documents as may be necessary to implement and administer such Agreements; and dispensing with the second reading by title of this ordinance.

WHEREAS, the City and Virginia PCS entered into two separate Lease Agreements, one dated August 1, 1997, and one dated August 1, 1998, which were authorized by Ordinance Nos. 33489-072197 and 33907-072098, respectively, and which allowed Virginia PCS to use the above water tanks and sites for the purposes mentioned above and which Agreements provided for up to two five year renewals upon the mutual agreement of the parties; and

WHEREAS, Virginia PCS has requested the first five year renewal of each of the above leases to start on August 1, 2002, in accordance with the new rental rate terms referred to in the City Manager's letter dated July 15, 2002, which were established and were recommended by City staff; and

WHEREAS, City Council agrees that it is in the City's interest to accept the five year renewal of the above leases as requested by Virginia PCS.

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

1. The City Manager and City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, appropriate Lease Renewal Agreements with Virginia PCS Alliance, L.C., a Virginia Limited Liability Company, also d/b/a NTELOS, for the use of a portion of the following three City owned water tanks and sites on which those water tanks are located: the Washington Heights Water Tank located in the 4100 block of Wyoming Avenue, NW; the Summit Water Tank located in the area of 4500 Franklin Road, SW, on the dead end of Summit Way Drive, SW (a private road); and the Grandin Court Elevated Water Tank No. 1 (also known as Creston Avenue Elevated Water Tank No. 1) located at the dead end of Creston Avenue, SW; such use will be for the placement, operation, and maintenance of personal communication system antennas and related equipment.

2. The term of such Lease Renewal Agreements will be for a period from August 1, 2002 through July 31, 2007, with up to one five year renewal upon mutual agreement of the parties, with a rental rate for each site as set forth below and upon such other terms and conditions as are deemed appropriate and as more particularly set forth in the above mentioned City Manager's letter to Council.

$1,000 per month from August 1, 2002 through December 31, 2002.

$1,325 per month from January 1, 2003 through December 31, 2003.

$1,550 per month from January 1, 2004 through December 31, 2004.

$1,675 per month from January 1, 2005 through July 31, 2007.

3. The City Manager is further authorized to take such further action and to execute such additional documents as may be necessary to implement or administer such Lease Renewal Agreements.

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

ATTEST:

City Clerk.

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

SUBJECT: Roanoke Valley Swimming, Inc. Lease and Agreement

Background:

Roanoke Valley Swimming, Inc. (RVSI), was created in 1988 as a 501(c)3 non-profit corporation to develop and promote a local competitive swimming team. On June 10, 1991, RVSI leased 1.366 acres from the City for the construction and operation of an indoor swimming pool. The facility was subsequently named the Gator Aquatic Center ("Facility").

Considerations:

A ten-year Deed of Lease Agreement ("Lease") with RVSI was authorized by City Council by Ordinance No. 30534-52891. The Lease expired on June 10, 2001. Following considerable discussion and negotiations, the parties have agreed to amend the Lease by executing a Deed of Lease Extension ("Extension") to provide for two additional five (5) year terms on certain additional terms and conditions. The proposed Extension provides for continued use of the Facility by the RVSI and the Roanoke City School Division for its "Learn to Swim Program." The Extension also allows the Gator Swim Team to use City outdoor pools up to 290 hours per summer for practice and increases the City's use of the Facility from 6 to 12 hours per week, such usage is nearly twice the current public use of the Facility which is permitted under the Lease.

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:

Authorize the City Manager to execute the attached Deed of Lease Extension, approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:kaj

c: Rolanda A. Johnson, Assistant City Manager for Community Development
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Steven B. Buschor, Director of Parks and Recreation
Dr. E. Wayne Harris, Superintendent of Roanoke City Schools
Richard Kelly, Assistant Superintendent of Operations of Roanoke City Schools

#CM02-00162

DEED OF LEASE EXTENSION

THIS DEED OF LEASE EXTENSION ("Extension") is made this 11th day of June, 2001, by and between the CITY OF ROANOKE ("Landlord"), a municipal corporation, organized under the laws of the Commonwealth of Virginia, and Roanoke Valley Swimming, Inc., ("Tenant").

WHEREAS, the Landlord and Tenant entered into a Deed of Lease ("Agreement") dated June 10, 1991, for the lease for an initial term of ten (10) years, renewable for two (2) additional five (5) year period, of certain premises identified in the Agreement for the construction and operation of a swimming facility;

WHEREAS, the Agreement permits the Tenant to extend the Agreement for two additional five (5) year periods, under certain terms and conditions; and

WHEREAS, the Landlord and the Tenant desire to extend the Agreement for one (1) additional five (5) year term, and amend the Agreement for that period of time.

NOW, THEREFORE, the parties hereby agree to amend the following paragraphs of the Agreement, and no others, as follows:

* * *

2. Terms of Lease. The initial term of this Lease shall be for a period of ten (10) years commencing on the date of this Agreement, unless otherwise earlier terminated in accordance with the terms hereof. Tenant may extend this Lease for two (2) additional renewal periods of five (5) years provided that: 1) Tenant has performed its obligations under this Agreement to the satisfaction of Landlord, and Tenant remains in possession and

continues to utilize the Premises as provided for herein; and 2) At least sixty (60) days prior to the expiration of the initial term or the renewal period, as appropriate, Tenant has provided Landlord with written notice of intent to renew. Unless otherwise clearly indicated by the context, the word "term" as used in this agreement shall refer to the initial term and any renewal periods. By executing a Deed of Lease Extension, the parties evidence their intent to extend the Agreement for the first of the two five-year renewal periods.

* * *

12. Insurance.

(a) Tenant shall, during the term of this Agreement, or any extension thereof, obtain and maintain in force, at its own expense, occurrence-type commercial general liability insurance, in minimum limits of one million dollars and no cents ($1,000,000.00) per occurrence and two million dollars and no cents ($2,000,000.00) aggregate, and three hundred thousand dollars and no cents ($300,000.00) fire legal liability. Such insurance shall name the City of Roanoke, its officers, agents, employees and volunteers as additional insureds with respect to the land lease and all operations of the Gator Aquatic Center. Written endorsement to that effect from the insurer shall be received by the Risk Management Officer, Department of Risk Management, Room 507, Noel C. Taylor Municipal Building, Roanoke, Virginia, within 30 days of execution of the Agreement, any extension thereof, and at least thirty (30) days prior to the expiration of any extension of the Agreement. Failure by the Tenant to comply strictly with the terms of this Paragraph No. 12 shall authorize the City Manager for the City to declare the Tenant in breach and to declare this Lease Extension, and the Agreement, void.

(b) Upon completion of the Building, Tenant shall keep the Building insured for the mutual benefit of the Landlord and the Tenant against:

(i) Loss or damage by fire, and such other risks as may be included in the standard form all-risk property insurance policy in an amount not less than 80% of the full insurable value and no coinsurance applies. Such policy shall include a replacement cost endorsement.

(ii) Loss or damage by explosion of high pressure steam boilers, air conditioning equipment, pressure vessels, motors, or similar apparatus now or afterwards installed in the Building by boiler and machinery insurance in a minimum limit to cause full replacement value of the building;

(iii) Such other hazards and in such amounts as Landlord may reasonably require provided that such insurance is then customarily maintained in buildings of similar construction, use and class in the area in which the Premises are located.

(c) Tenant shall, during the term of this Agreement, or any extension thereof, obtain and maintain in force, at its own expense, workers' compensation insurance within statutory limits, with waiver of subrogation endorsed by the insurer. Such endorsement shall be received by the Risk Management Officer, Department of Risk Management, Room 507, Noel C. Taylor Municipal building, Roanoke, Virginia, within 30 days of the execution of this Agreement, and at least thirty (30) days prior to the expiration of any extension of the Agreement.

(d) All insurance provided for herein shall be effected under standard form policies with insurance companies with Best Rating of A or better, or other insurance as may be approved by the Risk Management Officer, Department of Risk Management, authorized to do business in the State of Virginia. Upon commencement of the term of this Lease and thereafter no less than thirty (30) days prior to the expiration dates of said policies, Tenant shall furnish Landlord with certificates of insurance and policy declaration pages evidencing that the insurance required hereunder is in effect, and that the premiums therefor have been paid. Each policy delivered hereunder shall not be cancelled or materially altered without at least thirty (30) days prior written notice by certified mail to both Landlord and Tenant.

(e) Any loss paid to Tenant pursuant to subparagraphs (b)(1) through (b)(3) above shall be held by Tenant in trust for application to the cost of restoring, repairing, replacing, or rebuilding the Building, and Tenant shall commence such work at its expense within 60 days of receipt of insurance payments and shall diligently and expeditiously prosecute such work to completion.

* * *

20. Performance Bond. Prior to execution of any Deed of Lease Extension, and throughout the term of any such Lease Extension, Tenant shall provide a performance bond to secure Tenant's obligations hereunder, including without limitation, Tenant's obligation to operate and maintain the facility. Such bond shall be approved as to form by the Landlord's Attorney and shall be properly executed by Tenant as principal and a corporate surety authorized to transact business in the State of Virginia. The amount of the bond shall be five thousand dollars and no cents ($5,000.00). If approved by the Landlord, alternate form of

security which adequately protects the Landlord's interest may be used in lieu of the bond with corporate surety.

* * *

22. Notices. Any notice provided for in this Lease shall be in writing and sent by certified mail addressed as follows:

To Landlord:	Director, Parks and Recreation Department 210 Reserve Avenue, S.E. Roanoke, Virginia 24016
To Tenant:	Daniel Summerlin, III Woods Rogers & Hazlegrove PLC 10 South Jefferson Street, Suite 1400 Roanoke, Virginia 24011

Any notice or request so sent shall be considered given or made on the day it is mailed.

The address of either party for such notice, on request, may be changed by giving the other party written notice of the new address not less than fifteen (15) days before the effective date of the change.

* * *

29. Use of Premises.

(a) Unless otherwise agreed to by the parties, the facility shall be open to the public for swim time a minimum of 30 hours per week as follows:

Saturday and Sunday	12:00 p.m.	thru 5:00 p.m.
Monday thru Friday	6:00 a.m.	thru 8:00 a.m.
	and 7:00 p.m.	thru 9:00 p.m.

Tenant will provide qualified lifeguards during open swim time. At all other times, user shall provide or contract for lifeguard services. The number of lanes open to the public will be determined by agreement of the parties. In addition, the Roanoke City School Division shall have the option to use up to 50 percent of the pool for up to 25 hours per week with time available between the hours of 8:00 a.m. and 3:00 p.m. on school days. A reasonable usage fee will be negotiated annually between RVSI and the Roanoke City School Division. The City of Roanoke Parks and Recreation Department shall have the option to use all or part of the pool for up to 12 hours per week, at no cost to the City, with time available between the hours of 8:00 a.m. and 9:00 p.m. for departmental programs. The schedule for open swim time and for use by the School Division and Parks and Recreation Department shall be established before the beginning of each fiscal year quarter by agreement of the parties. The Gator Swim team will be allowed to utilize the City of Roanoke Parks and Recreation Department's outdoor 50 meter pools, up to 290 hours total for all of the pools and not per pool, at no cost to the Tenant, during the summer, as mutually agreed by the parties.

(b) Tenant may set fees to be charged the general public for open swim time as approved by the Director of Parks and Recreation for each year of operation beginning on July 1 of each calendar year.

(c) Should Tenant incur extraordinary expenses as a result of requirements of a governmental agency or as a result of other circumstances beyond control of Tenant, the rates to be charged to the general public for open swim and Department of Parks and Recreation usage may be revised with concurrence of the City Manager.

(d) All fees charged shall be billed to the respective entity and shall be paid within thirty (30) days of receipt of billing.

* * *

All other terms and conditions in the Agreement shall remain unchanged.

WITNESS the following signatures and seals:

ROANOKE VALLEY SWIMMING, INC.

ATTEST:

_____ By _____

(Title) _____ Its President

CITY OF ROANOKE

ATTEST:

_____ By _____

Mary F. Parker, City Clerk City Manager

STATE OF VIRGINIA §
§
CITY OF ROANOKE §

The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by _____, the _____ of Roanoke Valley Swimming, Inc., for and on behalf of the corporation.

My Commission expires: _____

_____
Notary Public

STATE OF VIRGINIA §
§
CITY OF ROANOKE §

The foregoing instrument was acknowledged before me this ____ day of _____, 2002, by _____, for and on behalf of the City of Roanoke.

My Commission expires: _____

_____
Notary Public

SJ 7/10/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the proper City officials to enter into a Deed of Lease Extension between the City of Roanoke and Roanoke Valley Swimming, Inc., for the lease and operation of certain City-owned property known as the Gator Aquatic Center, upon certain terms and conditions.

BE IT ORDAINED by the Council of the City of Roanoke that the City Manager and the City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, a Deed of Lease Extension dated June 11, 2001, with Roanoke Valley Swimming, Inc., for the use and operation of certain City-owned property known as the Gator Aquatic Center, effective beginning June 11, 2001, upon such terms and conditions as are more particularly described in the City Manager's letter to this Council dated July 15, 2002.

ATTEST:

City Clerk.

H:\ORDINANCES\O-Lease-GatorPool071502.wpd

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: New Agreement Permitting the Virginia National Guard To Use City Owned Armory

Background:

The City of Roanoke and the Commonwealth of Virginia, Department of Military Affairs (DMA) agreed on June 28, 1954, to construct an Armory to be utilized by the Virginia National Guard. The original use agreement stated that upon completion of the Armory, the National Guard was permitted to use the facility rent free, for 25 years. At the end of the original 25 years, the Armory became property of the City of Roanoke, and the National Guard was permitted to continue its use of the facility at no charge as a condition of the original agreement. The City has continued to pay all maintenance and utility costs since the completion of the Armory despite the City's limited use of the facility.

Considerations:

The agreement signed by the City and DMA in 1954 expired over 20 years ago, without a new agreement ever being executed. DMA is exploring options to construct a new facility, but desires to remain in the current City owned Armory until a new facility may be constructed. A new agreement has been proposed that permits the National Guard to continue its use of the Armory at no charge. The City will also be permitted to use the facility simultaneously on an as needed basis. However, due to the City's limited use, DMA will begin paying all utilities, custodial, and operational maintenance costs. The City will continue to handle all capital maintenance for the facility and the maintenance of the grounds. The City will realize potential savings of $50,000, with the proposed new agreement.

The term of the proposed agreement is 5 years, with either party having the option to terminate the agreement given 12 months notice.

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

Recommended Action:

Authorize the City Manager to offer and execute a new Use Agreement between the City of Roanoke and the Commonwealth of Virginia, Department of Military Affairs on the terms set forth above.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:slm

c: Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
William M. Hackworth, City Attorney
Elizabeth A. Neu, Director of Economic Development
Lynnis B. Vernon, Director of Facilities Management
Steven C. Buschor, Director of Parks and Recreation

CM02-00154

WMK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into a permit agreement with the Commonwealth of Virginia, Department of Military Affairs, for the use of City-owned property located at the National Guard Armory for use by the Department of Military Affairs, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

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

1. The City Manager and the City Clerk are authorized to execute and attest, respectively, in form approved by the City Attorney, an appropriate permit agreement with the Commonwealth of Virginia, Department of Military Affairs, setting forth the term of such permit and maintenance responsibilities between the parties, and as more particularly stated in the City Manager's letter to this Council dated July 15, 2002.

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

ATTEST:

City Clerk.

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

SUBJECT: Joint Use Agreement with City of Roanoke School Board

Background:

The present Joint Use Agreement between the City of Roanoke and the City of Roanoke School Board was adopted by City Council on November 11, 1957 by Resolution No. 13236 between the School Board and the Parks and Recreation Department. The purpose of the proposed Joint Use Agreement ("Agreement") is to assist in the planning the development and use of facilities in a manner which maximizes the benefits to the citizens of the City of Roanoke. The Agreement provides for the purchase of property for school facilities, the purchase of property adjacent to school facilities for community use or school use, the construction of new school facilities, the expansion or renovation of existing school facilities, and the use and maintenance of school and park facilities in a manner which will enhance the cultural, recreational, athletic and educational opportunities for the citizens of Roanoke.

Considerations:

City Council directed the City Manager to review and update the policies for property owned by the City and managed by Parks and Recreation that are jointly used by the School Board and Parks and Recreation. The Agreement covers a lot more than property which is managed by Parks and Recreation. The proposed Agreement (Attachment 1) updates the Joint Use policies to fit today's standards, and further emphasizes the City/School partnership as well as the need to maximize facility use and

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CityWeb:www.ci.roanoke.va.us

development. The proposed Agreement may be terminated by either party for any cause after providing sixty (60) days written notice. The City of Roanoke School Board has approved the proposed Agreement.

Recommended Action:

Authorize the City Manager to execute the proposed Joint Use Agreement with the Roanoke City School Board upon its being approved as to form by the City Attorney.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:kaj

Attachment

c: Rolanda A. Johnson, Assistant City Manager for Community Development
Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Steven C. Buschor, Director of Parks and Recreation
Glenn Asher, Risk Management Officer
Dr. E. Wayne Harris, Superintendent of City of Roanoke Schools
Richard Kelly, Assistant Superintendent of Operations, City of Roanoke Schools

#CM02-00160

CITY OF ROANOKE, VIRGINIA
JOINT USE AGREEMENT WITH CITY OF ROANOKE SCHOOL BOARD

THIS AGREEMENT (hereinafter referred to as "Agreement"), made and entered into this the 11th day of June, 2002, by and between the **CITY OF ROANOKE** ("City"), and **CITY OF ROANOKE SCHOOL BOARD** ("School Board").

WHEREAS, the School Board and the City of Roanoke Parks and Recreation Department ("Parks and Recreation") are service organizations and wish to plan the development and use of facilities in a manner which maximizes the benefits to the citizens of the City of Roanoke;

WHEREAS, by Resolution No. 13236, adopted November 11, 1957, the City Council for the City of Roanoke approved joint use policies between the School Board and Parks and Recreation;

WHEREAS, this Council has directed the City Manager to review and update the policies for property owned by the City and managed by Parks and Recreation that are jointly used by the School Board and Parks and Recreation;

WHEREAS, the Superintendent of Schools for the School Board ("School Superintendent") has reviewed the policies for property owned by the City and managed by the School Board that are jointly used by the School Board and Parks and Recreation;

WHEREAS, the parties to this Agreement wish to update the policies for property owned by the City and jointly used by the School Board and Parks and Recreation in order to

enhance the cultural, recreational, athletic and educational opportunities offered to the citizens of the City;

WHEREAS, the City Manager and the School Superintendent have drafted this joint use agreement, acceptable to each of them; and

WHEREAS, the City and the School Board wish to show their concurrent consent to the agreement prepared by the City Manager and the School Superintendent.

I. **Definitions**. For purposes of this Agreement, the following terms shall be defined as follows, unless the context of the term clearly indicates another meaning:

A. Community Use or Use by the Community: Use of a School Facility by citizens of the City through Parks and Recreation.

B. Direct Costs: Costs which are incurred directly and solely because of a program being held. Such costs may include wages, FICA, costs for professional services, advertising, utilities used when a facility would not be otherwise used, chemicals, printing or duplication costs, supplies, and equipment purchase, repair, or rental.

C. Park Facility: Buildings, structures, or land owned by the City and managed by the City primarily through Parks and Recreation.

D. School Buildings: Buildings or structures which are School Facilities.

E. School Facility: Buildings, structures, or land owned by the City and managed primarily by the School Board.

F. School Use, or Use by the School Board: Use of a Park Facility by citizens of

the City through the School Board.

II. **Purchase of property for School Facilities and purchase of property adjacent to School Facilities for Community Use or School Use (collectively referred to as "Property")**.

A. The decision of whether to purchase Property shall be jointly made by the School Board and the City.

B. The decision of whether to purchase Property shall include consideration of the potential use of the Property by the School Board and use of the Property by the community, applicable State Department of Education regulations, the topography of the Property, the accessibility of the Property for its users, the density of the population in the vicinity of the Property, the anticipated growth in the population in the vicinity of the Property, and the adaptability of the Property for Use by the School Board and Community Use.

C. The purchase price for the Property shall be shared by the City, through Parks and Recreation, and the School Board by mutual agreement according to the use contemplated by each party.

D. The School Superintendent, the Director of Parks and Recreation and the City Manager shall communicate with the School Board and City Council to ensure appropriate consideration and action by those governing bodies.

III. **New construction, expansion or renovation of School Facilities**.

A. The School Board shall have the sole responsibility for the planning, design

and construction of new School Facilities, and the expansion or renovation of School Facilities.

B. The City, through Parks and Recreation, shall participate in the planning, design and construction of new School Facilities, and the expansion or renovation of School Facilities, such as swimming pools, gymnasiums, playgrounds, fitness centers, athletic fields, and all other features and amenities that may be of recreational benefit to the community.

C. The planning, design and construction of new School Facilities, and the planning, design and construction of expanded or renovated School Facilities, shall take into account the applicable guidelines promulgated by the American Association of School Administrators and the National Recreation and Park Association.

D. Whenever new School Facilities are constructed, or whenever School Facilities are expanded or renovated, the Community Use of such new School Facilities, or expanded or renovated School Facilities, shall be considered as a significant purpose for the new construction, expansion or renovation and not an incidental use, of such School Facilities.

1. Restroom facilities and parking areas of such School Facilities shall be located so that when such School Facilities are Used by the Community, the restroom facilities and parking areas are conveniently accessible.

2. Special consideration for joint use by the School Board and the Use by the Community should be given to gymnasiums, auditoriums, cafeterias, swimming pools, classrooms and fitness centers. School Facilities shall be designed and constructed when feasible so that only those portions being used can be opened, heated or lit, and unused portions will not need to be opened, heated or lit when not in use.

3. Community Use of School Facilities shall not interfere with scheduled use of School Facilities. School Use of Park Facilities shall not interfere with scheduled use of Park Facilities.

4. Whenever possible, portions of School Facilities which may be Used by the Community shall be adjacent to one another and conveniently accessible by such users of such School Facilities.

E. If renovation or expansion of a School Facility will primarily permit Community Use of the School Facility, the City, through Parks and Recreation, may provide additional capital improvement funds needed for such a renovation or expansion as negotiated by the parties.

F. The City, through Parks and Recreation, may contribute to the cost of the construction of a new School Facility, or the renovation or expansion of the same, if such School Facility will be Used by the Community.

G. Whenever a School Facility may be enlarged or altered to better permit Community Use, the cost of such enlargement or alteration required to

accommodate such Community Use may be provided by the City through capital improvement funds.

H. The School Board shall pay the cost of development, including the cost of grading, drainage, fencing and landscaping, for the construction of new School Facilities, or the renovation or expansion of School Facilities. However, the City, through Parks and Recreation, may share in such costs of development based on the mutual agreement of the parties.

IV. **Use of School Facilities and Park Facilities**.

A. The School Board and the City, through Parks and Recreation, shall, whenever possible, use School Facilities and Park Facilities jointly where such joint use does not interfere with the purpose for which the facility was primarily designed. For purposes of this Agreement, the School Board shall be considered the governing agency for School Facilities, and Parks and Recreation shall be considered the governing agency for Park Facilities. The City, through Parks and Recreation, and the School Administration shall meet at least quarterly to discuss and agree to specify scheduling and maintenance needs for the use of School Facilities and Park Facilities. The specific schedules for the use of School Facilities and Park Facilities shall be provided in a timely fashion.

B. The use of the Civic Center and Victory Stadium by the School Board, and the use of fitness centers in School Facilities, shall not be subject to this

Agreement and shall be subject to other agreements between the City and the School Board.

C. An employee of the School Board, or any employee of the City, or a mutually agreed upon responsible designee, will be present whenever Community Use of a School Facility occurs.

D. The priority for use of School Facilities shall be: 1) School Board programs; 2) Community Use; and 3) general public use.

E. The priority for use of Park Facilities shall be: 1) Parks and Recreation programs; 2) School Use; and 3) general public use.

F. The School Board shall be responsible for the Direct Costs incurred by the City as a result of the School Use of Park Facilities during weekend or holiday use, and Parks and Recreation shall be responsible for the Direct Costs incurred by the School Board as a result of the Community Use of School Facilities during weekend or holiday use.

G. During weekdays, appropriate school staff shall be responsible for the School Use of Park Facilities and shall be provided keys to open and close gates as needed and turn on and off lights as necessary.

1. Each party shall be permitted access to the other party's facilities when use of the facility is agreed upon by the parties.

2. The parties shall agree upon the amount of adult supervision or number of security guards needed for the use of any party's facility by the other party.

H. The School Board shall be responsible for the daily maintenance of School Facilities, and Parks and Recreation shall be responsible for the daily maintenance of Park Facilities.

1. If damage to a governing agency's facility results from use by an activity sponsored by the other agency, then the agency using the facility shall pay for the cost of maintenance and repair.

a. A party's duty to maintain a facility under this subsection shall not include maintenance arising out of wear and tear from ordinary use. The determination of whether wear and tear arises from ordinary use shall be agreed upon by the School Superintendent and the Director of Parks and Recreation.

b. A party's duty to maintain a facility under this subsection shall not include maintenance caused by negligence of the other party's employee.

2. The party sponsoring an event will be responsible for the cost of repair of damage (other than reasonable wear and tear from ordinary use or damage caused by the negligence of the other party's employee) to a

facility caused by any citizen using the facility during an event sponsored by that party.

3. A minimum of seven (7) days notice shall be provided to Parks and Recreation in order for recreation fields to be prepared.

V. **General Provisions**.

A. Term: The term of this Agreement shall be ten (10) years from the date of the Agreement.

B. Termination: Either party may terminate this Agreement for any cause after providing sixty (60) days written notice. The party terminating this Agreement shall not be liable for any penalty or damages due to the termination.

C. Insurance: The School Board shall name the City, its officers, agents, employees and volunteers as additional insureds, and the City shall name the School Board, its officers, agents, employees and volunteers as additional insureds, as their interests may appear on the appropriate liability policies with minimum limits of One Million Dollars ($1,000,000.00) per occurrence and One Million Dollars ($1,000,000.00) aggregate. All insurance correspondence shall be sent to the City of Roanoke, c/o Risk Management Officer, Room 506, Municipal Building North, Roanoke, Virginia 24011, and c/o Roanoke City School Board, Assistant Superintendent for Operations, P.O. Box 13145, Roanoke, Virginia 24031.

D. Notice: Notice under this Agreement shall be sent, in writing, by certified mail to the following persons:

If to the School Board: School Superintendent
Roanoke City School Board
P. O. Box 13145
Roanoke, Virginia 24031

If to the City: City Manager
Room 364 Noel C. Taylor Municipal Building
215 Church Avenue, S.W.
Roanoke, Virginia 24011

cc: Director of Parks and Recreation
210 Reserve Avenue
Roanoke, Virginia 24016

E. Successors and Assigns: 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.

F. Assignment: This Agreement and the rights and obligations hereunder may not be sold, assigned, or transferred at anytime by either party without the prior written consent of the City Manager.

G. Captions and Headings: The section captions and headings are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.

H. Cooperation: Each party agrees to cooperate with the other in executing any documents necessary to carry out the intent and purpose of this Agreement.

I. Entirety of Agreement: This Agreement represents the entire Agreement between the parties, and this Agreement shall not be modified, amended, altered or changed, except by written agreement executed by the parties.

WITNESS the following signatures and seals:

CITY OF ROANOKE, VIRGINIA

ATTEST:

By_____
City Manager

_____
Mary F. Parker, City Clerk

ROANOKE CITY SCHOOL BOARD

ATTEST:
Cindy H. Lee
(Title) School Board Clerk

E. Wayne Harris
School Superintendent

Approved as to Form:

_____
Assistant City Attorney

Approved as to Execution:

_____
Assistant City Attorney

SJT 2/9/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager to execute a joint use agreement between the City of Roanoke and the City of Roanoke School Board which relates to practices and policies pertaining to the purchase of property for school facilities, the purchase of property adjacent to school facilities for community use or school use, the construction of new school facilities, the expansion or renovation of existing school facilities, and the use and maintenance of school and park facilities, upon certain terms and conditions.

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

1. The City Manager and the City Clerk are hereby authorized on behalf of the City to execute and attest, respectively, the joint use agreement between the City of Roanoke and the City of Roanoke School Board which relates to practices and policies pertaining to the purchase of property for school facilities, the purchase of property adjacent to school facilities for community use or school use, the construction of new school facilities, the expansion or renovation of existing school facilities, and the use and maintenance of school and park facilities, upon such terms and conditions, as more particularly set out in the City Manager's letter to this Council dated July 15, 2002.

2. The form of such agreement shall be approved by the City Attorney.

ATTEST:

City Clerk.

H:\RESOLUTIONS\R-Joint Use Agreement 071502.wpd

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Appropriation of Funds from Bond Proceeds for the South Jefferson Redevelopment Area

Background:

On March 19, 2001, the Roanoke City Council executed a Cooperation Agreement with the Roanoke Redevelopment and Housing Authority (RRHA) to develop the Riverside Centre for Research and Technology. Also on March 19, 2001, City Council entered into a Performance Agreement with Carilion Health System (CHS) and Carilion Biomedical Institute (CBI) that stated the City's dedication to the project and CBI's intention of being one of the first tenants of the new park. On March 19, 2001, the Roanoke City Council approved the redevelopment plan for the South Jefferson Redevelopment Area.

In the past 15 months, RRHA has begun to purchase the required sites for development by CHS/CBI as a part of Phase 1 of the project, as well as move businesses from the area to other sites. The budget approved in the Cooperation Agreement with RRHA is $14.0 million. Last year $5.0 million was appropriated ($4.0 million from bond proceeds and $1.0 million from Capital Projects Fund interest earnings) and RRHA has spent most of this at this time in acquiring land and relocating businesses, as well environmental studies and remediation for the area.

At this time, the expenses of RRHA for Phase 1 have been within the original expectations of the City and RRHA.

Considerations:

Redeveloping the South Jefferson Area into the Riverside Centre for Research and Technology is a priority of the City of Roanoke, and in order to keep the project on target, additional funds need to be made available to RRHA. The Riverside Centre is expected to provide one million square feet of building space, attract several million dollars of private investment and provide over 1000 new technical jobs.

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

Recommended Action:

Appropriate $8.0 million from Series 2002 Bond Proceeds, account 008-530-9711 to the South Jefferson project, account 008-052-9633. This will allow RRHA to continue the work outlined in the Cooperation Agreement dated March 19, 2001. These funds are a part of the $14.0 million approved by Council for the project on March 19, 2001.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/sem

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

CM 02-00150

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

Appropriations

Economic Development	$	32,908,040
South Jefferson Redevelopment Project (1)		13,332,931
Capital Improvement Reserve	$	7,686,139
Public Improvement Bonds - Series 2002 (2).		5,000,000

1) Appropriated from Series 2002 Bond Issue	(008-052-9633-9076)	$ 8,000,000
2) Riverside Center for Research and Technology	(008-530-9711-9187)	(8,000,000)

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

ATTEST:

City Clerk.

ROANOKE
VIRGINIA, CHARTERED 1882

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Acceptance of Property for Stadium/Amphitheater Site

Pursuant to City Council's authorization, the City Manager has acquired several properties across Orange Avenue from the Roanoke Civic Center for the purpose of constructing a multipurpose Stadium/Amphitheater facility.

Calvin Powers has agreed to donate to the City a parcel for this project containing approximately one-half acre identified as tax no. 3070321. This parcel is shown on Attachment #1 (shaded area).

Recommended Action:

Authorize the City Manager to accept the donation of property identified by tax no. 3070321, subject to a satisfactory environmental site inspection.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB/sef

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator

#CM02-00159

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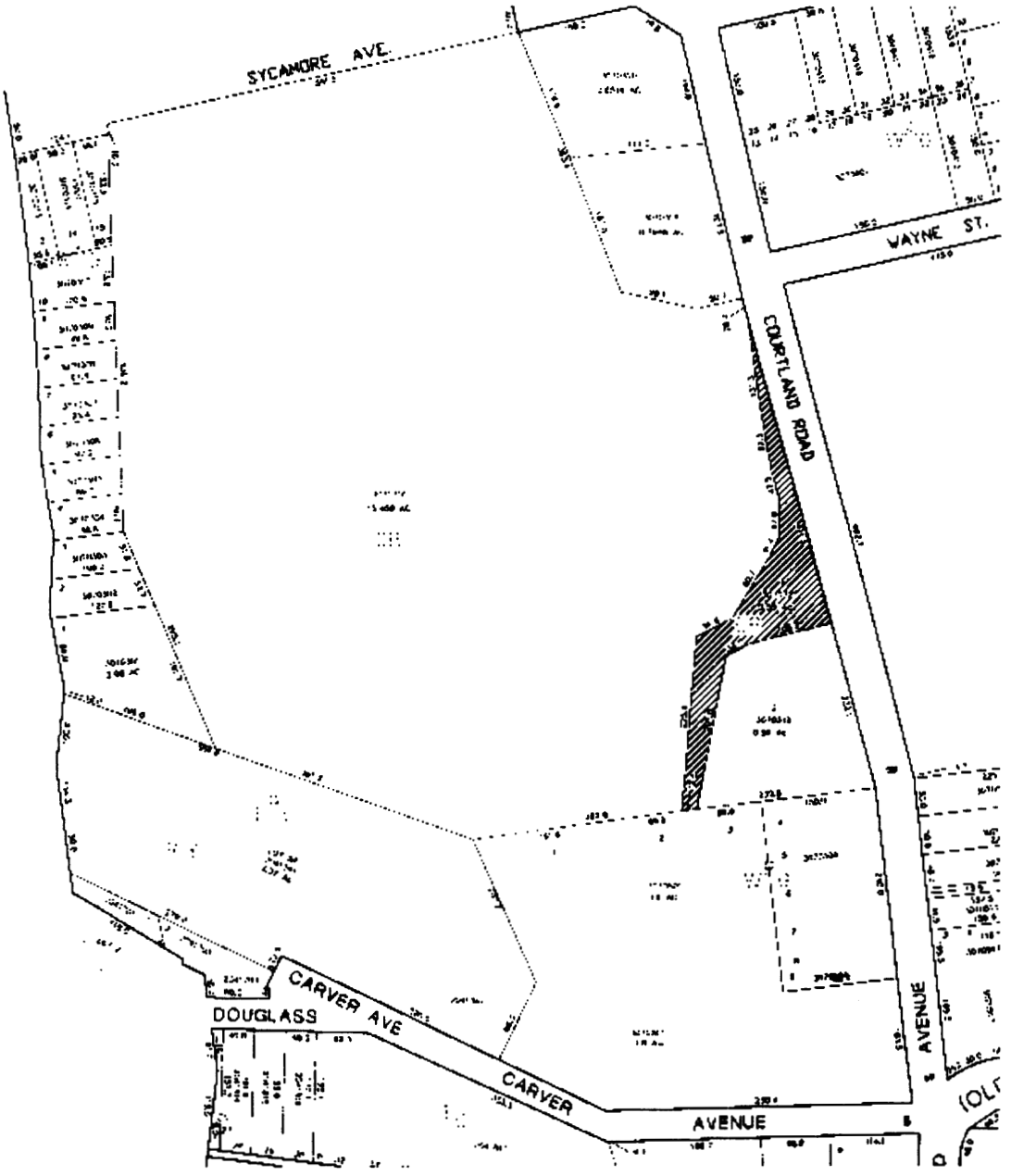
CityWeb:www.ci.roanoke.va.us

Attachment #1



DK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE providing for the acceptance of certain property rights needed by the City for the Stadium/Amphitheater Project, 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 Stadium/Amphitheater Project, the City wants and needs certain property identified by Roanoke City Tax No. 3070321, as more particularly set forth in the City Manager's letter to this Council dated July 15, 2002. The City Manager is authorized to accept the donation of these property rights, subject to applicable statutory guidelines. All requisite documents shall be upon form approved by the City Attorney.

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.

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Fleet Management Fund
Fuel Budget

Background:

In prior years all fuel purchases were handled by the City's Materials Control Fund. However, at the close of fiscal year 2002 the Materials Control Fund was closed due to discontinuation of the central warehouse function and all responsibilities related to the purchases of fuel were reassigned to the Fleet Management Fund.

Considerations:

Fuel for the City's underground tanks will be purchased by the Fleet Management Fund and subsequently billed to departments through the same billing process as in prior years. Budget increases of an equal amount in the Fleet Management Fund's revenue and expense estimates are needed for fiscal year 2003 to account for their new responsibilities. These recommended adjustments do not have a material impact on the City's General Fund Budget.

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

Recommended Action:

City Council approve the attached ordinance amending the revenue and expenses of the Fleet Management Fund for fiscal year 2003.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:afs

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

CM02-00161

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

Appropriations

Operating	$ 6,712,839
Fleet Management (1).	2,943,184

Revenues

Billings to Other Funds (2).	$ 2,280,041

1) Motor Fuel/Lube Purchases	(017-440-2641-3013)	$ 700,000
2) Billing for Motor Fuel and Lube	(017-110-1234-1279)	700,000

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

ATTEST:

City Clerk.

CITY OF ROANOKE
DEPARTMENT OF FINANCE

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

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

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

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

SUBJECT: Administrative Services Agreement between City of Roanoke and Roanoke Valley Detention Commission

Background:

The Roanoke Valley Detention Commission (the Commission) was established by the Cities of Roanoke, Salem and the Counties of Botetourt, Franklin and Roanoke. The Commission was created to renovate and construct an addition to the existing City Detention Center to increase the rated capacity to an eighty-one (81) bed facility and to equip, maintain, and operate the Center. Construction and renovation is now complete, allowing the Center to operate at full capacity.

In August 1998, the Director of Finance was appointed by City Council to serve as the temporary fiscal agent for the Commission. The City also contracted to provide accounting, payroll and retirement administrative services for the Commission for a fee of $40,000 annually.

Considerations:

The Commission has acquired software and established accounting procedures to perform accounting services in-house effective July 1, 2002. They also anticipate assuming the responsibility of processing payroll in-house effective January 1, 2003.

The attached Administrative Services Agreement provides for the City to transition accounting services and provide payroll services for the Commission through December 31, 2002 for a fee of $22,500. The City will continue to provide retirement administrative services for the Commission. The fee for the provision of retirement services will be determined by the annual Cost Allocation Plan for years beginning on and after July 1, 2003.

Recommended Action:

Authorize the City Manager to execute the attached agreement to provide accounting, payroll and pension services in accordance with the attached agreement.

Respectfully submitted,

Darlene L. Burcham
City Manager

Jesse A. Hall
Director of Finance

JAH/ca

Attachment

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Glenn D. Radcliffe, Director, Human Services

ADMINISTRATIVE SERVICES AGREEMENT

THIS AGREEMENT made and entered into this _____ day of _____, 2002, by and between the City of Roanoke, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to as "City," and the Roanoke Valley Detention Commission, hereinafter referred to as "Commission".

WITNESSTH:

In consideration of the mutual terms and conditions herein, the parties agree as follows:

Section 1. Term

This contract shall be effective on July 1, 2002 and will supercede any prior agreements. The initial term of the contract shall be for one (1) year and may thereafter be renewed with mutual consent of the parties from year-to-year. Should either party desire to change any of the terms or conditions of the contract, written notice shall be provided to the other party at least sixty (60) days prior to the end of the then-current contract year.

Section 2. Termination

Either party may, with sixty (60) days written notice to the other party, terminate this Agreement. In the event of termination in accordance with this section or Section 1 above, the City shall, upon payment by the Commission of all fees and costs due, or reimbursement by the City to the Commission of fees not yet incurred, return to the Commission all of the Commission's original materials held by the City, and both parties shall be released from any further obligations under this contract.

Section 3. Fees

During each agreement year, the Commission shall pay the City the sum equal to the amount of administration expense specified in the annual Central Services Cost Allocation Report for services provided under this Agreement. The first such payment will be paid to the City based on the Fiscal Year 2003 Cost Allocation Report and subsequent fees will be determined in like fashion. The payment will be made within 30 days of publication of the final report. An additional one time sum of $22,500 shall be made on or before July 30, 2002, to the City for accounting and payroll services provided under this Agreement for six months of service ending December 31, 2002. These services will include the compilation and distribution of any and all W-2 and 1099

forms for the calendar year 2002. On or after December 31, 2002, the City shall turn over any and all payroll and accounting records that are being held for the Commission. After this date, it is planned that the Commission will no longer require these services from the City. In the event this Agreement is terminated in accordance with Section 2, above, the fees due to be paid from the Commission to the City for services rendered or to be reimbursed by the City to the Commission for fees not yet incurred shall be prorated on a monthly basis.

Section 4. Services

A. **Accounting** The City shall maintain the records and accounts of the Commission, in accordance with generally accepted accounting principals for government entities consistently applied, for all the business activities related to the operation of the Detention Center. In addition, the City shall coordinate the annual audit work with outside auditors selected and paid for by the Commission. The City shall prepare the official annual financial report of the Commission as part of this Agreement for the fiscal year 2002. It is the plan of the Commission to assume all accounting functions other than payroll, pension administration, and insurance, starting July 1, 2002. This includes accounts payable, billing and general ledger functions. The City will compile and distribute any and all 1099 forms to vendors and contractors of the Commission to whom the City has made payments on behalf of the Commission for the period ending December 31, 2002.

B. **Payroll** The City shall prepare the bi-weekly payroll for the Commission employees and shall make payment to the proper agencies for withholding taxes and related deductions. All Commission employees will be paid by direct deposit to their individual bank accounts unless they are currently exempted under the City's direct deposit policy. All related payroll charges for salary benefits and employer match amounts will be charged directly to the Commission accounts. It is the plan of the Commission to assume payroll functions for the pay period beginning December 24, 2002. The actual last day worked for calendar year 2002 will be December 23. The City will compile and distribute any and all W-2 and 1099 forms that relate to Commission business for the period ending December 31, 2002.

C. **Pension Administration** Employees of the Commission shall be members of the City's Pension Plan, and the Commission shall pay any and all required contributions for such employees to the City as determined by the plan's actuary. The City shall provide all necessary related pension administrative services for Commission employees who are members of the City's Pension Plan. Beginning January 1, 2003, payments will be remitted by the Commission to the City on behalf of the Commission's employees. These payments will include the Commission's and employee's portion of contributions.

D. **Insurance** The City will allow the Commission to purchase for Commission employees health, dental, life and long-term disability insurance through the City's insurance programs. The City will also permit Commission employees to purchase additional insurance coverage, which the City makes available for its employees to purchase. The Commission will require payroll deductions or other mechanism for such purchase by the Commission employees, which the City requires for its employees. Beginning January 1, 2003, payments will be remitted to the City by the Commission on behalf of the Commission's employees. These payments will include the Commission's and employee's portion of insurance premiums. Should the contract term for an insurance program have an expiration date other than the expiration date of the Administrative Services Agreement, the City may discontinue the Commission's participation in the plan by rendering a 90 day written notice prior to the expiration date of the insurance program contract.

Section 5. Notice

Notice shall be deemed effective at the time that such is hand-delivered to the person designated below or sent simultaneously by certified mail, return receipt requested and First class mail to:

Jesse A. Hall
City of Roanoke
215 Church Ave., Room 461
Roanoke, VA 24011

John Chambliss
Roanoke County Administration
5204 Bernard Drive, S.W.
Roanoke, VA 24018

Section 6. **Compliance with Law – Employment discrimination by Commission prohibited.**

(A) During the performance of this contract, the Commission agrees as follows:

(1) The Commission will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor. The Commission agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

(2) The Commission, in all solicitations or advertisements for employees placed by or on behalf of the Commission will state that such Commission is an equal employment opportunity employer.

(3) 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.

(B) The Commission will include the provisions of the foregoing subparagraph (A)(1), (2) and (3), in every subcontract or purchase order of over ten thousand dollars ($10,000.00), so that the provisions will be binding upon each commission or vendor.

Section 7. Drug Free Workplace to be maintained by Commission.

(A) During the performance of this contract, the Commission agrees to:

(1) Provide a drug-free workplace for the Commission's employees;

(2) 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 commission's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(3) State in all solicitations or advertisements for employees placed by or on behalf of the Commission's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

a. Include the provisions of the foregoing clauses in every subcontract or purchase order of over ten thousand dollars ($10,000), so that the provisions will be binding upon each subcontractor or vendor.

IN WITNESS WHEREOF, the parties have on the above date, caused this Agreement to be executed by their duly authorized representative.

ATTEST: **ROANOKE VALLEY DETENTION COMMISSION**

(SEAL) _____ **BY:** John M Chambliss

Its: Chair

ATTEST: **CITY OF ROANOKE, VIRGINIA**

_____ **BY:** _____

Approved as to Form: Approved as to Execution:

_____ _____

City Attorney City Attorney

WMK

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing execution of an Administrative Services Agreement between the City of Roanoke and the Roanoke Valley Detention Commission, relating to the provision by the City of accounting, payroll and retirement administrative services for the Commission.

WHEREAS, pursuant to an Administrative Services Agreement dated May 1, 2000, the City has provided accounting, payroll and retirement administrative services to the Roanoke Valley Detention Commission, and the Commission is now in a position to perform certain of those services and is desirous of doing so effective January 1, 2003;

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that the City Manager and the City Clerk are hereby authorized to execute and to seal and attest, respectively, an Administrative Services Agreement with the Roanoke Valley Detention Commission providing for the City to continue to provide accounting and payroll services for the Commission through December 31, 2002, for a fee of $22,500, and providing for the City's continuing to provide retirement administrative services for the Commission; all in accordance with the recommendation set out in the report of the City Manager and Director of Finance, dated July 15, 2002, such Agreement to be in form approved by the City Attorney.

ATTEST:

City Clerk.

H:\MEASURES\r-detentionservicesagmt.1.doc

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Acceptance and Appropriation of Regional Competitiveness Program Funds

Background:

Prompted by a desire to enhance air service to and from the Roanoke Regional Airport, in January, 2001, the City applied for a $50,000 grant under the Regional Competitiveness Program, a state-funded program administered in this area by the Fifth Planning District Regional Alliance. The funds were to serve as the seed from which to grow a subsidy pool of over $800,000 to attract a carrier to increase low-cost daily flights between Roanoke and Dulles International. In March, 2001, the City received notice that its proposal was being allocated $45,000. Since that time, the City has reviewed its intended project concept and determined that a preliminary stage was needed to help focus the development efforts. A request was made to the Regional Alliance in January, 2002, that it allow the award to be used for consultant services, which would help create the public-private partnerships and action plans required to make progress. Final agreement on the terms of the revised use of funds was reached in May, 2002.

Considerations:

The terms of the revised agreement with the Regional Alliance provide a grant of $25,000 for consulting services, subject to the City providing an equal amount of matching funds. To expedite air service development activities, the City has engaged the services of Barry E. DuVal, President and CEO of Kaufman & Canoles Consulting, LLC, Newport News, Virginia. The one-year consulting services agreement began April 1, 2002, and provides a monthly retainer of $4,100, for a total compensation of $49,200, plus a maximum of $12,000 for normal business expense reimbursements. This maximum total commitment

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

of $61,200 for consulting services will be supported by the $25,000 grant of Regional Competitiveness Program funds and a commitment of $12,500 from Roanoke County, with the balance of $23,700 to be provided from the City Manager's Contingency. The City's and the County's contributions will also fully satisfy the match requirement to receive the Regional Competitiveness Funds.

Recommended Actions:

Accept the $25,000 Regional Competitiveness Program funds and the commitment of $12,500 from Roanoke County and appropriate these funds to an account to be established by the Director of Finance. Transfer funding of $23,700 from the Contingency to the same newly-established account.

Respectfully submitted,

Darlene L. Burcham
City Manager

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

CM02-00164

A415

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

General Fund

Appropriations

Nondepartmental	$ 69,600,968
Transfers to Other Funds (1)	68,632,726
Contingency - General Fund (2)	476,300

Grant Fund

Appropriations

Community Development	$ 107,300
Regional Competitiveness Program (3)	61,200

Revenues

Community Development	$ 107,300
Regional Competitiveness Program (4-6)	61,200

1) Transfer to Grant Fund	(001-250-9310-9535)	$ 23,700
2) Contingency	(001-300-9410-2199)	(23,700)
3) Fees for Professional Services	(035-650-9750-2010)	61,200
4) State Grant	(035-650-9750-9750)	25,000
5) Local Match - City	(035-650-9750-9751)	23,700
6) Local Match - County	(035-650-9750-9752)	12,500

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

ATTEST:

City Clerk.

CITY OF ROANOKE
DEPARTMENT OF FINANCE

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

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

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

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

At the close of fiscal year 2002, budgeted funds were obligated for outstanding encumbrances. Purchase orders or contracts were issued for goods and services as of the close of fiscal year 2002, but delivery of the goods or performance of the services had not been completed. Reappropriation of these funds carries forward the unspent budgets that were originally appropriated and are contractually obligated for the goods and services. The appropriation amounts are as follows:

General Fund	$ 2,433,798
Water Fund	339,381
Water Pollution Control Fund	385,331
Civic Facilities Fund	202,085
Parking Fund	3,250
Department of Technology Fund	83,903
Fleet Management Fund	512,179
School Fund	1,502,419
School Food Services Fund	6,330

I recommend that Council adopt the attached budget ordinances to reappropriate these funds into the current year budgets in order that these encumbrances may be properly liquidated.

Sincerely,

Jesse A. Hall

Jesse A. Hall
Director of Finance

JAH/THT/g
Attachments

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Richard L. Kelley, Assistant Superintendent of Operations
Robert H. Bird, Acting Purchasing Manager

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

Appropriations

Treasurer	$ 3,914
Clerk of Circuit Court	16,666
Juvenile and Domestic Relations Court Services	9,781
Juvenile and Domestic Relations Court Clerk	4,748
General District Court	8,231
Circuit Court	61,855
Commissioner of the Revenue	46
Sheriff	2,431
Jail	363,332
Commonwealth's Attorney	859
City Council	841
Municipal Auditing	42,100
Department of Finance	835
Billings and Collections	21,896
Electoral Board	6
City Manager	1,035
Economic Development	8,192
Human Resources	32,912
Department of Management and Budget	7,623
E911 Center	675
Telecommunications	2,627
Purchasing	2,127
Director of General Services	737
Custodial Services	57,139
Building Maintenance	565,798
Fire - Support	1,017
Fire - Operations	12,796
Fire - Airport Rescue	246
Emergency Medical Services	2,685

Transportation - Streets and Traffic	$ 108,365
Transportation - Paving	677,336
Transportation - Snow Removal	59,355
Transportation - Street Lighting	13,148
Transportation - Engineering and Operations	5,902
Solid Waste Management	200
Engineering	184,270
Building Services	5,375
Planning, Building and Development	15,690
Neighborhood Partnership	1,620
Housing & Neighborhood Services	3,420
Parks	79,141
Recreation	13,852
Community Education	1,276
Social Services - Administration	613
Income Maintenance	4,874
Social Services - Services	864
Outreach Detention	2,629
Youth Haven	1,476
Crisis Intervention	8,329
Police - Administration	112
Police - Investigation	270
Police - Patrol	9,175
Police - Services	3,102
Police - Training	232
Law Library	7
Environmental Services and Emergency Management	15
Total Appropriations	$ 2,433,798

Fund Balance

Reserve for Prior Year Encumbrances	$ 2,433,798

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

ATTEST:

City Clerk.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

Appropriations

Water - Operating	$ 790
Water - Pumping Stations	473
Water - Purification	113,310
Water - Capital Outlay	199,070
Utility Line Services	25,738
Total Appropriations	$ 339,381

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

ATTEST:

City Clerk.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Water Pollution Control Fund Appropriations, and dispensing with the second reading by title of this ordinance.

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

Appropriations

Water Pollution Control - Administration	$ 349,100
Water Pollution Control - Maintenance	5,467
Water Pollution Control - Operations	1,215
Water Pollution Control - Laboratory	174
Lateral Maintenance and Replacement	29,375
Total Appropriations	$ 385,331

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

ATTEST:

City Clerk.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

Appropriations

Operating	$ 24,572
Capital Outlay	168,304
Victory Stadium	9,209
Total Appropriations	$ 202,085

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

ATTEST:

City Clerk.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Parking Fund Appropriations, and providing for an emergency.

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

Appropriations

Gainsboro Surface Lot	$ 3,250
Total Appropriations	$ 3,250

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

ATTEST:

City Clerk.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Department of Technology Fund Appropriations, and providing for an emergency.

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

Appropriations

Information Technology Division	$ 83,903
Total Appropriations	$ 83,903

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

ATTEST:

City Clerk.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend and reordain certain sections of the 2002-2003 Fleet Management Fund Appropriations, and providing for an emergency.

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

Appropriations

Operating	$ 1,556
Capital Outlay	510,623
Total Appropriations	$ 512,179

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

ATTEST:

City Clerk.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

Appropriations

Instruction	$ 567,458
General Support	43,104
Transportation	13,160
Operation/Maintenance of Plant	311,709
Facilities	566,988
Total Appropriations	$ 1,502,419

Fund Balance

Reserve for Prior Year Encumbrances	$ 1,502,419

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

ATTEST:

City Clerk.

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

Appropriations

Food Services	$ 6,330
Total Appropriations	$ 6,330

Fund Balance

Reserve for Prior Year Encumbrances	$ 6,330

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.

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

July 15, 2002

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

Dear Members of Council:

As the result of official School Board action at its July 8 meeting, the Board respectfully requests City Council to approve the following appropriations:

- $54,081.00 for the Comprehensive School Reform (CSR) Grant to provide for the replication of successful intervention programs from other school divisions at Forest Park Elementary School. Forest Park will implement a basic skills program which includes staff development and remedial skills instruction. This continuing program is one hundred percent reimbursed by federal funds.
- $54,081.00 for the Comprehensive School Reform (CSR) Grant to provide for the replication of successful intervention programs from other school divisions at Highland Park Elementary School. Highland Park will implement a basic skills program which includes international baccalaureate, math, and reading skills instruction. This continuing program is one hundred percent reimbursed by federal funds.
- $54,081.00 for the Comprehensive School Reform (CSR) Grant to provide for the replication of successful intervention programs from other school divisions at Round Hill Montessori Magnet Primary School. Round Hill will implement a basic skills program which includes staff development and remedial skills instruction. This continuing program is one hundred percent reimbursed by federal funds.
- $54,081.00 for the Comprehensive School Reform (CSR) Grant to provide for the replication of successful intervention programs from other school divisions at Preston Park Elementary School. Preston Park will implement a basic skills program which includes staff development and remedial skills instruction. This continuing program is one hundred percent reimbursed by federal funds.

- $37,565.00 for the 2003 Title III Grant to provide services to students with limited English proficiency and to immigrant children. This new program is one hundred percent reimbursed by federal funds.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns
Dr. E. Wayne Harris
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy
Mr. William L. Murray
Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mrs. Ann H. Shawver (with accounting details)

CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461
P.O. Box 1220
Roanoke, Virginia 24006-1220
Telephone: (540) 853-2821
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JESSE A. HALL
Director of Finance
email: jesse_hall@ci.roanoke.va.us

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

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

- $54,081 for the Comprehensive School Reform (CSR) Grant to provide for the replication of successful intervention programs from other school divisions at Forest Park Elementary School. Forest Park will implement a basic skills program which includes staff development and remedial skills instruction. This continuing program is one hundred percent reimbursed by federal funds.

- $54,081 for the Comprehensive School Reform (CSR) Grant to provide for the replication of successful intervention programs from other school divisions at Highland Park Elementary School. Highland Park will implement a basic skills program which includes international baccalaureate, math, and reading skills instruction. This continuing program is one hundred percent reimbursed by federal funds.

- $54,081 for the Comprehensive School Reform (CSR) Grant to provide for the replication of successful intervention programs from other school divisions at Round Hill Montessori Magnet Primary School. Round Hill will implement a basic skills program which includes staff development and remedial skills instruction. This continuing program is one hundred percent reimbursed by federal funds.

- $54,081 for the Comprehensive School Reform (CSR) Grant to provide for the replication of successful intervention programs from other school divisions at Preston Park Elementary School. Preston Park will implement a basic skills program which includes staff development and remedial skills instruction. This continuing program is one hundred percent reimbursed by federal funds.

July 15, 2002

- $37,565 for the 2003 Title III Grant to provide services to students with limited English proficiency and to immigrant children. This new program is one hundred percent reimbursed by federal funds.

I recommend that you concur with this report of the School Board.

Sincerely,

Jesse A. Hall

Jesse A. Hall
Director of Finance

JAH/TL/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

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

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

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

Appropriations

Education	$131,096,810
Comprehensive School Reform Grant - Preston Park 2002-2003 (1-5)	54,081
Comprehensive School Reform Grant - Round Hill 2002-2003 (6-10).....	54,081
Comprehensive School Reform Grant - Forest Park 2002-2003 (11-19)...	54,081
Comprehensive School Reform Grant - Highland Park 2002-2003 (20-26)	54,081
Title III Grant 2002-2003 (27-40).....	37,565

Revenues

Education	$131,096,810
Comprehensive School Reform Grant - Preston Park 2002-2003 (41).....	54,081
Comprehensive School Reform Grant - Round Hill 2002-2003 (42).....	54,081
Comprehensive School Reform Grant - Forest Park 2002-2003 (43).....	54,081
Comprehensive School Reform Grant - Highland Park 2002-2003 (44)....	54,081
Title III Grant 2002-2003 (45).....	37,565

1) Supplements	(030-062-6101-6000-0129)	$ 3,250
2) Social Security	(030-062-6101-6000-0201)	250
3) In-Service Workshops	(030-062-6101-6000-0587)	15,789
4) Office Supplies	(030-062-6101-6000-0601)	22,270
5) Educational and Recreational Supplies	(030-062-6101-6000-0614)	12,522
6) Compensation of Teachers	(030-062-6102-6000-0121)	40,701
7) Supplements	(030-062-6102-6000-0129)	3,250
8) Social Security	(030-062-6102-6000-0201)	3,362
9) Retirement	(030-062-6102-6000-0202)	3,865

10) Health Insurance	(030-062-6102-6000-0204)	$ 2,903
11) Supplements	(030-062-6198-6000-0129)	3,250
12) Social Security	(030-062-6198-6000-0201)	250
13) Mileage	(030-062-6198-6000-0551)	4,500
14) Conventions/Education	(030-062-6198-6000-0554)	4,000
15) Testing/Evaluation/ Dissemination	(030-062-6198-6000-0584)	12,000
16) Other Miscellaneous Payments	(030-062-6198-6000-0586)	11,681
17) In-service Workshops	(030-062-6198-6000-0587)	12,000
18) Office Supplies	(030-062-6198-6000-0601)	400
19) Educational and Recreational Supplies	(030-062-6198-6000-0614)	6,000
20) Social Security	(030-062-6199-6000-0201)	1,095
21) Mileage	(030-062-6199-6000-0551)	4,500
22) Testing/Evaluation/ Dissemination	(030-062-6199-6000-0584)	6,688
23) Other Miscellaneous Payments	(030-062-6199-6000-0586)	3,669
24) In-service Workshops	(030-062-6199-6000-0587)	3,948
25) Educational and Recreational Supplies	(030-062-6199-6000-0614)	12,581
26) Addition - Machinery and Equipment	(030-062-6199-6000-0821)	21,600
27) Compensation of Teachers	(030-062-6263-6005-0121)	13,120
28) Social Security	(030-062-6263-6005-0201)	1,003
29) Retirement	(030-062-6263-6005-0202)	1,246
30) Health Insurance	(030-062-6263-6005-0204)	1,162
31) Conventions/Education	(030-062-6263-6005-0554)	4,000
32) Field Trips	(030-062-6263-6005-0583)	1,000
33) Educational and Recreational Supplies	(030-062-6263-6005-0614)	5,000
34) Compensation of Teachers	(030-062-6263-6105-0121)	6,773
35) Social Security	(030-062-6263-6105-0201)	518
36) Retirement	(030-062-6263-6105-0202)	643
37) Health Insurance	(030-062-6263-6105-0204)	600
38) Conventions/Education	(030-062-6263-6105-0554)	1,000
39) Field Trips	(030-062-6263-6105-0583)	500
40) Educational and Recreational Supplies	(030-062-6263-6105-0614)	1,000
41) Federal Grant Receipts	(030-062-6101-1102)	54,081
42) Federal Grant Receipts	(030-062-6102-1102)	54,081
43) Federal Grant Receipts	(030-062-6198-1102)	54,081
44) Federal Grant Receipts	(030-062-6199-1102)	54,081
45) Federal Grant Receipts	(030-062-6263-1102)	37,565

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

ATTEST:

City Clerk.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

June 17, 2002

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 Robert Evan, LLC, represented by Edward A. Natt, attorney, that a portion of Hite Street, S.W., extending from the southerly end of the existing cul-de-sac on Hite Street, S.W., in a southerly direction for approximately 371.06 feet, more or less, to the northerly line of the right-of-way of U.S. Route 220 be permanently vacated, discontinued and closed.

Planning Commission Action:

Planning Commission public hearing was held on May 16, 2002. By a vote of 5-0-1 (Mr. Campbell absent, Mr. Butler abstaining), the Commission recommended approval of the requested closure.

Background:

Hite Street has an existing cul-de-sac that has been dedicated to the City. The petitioner seeks the vacation of the remaining portion of Hite Street between the cul-de-sac and the street's southernmost limit where it abuts U.S. Route 220.

The Petitioner's original petition incorrectly stated the length of the right-of-way to be vacated as 371.06 feet. An amended petition was subsequently filed with a metes and bounds description and a map showing the length of the portion of right-of-way as 315.9 feet at its longest point.

The Planning Commission raised no questions with the Petitioner's attorney or Staff regarding the implications of vacating the portion of right-of-way. Mr. Rife

commented that it currently is being used for parking, to which the Petitioner replied that it was not and the site was vacant.

Mr. Rife also asked staff why the staff report recommendation to vacate the portion of right-of-way also included a recommendation not to sell the subject property, as is City Council's right. Staff replied that this issue had been discussed by staff with the City Attorney's office, the City Engineer, the Director of Real Estate Valuation, and the Assistant City Manager. Staff further explained that due to the lack of consensus on the issue of establishing a guideline to determine the circumstances by which right-of-way and/or alley should be sold when vacated, staff at this time has chosen not to draft an ordinance or any written guidelines pertaining to such. The disincentive of sale of such right-of-way and/or alley and the implications of establishing a precedent thereof, were also given by staff as additional reasons for the recommendation not to sell this portion of right-of-way.

This matter was clarified subsequent to the Planning Commission hearing by the City Attorney. He advised staff that the former Water Resources Committee decided that staff should make a recommendation in each report on the sale of right-of-way and alleys on a case-by-case basis. In all future reports staff will include a recommendation for or against the sale of right-of-way and alleys.

While staff recommended that the Petitioner not be required to purchase the portion of right-of-way, staff advised that City Council maintains the right to sell the portion of right-of-way. Mr. Manetta inquired of the City Attorney whether the Planning Commission has the legal authority to recommend the sale of right-of-way or alley. The City Attorney advised the Planning Commission that it does have the authority to recommend the sale of such property.

Mr. Manetta commented to staff and the City Attorney that this issue needs to be addressed since such properties were valuable when combined with adjoining parcels, and that the City should in some cases sell them. Mr. Manetta requested that staff make recommendations in the future as to whether such properties should be sold by City Council.

Considerations:

The parcels adjoining the portion of right-of-way are zoned C-2, General Commercial District. To the north the area is zoned RM-2, Residential Multifamily, Medium Density District.

The petitioner's property lies to the west of the portion of right-of-way and is presently vacant. To the east is a nursing home, which is bordered by vacant land to the south.

The area is served by City sewer and water. Staff received comments from American Electric Power (AEP), Roanoke Gas Company and Verizon. The latter stated

no objections to the petitioner's request. Both AEP and Roanoke Gas advised they have facilities in the area and would need to maintain easements. In addition, a sanitary sewer easement must be maintained.

The cul-de-sac and Route 220 effectively render the portion of right-of-way useless, as it cannot connect to any other right-of-way improvements.

Vision 2001-2020 recommends that the City's roads have connectivity between them, and that the development of cul-de-sacs should be avoided. However, connectivity is limited at Hite Street's southern end by Route 220.

City Council is authorized to sell this vacated portion of the right-of-way, if it so chooses. Section 15.2-2008 of the Virginia Code (1950), as amended, authorizes a City to require an abutting property owner to purchase the vacated right-of-way as a condition of the vacation. Under such an arrangement, the price may be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. Real Estate Valuation quoted the valuation range for this 14,601 square foot portion of Hite Street as $7,600 - $8,800, based on a rate of $1.30 - $1.50 per square foot less 60% for utility easements.

Recommendation:

By a vote of 5-0-1 (Mr. Campbell absent, Mr. Butler abstaining), the Planning Commission recommended approval of the requested closure contingent upon the items listed below. The portion of right-of-way in question has no utilitarian value to the City. The Planning Commission does not recommend sale of the portion of right-of-way.

A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

Robert Manetta

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

attachments
cc: Darlene L. Burcham, City Manager
Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Ed Natt, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:	)	
	)	**SECOND AMENDED**
Application of ROBERT EVAN, L.L.C. for	)	APPLICATION FOR VACATING,
vacation of that portion of Hite Street extending	)	DISCONTINUING AND CLOSING
from the southerly end of the existing cul de sac	)	OF STREET
in a southerly direction to the northerly line of the	)	
Right-of-Way of U.S. Route 220	)	

ROBERT EVAN, L.L.C. applies to have that portion of Hite Street extending from the southerly end of the existing cul de sac in a southerly direction to the northerly line of the Right-of-Way of U.S. Route 220, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This street is more particularly described on the map attached and as follows:

> That portion of Hite Street described as follows:
>
> Beginning at a point on the northerly right-of-way of U. S. Route 220 entrance ramp at the southeasterly corner of the property of Robert Evan, LLC; thence with the westerly line of Hite Street N. 27° 42' 50" W. 268.24 feet to a point; thence crossing Hite Street N. 62° 17' 28" E. 50 feet to a point; thence with the easterly line of Hite Street S. 27° 42' 50" E. 315.90 feet to the northerly right-of-way line of U. S. Route 220; thence with the same N. 73° 03' 55" E. 69.06 feet to the point and place of beginning, and containing 0.3352 acre.

The grounds for the application are as follows:

Hite Street, from the end of the existing cul de sac to the right-of-way of U.S. Route 220 serves no properties other than the property of the Petitioner and that of South Roanoke Nursing Home, Inc. Each of said parties is in agreement for the vacation of this undeveloped street. No additional properties can be served off of this street since the development of U.S. Route 220.

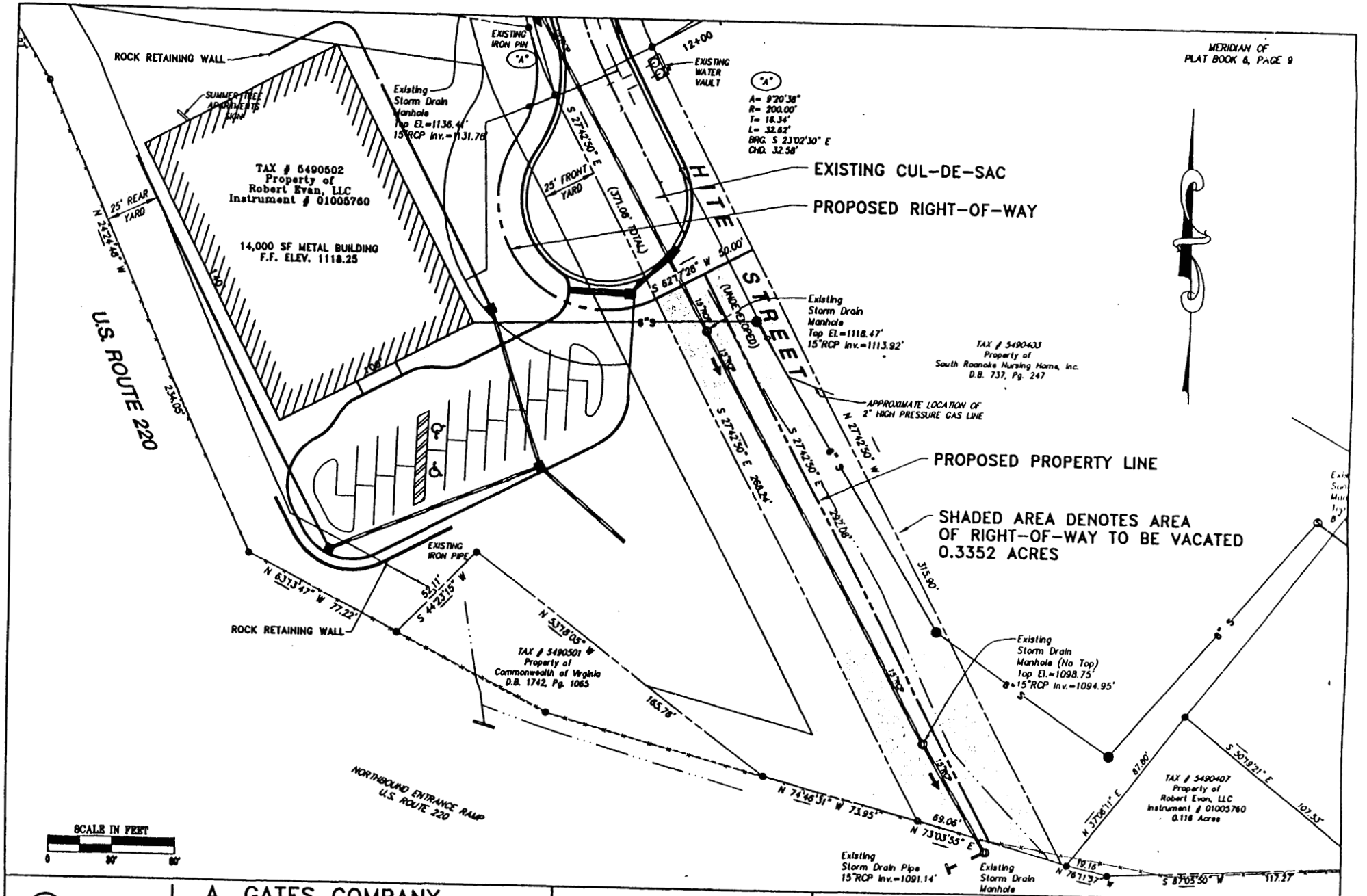
WHEREFORE, ROBERT EVAN, L.L.C. respectfully requests that the above-described street be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted,

ROBERT EVAN, L.L.C.

BY _____
Robert S. Freeman, Member

CONTACT:
Edward A. Natt, Esq.
3912 Electric Road
Roanoke, VA 24018
Phone: (540) 725-8180
Fax: (540) 772-0126



L. A. GATES COMPANY
ENGINEERS AND CONSULTANTS
306 MARKET STREET, SE
ROANOKE, VIRGINIA 24011
(540)342-8423 – FAX (540)342-8425
BECKLEY, WV CHARLESTON, WV ROANOKE, VA

ROBERT EVAN, L.L.C.
SUITE 200
3214 ELECTRIC ROAD, S.W.
ROANOKE, VIRGINIA 24018

ROBERT EVAN, L.L.C. – TAX #5490502

VACATED RIGHT-OF-WAY HITE STREET

CITY OF ROANOKE, VIRGINIA

DRAWN	CHECKED	DESIGNED	DATE	PROJECT ID NO		SHEET
DSG		DSG	MAY, 2002		SCALE: 1"=60'	1

SIT
6/26/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

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

WHEREAS, Robert Evan, LLC, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on July 15, 2002, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

> Beginning at a point on the northerly right-of-way of U.S. Route 220 entrance ramp at the southeasterly corner of the property of Robert Evan, LLC; thence with the westerly line of Hite Street N. 27° 42' 50" W. 268.24 feet to a point; thence crossing Hite Street N. 62° 17' 28" E. 50 feet to a point; thence with the easterly line of Hite Street S. 27° 42' 50" E. 315.90 feet to the northerly right-of-way line of U.S. Route 220; thence with the same N. 73° 03' 55" E. 69.06 feet to the point and place of beginning, and containing 0.3352 acre

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent

removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDINAED that prior to receiving all required approvals of the subdivision plat referenced in the previous paragraph, the applicant shall give to the Treasurer for the City of Roanoke a certified check or cash in the amount of seven thousand six hundred dollars and no cents ($7,600.00) as consideration for this action taken by City Council.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of six (6) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

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

ATTEST:

City Clerk.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Request from Structures Design/Build, LLC, represented by Steven S. Strauss that a 0.717 acre portion, more or less, of excess right-of-way of Franklin Road that adjoins tax parcel 1300101 be permanently vacated, discontinued and closed.

Planning Commission Action:

The Planning Commission public hearing was held on June 20, 2002. By a vote of 0-4 (Messrs. Campbell, Chrisman, Rife and Manetta voting against the petition and Messrs. Hill and Butler absent), the Commission recommended denial of the requested closure.

Background:

The petitioner's property that adjoins the subject portion of right-of-way is wooded and has never been developed. A portion of the subject right-of-way contains a creek.

During the Planning Commission meeting, the petitioner provided diagrams showing the difference in grading if the site were developed as is versus grading with the addition of the right-of-way. Mr. Strauss indicated that the property would be developed with three office buildings.

Mr. Campbell noted that one of the buildings was set back near the deepest point of the site and asked the petitioner if he had a complete site plan. The petitioner responded that he did not want to undertake drafting a site plan without knowing if the right-of-way would be vacated. Mr. Campbell then stated that he would need to see a site plan before he could vote favorably for vacation of the right-of-way.

Staff recommended approval of the request on the following grounds: the petitioner would assume responsibility for maintenance of the storm water channel, a sidewalk would be developed to provide for a future greenway path, and grading of the site would be lessened. In addition, development could be placed closer to Franklin Road and farther from the adjoining residential area. Staff explained that the petitioner had allocated 10 feet of public right-of-way between the edge of pavement and the proposed new property line where the sidewalk and curb and gutter would be installed.

Staff recommended sale of the right-of-way and provided a price range of $2,700-$3,900, as provided by Will Claytor, Director of Real Estate Valuation.

Messrs. Chrisman, Rife and Manetta expressed disagreement that the property had no additional contributory value. They felt that the right-of-way added substantial value to the adjoining lot. Mr. Hill interjected that it was not the duty of the Planning Commission to question the value assessment of the property since the Commission did not have such expertise.

Mr. Chrisman asked staff why the South Roanoke neighborhood organization was not mentioned in its report, to which staff replied that as part of standard procedure staff sent out notices to all adjoining property owners, and the residents of the South Roanoke neighborhood did not adjoin the right-of-way in question. Mr. Manetta mentioned that the residents adjoining the petitioner's property were notified by staff the day before the hearing, to which staff confirmed they were.

Messrs. Chrisman, Rife and Manetta all discussed the impact of the proposed development on the site. Mr. Hill stated that they were not discussing the issue of the petition, which was whether or not to vacate the right-of-way. He further stated that since the petitioner's site is zoned C-1, that the site could be developed as its zoning permits without the addition of the right-of-way, and thus the use of the site is not the issue.

Mr. Hill informed the Assistant City Attorney that he had a prior engagement and would have to excuse himself. The Assistant City Attorney advised the petitioner that he would need at least three affirmative votes and that he had the option of requesting that the matter be continued to the next scheduled meeting on July 18, 2002. The petitioner indicated that he wished to proceed.

Mr. Chrisman asked staff why a future greenway was not possible on the right-of-way, to which staff clarified that a future right-of-way could be accommodated within the ten feet of right-of-way within which the petitioner planned to install curb, gutter and sidewalk, and by creating an on-road bike path by reducing the width of the street lanes. Mr. Manetta commented that he would prefer to see a future greenway go alongside the creek.

Mr. Chrisman referred to the petitioner's proposed development as not being in accordance with *Vision 2001-2020*. He stated as reasons: the petitioner's plan to put a

parking lot at the front of his property, and that the development was not conducive to a village center though it is located adjacent to the South Roanoke neighborhood. Mr. Gusler replied that in a previous meeting with the petitioner, he had suggested that parking be located in the rear of the development. The petitioner stated that, due to grading and setback requirements of the site, rear parking was not feasible.

To Mr. Chrisman's second assertion, staff replied that a linkage from the proposed development to the adjoining neighborhood atop it, would not be practical due to the natural barriers that existed. Staff explained that such a village center concept could not be applied to this site, due to the steep bank that separated the neighborhood and the petitioner's site. Staff explained that the neighborhood and the site have two distinct land-use patterns, one being residential and the other commercial, and that the petitioner was attempting to maintain the natural buffer between the two by acquiring the right-of-way and minimizing grading. Staff further stated that since the site is zoned C-1, that development with the addition of the right-of-way may be preferable to the neighborhood than it being developed as is.

Mr. Rife expressed concern that the City may set a precedent by vacating such a large tract of right-of-way. He also stated that with the adoption of *Vision 2001-2020* the standards for development have changed, and that the Planning Commission shouldn't base decisions on the notion that a given site will eventually be developed no matter what.

Considerations:

The petitioner's property, Official Tax Map Number 1300101 is zoned C-1, Office District, as is the adjoining parcel to the south. The parcel adjoining it to the north is zoned C-2, General Commercial District. All of the parcels adjoining the petitioner's property to the east are zoned RS-3, Residential Single-Family District.

The petitioner's property is vacant and has never been developed. Trees cover the site and the rear is a steep hillside. Developing the site will require a great amount of tree removal and grading.

A car lot adjoins the subject property to the north. To the south is a mixed commercial office building, and to the east atop the bluff is a single-family residential neighborhood, South Roanoke.

Staff received comments from Roanoke Gas, which advised that it would need to maintain an easement on the subject portion of right-of-way. AEP and Verizon stated no objection to the petitioner's request and did not indicate any need to retain easements.

Upon development of the petitioner's property, the petitioner proposes to replace the current drainage ditch with an underground pipe drainage system. Also, pending development of the site, the portion of right-of-way will be improved with curbing and

sidewalks, as is required by the City's Subdivision Ordinance.

Vacation of the subject portion of right-of-way will have little to no impact upon traffic on Franklin Road.

Staff has concerns about the effect of this vacation on future greenway development. The Roanoke Valley Conceptual Greenway Plan, approved and adopted by City Council on December 6, 1999, designates this section of Franklin Road for a future greenway corridor along the roadway. The Greenway Plan also notes the following as a strategy for acquiring land to develop the greenway system:

"Before legal interest is abandoned in any property, evaluate the property's potential for use in the development of greenways. This would include the vacation of easements, formal abandonment of rights-of-way and easements and the sale of surplus property."

The Roanoke Valley Bikeway Plan also designates this section of Franklin Road as an on-road facility and recommends a wide outside lane to accommodate bicycles.

City Council is authorized to sell this vacated portion of the right-of-way, if it so chooses. Section 15.2-2008 of the Virginia Code (1950), as amended, authorizes a City to require an abutting property owner to purchase the vacated right-of-way as a condition of the vacation. Under such an arrangement, the price may be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. Real Estate Valuation quoted the valuation range for this 31,233 square foot portion of Franklin Road as $2,700 - $3,900, based on a rate of $0.35 – $0.50 per square foot less 75% for creek/drainage easements.

Recommendation:

The Planning Commission recommends that City Council deny the requested closure.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda A. Johnson, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Petitioner, Structures Design/Build, LLC

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Application of Structures Design/Build, LLC for vacation of a 0.717 acre portion of the Franklin Road Right of Way that adjoins Tax Parcel # 1300101	)))	APPLICATION FOR VACATING, DISCONTINUING AND CLOSING OF A PORTION OF FRANKLIN ROAD RIGHT OF WAY

MEMBERS OF COUNCIL:

Structures Design/Build, LLC, by its manager, Steven S. Strauss, representing Franklin Road, LLC, applies to have a 0.717 acre portion of the excess Right of Way of Franklin Road that adjoins Tax Map # 1300101, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This 0.717 acre portion of right of way is more particularly described on the attached Plat marked Exhibit "A" labeled "Proposed Right-of-Way Acquisition Prepared for Structures Design/Build" and dated May 1, 2001 which is attached hereto and as described as follows:

That area bounded by corners 1 through 12, inclusive, as shown on the attached Exhibit "A" labeled "Proposed Right-of-Way Acquisition Prepared for Structures Design/Build" and dated May 1, 2001 as prepared by Lumsden and Associated, P.C. and which contain 0.717 acres

Structures Design/Build, LLC stated that the grounds for this application are as follows:

The property requested to be vacated currently is excess Right of Way for this portion of Franklin Road. There are a number of benefits that may accrue if this request is granted and the property subsequently developed.

The first benefit is that the adjoining land, Tax Map Parcel # 1300101, which is currently zoned C-1, can be more effectively utilized as commercial property in accordance with it's current zoning. This piece of undeveloped land would have buildings constructed on

it that would generate additional tax revenue for the City through real estate and personal property taxes as well as substantial other business taxes and fees while not creating the need for any significant additional public services.

Secondly, upon development of tax map parcel 1300101, the City and the public would receive the benefit of having a public drainage system taken over by private interests at no cost to the City while relieving the City of current and future maintenance responsibilities. Third, this portion of Franklin Road would also be improved with both curbing and sidewalks at no cost to the city when Tax Parcel 1300101 is developed. The road shoulder currently is a safety hazard with a small substandard grass shoulder that slopes off into a steep roadside ditch. In areas, this ditch is within 3.5 feet of the edge of pavement. The installation of the curb would enhance the public safety for those using this section of Franklin Road.

In order to develop Tax parcel #1300101 as is currently exists, significantly more grading and the clearing of trees on the property would have to occur. With the abandonment of the requested strip of land, the property would not require the same amount of grading and the clearing of vegetation to be performed.

During preliminary discussions with the Department of Engineering and the Department of Planning Building and Development, this requested closure has been encouraged for the primary reasons that a safety concern would be addressed without the need to expend public funds and a portion of Franklin Road would be improved.

WHEREFORE, Structures Design/Build, LLC respectfully requests that above-described portion of right of way as shown on the attached Exhibit "A" be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully Submitted

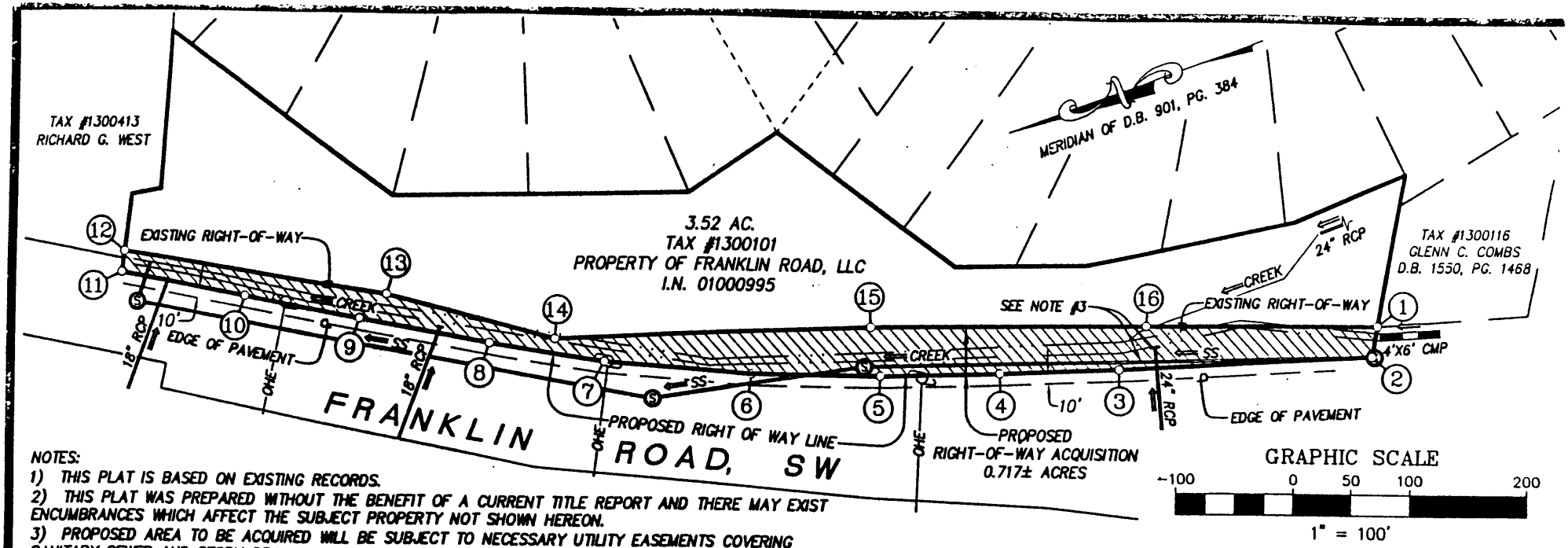
5/7/02

Structures Design/Build, LLC Date
Steven S. Strauss, Mgr.

STRUCTURES DESIGN/BUILD, LLC
PO Box 20287
Roanoke, VA 24018
540-774-4800

PROPERTY OWNERS TO BE AFFECTED BY PROPOSED VACATION OF FRANKLIN ROAD RIGHT OF WAY

Tax Map Number	*Property Owner*	*Mailing Address*
1300116	Glen C. & Marsha M. Combs	3627 Dogwood Lane, SW Roanoke, VA 24015
1300413	Richard H. West	831-C Duke of Gloucester Street, SW Roanoke, VA 24018
1290119	Friendship Manor Retirement Community, Inc.	327 Hershberger Road Roanoke, VA 24012
1300101	Franklin Road, LLC	305 First Street, SW Roanoke, VA 24011
1290171	Homeowners Association, Inc.	3358 Kingsbury Court Roanoke, VA 24014



NOTES:
1) THIS PLAT IS BASED ON EXISTING RECORDS.
2) THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THERE MAY EXIST ENCUMBRANCES WHICH AFFECT THE SUBJECT PROPERTY NOT SHOWN HEREON.
3) PROPOSED AREA TO BE ACQUIRED WILL BE SUBJECT TO NECESSARY UTILITY EASEMENTS COVERING SANITARY SEWER AND STORM DRAIN.

LEGEND

I.N.	INSTRUMENT NUMBER
AC.	ACRES
RCP	REINFORCED CONCRETE PIPE
SS	SANITARY SEWER
CMP	CORRUGATED METAL PIPE
	UTILITY POLE
OHE	OVERHEAD ELECTRIC
	PROPERTY LINE
	SANITARY SEWER MANHOLE

PROPOSED RIGHT-OF-WAY ACQUISITION TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1-2	N 60°49'14" W	25.88'	9-10	N 30°06'58" E	101.44'
2-3	N 16°32'27" E	215.80'	10-11	N 30°11'56" E	109.27'
3-4	N 17°24'54" E	103.99'	11-12	S 63°35'37" E	17.80'
4-5	N 18°22'36" E	102.83'	12-13	S 28°32'34" W	230.86'
5-6	N 20°03'36" E	109.50'	13-14	S 34°09'21" W	148.34'
6-7	N 24°15'16" E	127.18'	14-15	S 17°19'01" W	270.54'
7-8	N 28°26'04" E	99.86'	15-16	S 19°06'28" W	237.60'
8-9	N 30°14'55" E	112.34'	16-1	S 19°36'45" W	197.34'
AREA = 0.717 ACRES					

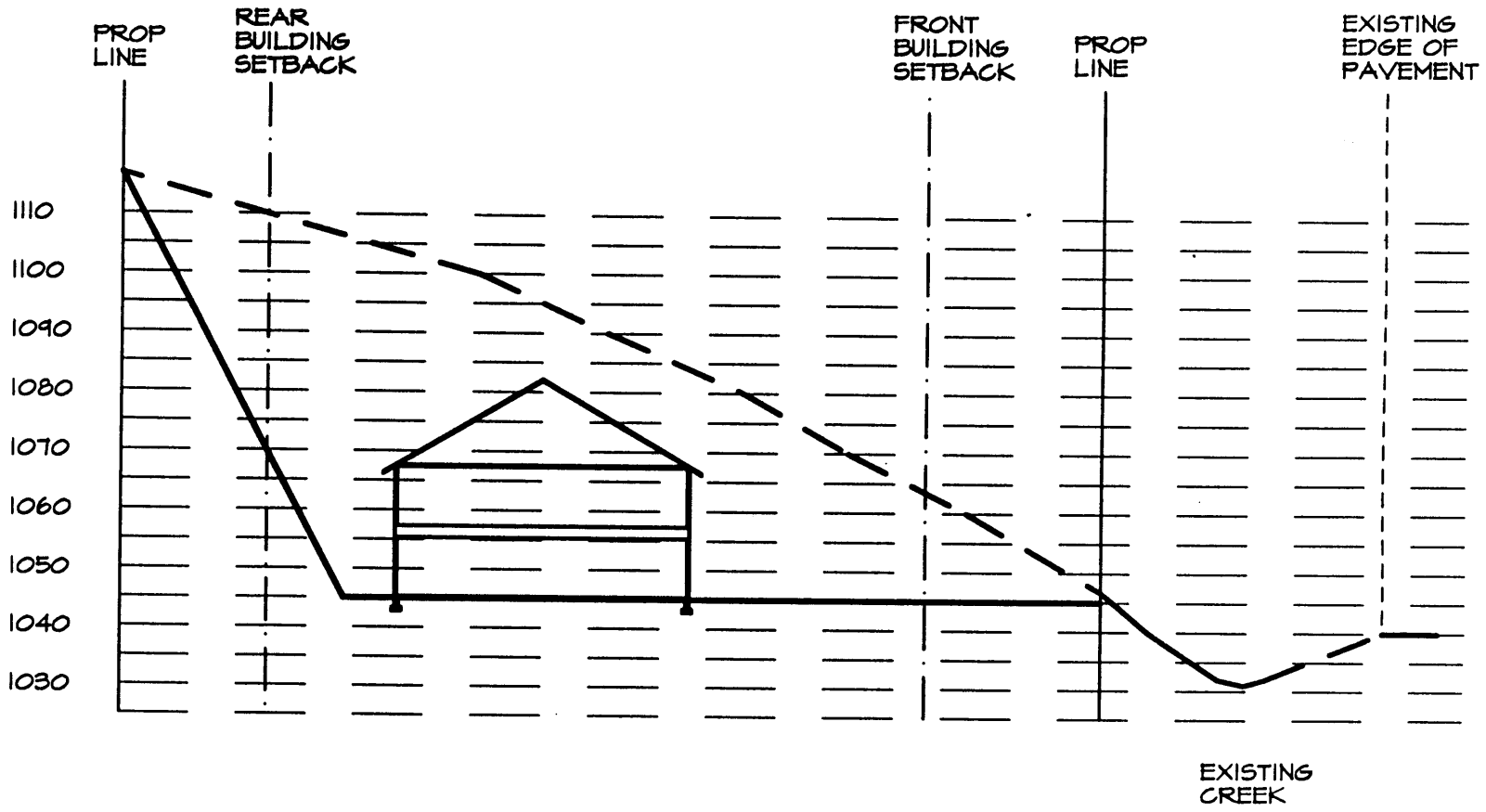
EXHIBIT "A"
PLAT SHOWING
PROPOSED RIGHT-OF-WAY ACQUISITION
PREPARED FOR
STRUCTURES DESIGN/BUILD
SITUATED ALONG FRANKLIN ROAD, S.W.
CITY OF ROANOKE, VIRGINIA

LUMSDEN ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
ROANOKE, VIRGINIA

4664 BRAMBLETON AVENUE
P.O. BOX 20669
ROANOKE, VIRGINIA 24018

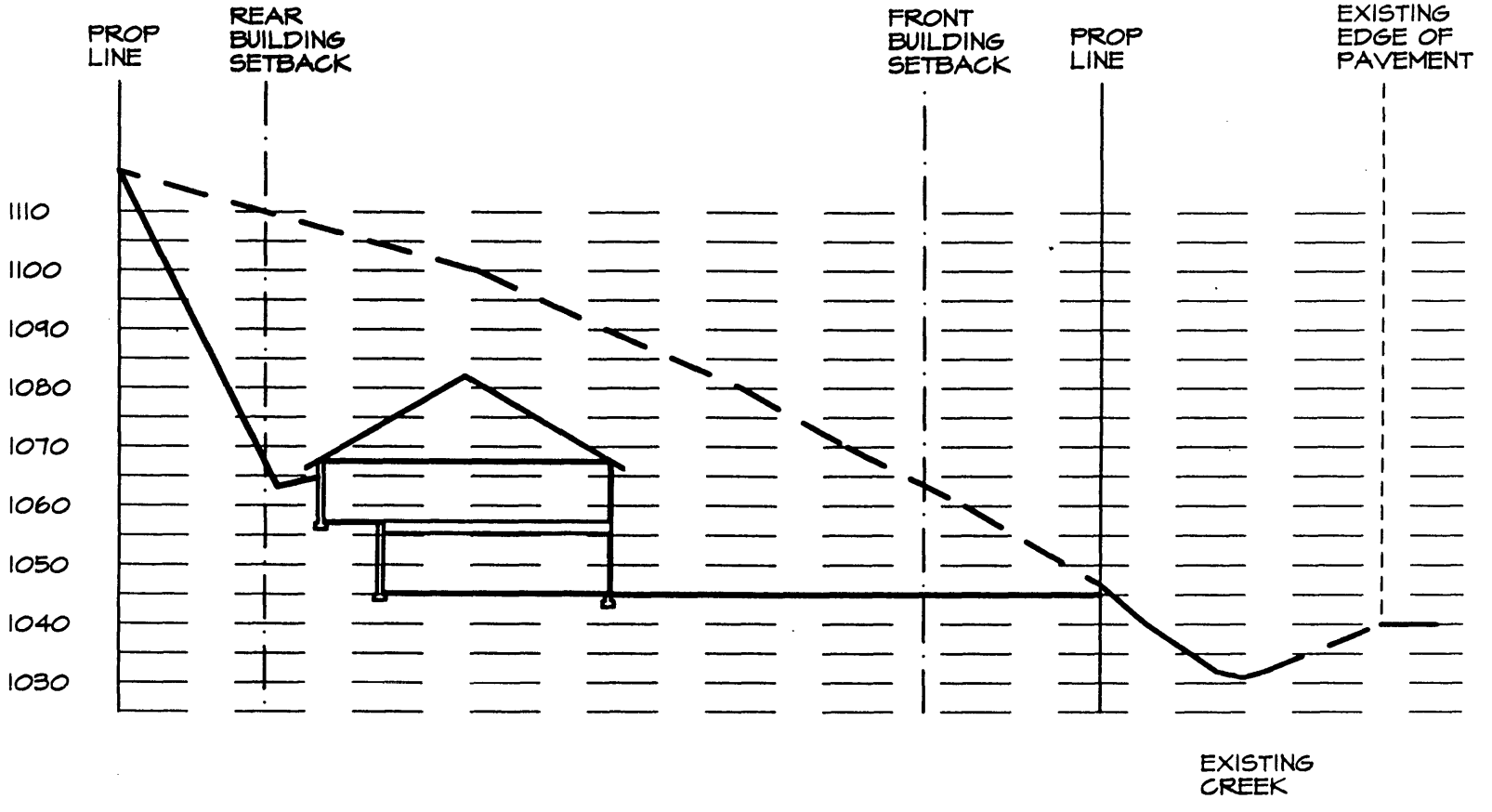
PHONE: (540) 774-4411
FAX: (540) 772-9445
E-MAIL: MAIL@LUMSDENPC.COM

DATE:	MAY 1, 2002
COMM. NO.: 92-013S	SCALE: 1" = 100'
CADD FILE:	F:\1992\92013S\SUR\013SEX02.DWG



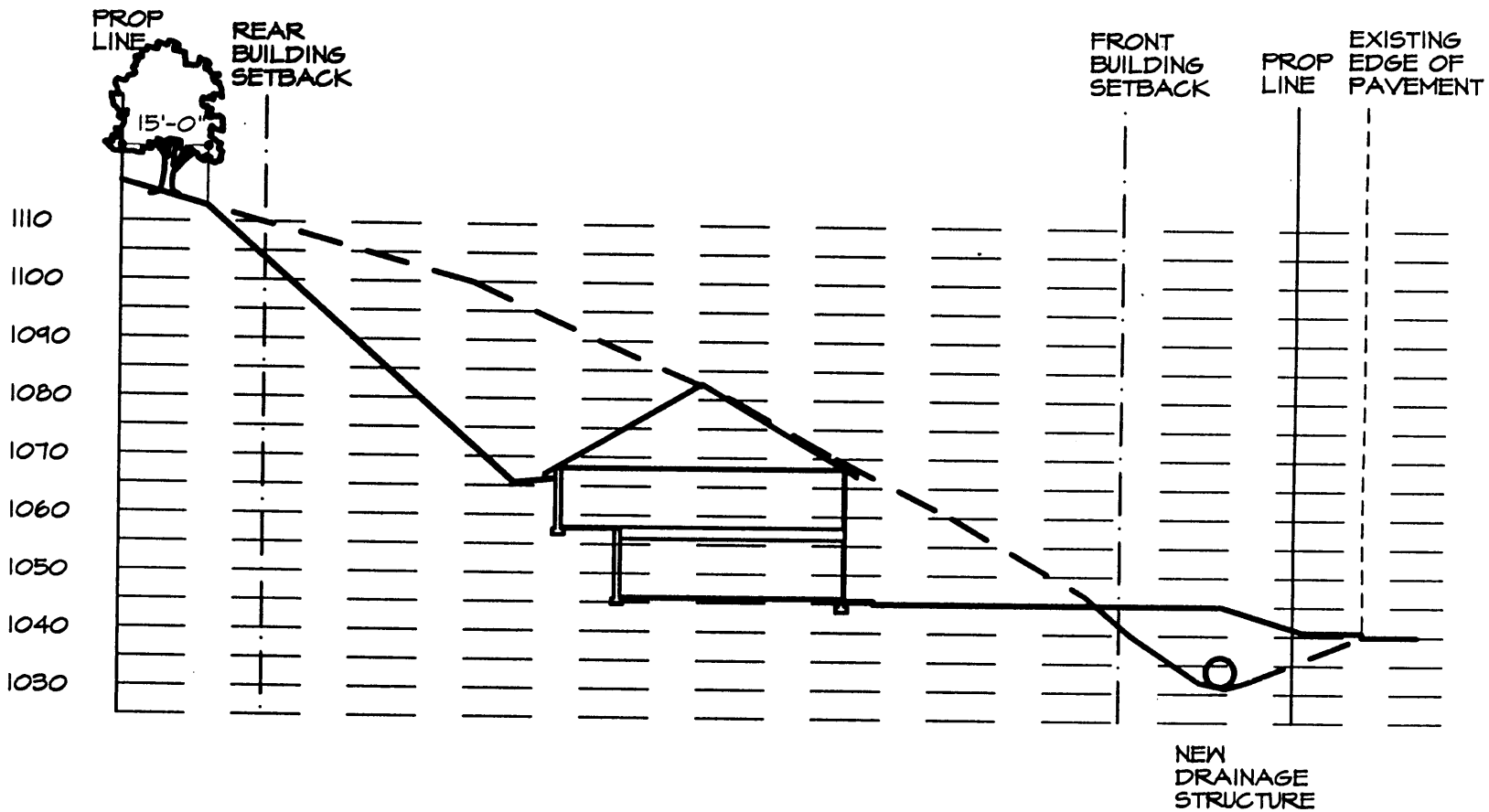
EXISTING PROPERTY LINE CONFIGURATION

1



EXISTING PROPERTY LINE CONFIGURATION

2



REVISED PROPERTY LINE CONFIGURATION

3

SSI 6/24/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

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

WHEREAS, Structures Design/Build, LLC, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on July 15, 2002, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

> That 0.717 acre portion, more or less, of excess right-of-way of Franklin Road that adjoins tax parcel 1300101

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of six (6) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

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

ATTEST:

City Clerk.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT
215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Request from Kitina A. Gimbert and Sue E. Harrison that an unopened portion of Whitman Street, S.E., from the southerly boundary of Arbutus Avenue to the boundary of the property acquired for the Roanoke River Flood Reduction Project, lying between parcels identified by Official Tax Nos. 4151207 and 4160301, be permanently vacated, discontinued and closed.

Planning Commission Action:

Planning Commission public hearing was held on June 20, 2002. By a vote of 5-0 (Mr. Butler absent), the Commission recommended approval of the requested closure.

Background:

Engineering staff determined that the subject portion of right-of-way should be vacated as part of land acquisition negotiations for the City's flood reduction project. The petitioners were approached by City engineering staff who prepared the petition on their behalf. The subject portion of right-of-way is unimproved and dead-ends on the bank of the Roanoke River.

Greg Reed, a Civil Engineer for the City, spoke on behalf of the petitioners in their absence. Mr. Reed explained that the City had acquired the rear portion of the petitioners' properties and that this vacation was being undertaken as part of the land acquisition process for the Roanoke River Flood Reduction Project.

Mr. Manetta commented that staff had pointed out during the tour of the site that due to the loss of property in the rear of the parcels, that the additional land of the vacated right-of-way would not enable the petitioners to expand their current use in any way. Mr. Talevi asked Mr. Reed to clarify exactly what was being petitioned for vacation. Mr. Talevi noted that the petition stated that all of the unimproved right-of-way was to be vacated, while Mr. Reed had stated that only a portion would be.

Staff noted that the issue would easily be resolved when surveyed and platted, since the City's Engineering Department would be surveying it. Mr. Talevi requested of Mr. Reed that he later submit a description of the right-of-way to be vacated that included the footage. Mr. Manetta noted that the language of the petition stated that the right-of-way was between the two parcels of the petitioners. Since part of the petitioners' properties were acquired by the City, the amount of the right-of-way to be closed between the parcels is smaller than the entire length of the unimproved area of Whitman Street. A first amended petition was filed on July 1, 2002, to reflect the actual area to be vacated.

Considerations:

Both of the petitioners' parcels are zoned RS-3, Residential Single Family District, as are all the properties in the vicinity. The surrounding uses, as well as the neighborhood (Riverland/Walnut Hills), are predominantly single-family residential.

There is a sewer line that runs perpendicular to the right-of-way. Staff received comments from AEP, Verizon and Roanoke Gas, all of which expressed no objection to the petitioners' request and no requests for easements.

The proposed vacation poses no potential impact on traffic in the area, as the subject portion of right-of-way is unimproved and has no potential to provide vehicular access to any property owners other than the petitioners.

Staff received comments from Kathy Hill, President of Riverland Alert Neighbors, the neighborhood organization in the area, in support of the petitioners' request.

City Council is authorized to sell this vacated portion of alley, if it so chooses. Section 15.2-2008 of the Virginia Code (1950), as amended, authorizes a City to require an abutting property owner to purchase the vacated right-of-way as a condition of the vacation. Under such an arrangement, the price may be no greater than the property's fair market value or its contributory value to the abutting property, whichever is greater, or the amount agreed to by the parties. The Department of Real Estate Valuation quoted the valuation range for this 3,330 square foot portion of alley as $1,700 – $2,300, based on a rate of $.50 - $.70 per square foot.

Recommendation:

Planning Commission recommends that City Council approve the petitioners' request and close, discontinue and vacate this portion of Whitman Street, SE, subject to the conditions set forth below and further recommends that the petitioners not be charged for this portion of right-of-way, as the City initiated this petition on their behalf.

A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.

B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.

C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda A. Johnson, Assistant City Manager for Community Development

William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Greg Reed, City Engineer's Office

FIRST AMENDED APPLICATION

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:	)	
	)	APPLICATION FOR VACATING,
APPLICATION OF KITINA GIMBERT	)	DISCONTINUING AND
AND SUE HARRISON FOR VACATION	)	CLOSING AN UNOPENED
OF AN UNOPENED STREET	)	STREET

MEMBERS OF CITY COUNCIL:

Kitina A. Gimbert and Sue E. Harrison ("Petitioners") apply to have the right-of-way of an unopened street between parcels identified by Tax Numbers 4151207 and 4160301 permanently vacated, discontinued and closed pursuant to Virginia Code Section 15.2-2006, and Section 30-14, Code of the City of Roanoke (1979), as amended. This public right-of-way is more particularly described on the attached map (Exhibit A) and as follows: A thirty foot (30') public right-of-way being the unopened extension of Whitman Street, from the southerly boundary of Arbutus Avenue to the boundary of the property acquired for the Roanoke River Flood Reduction Project. The total area will be accurately defined on a plat of survey to be required as a condition of closure.

(1) The adjacent properties are owned by the petitioners. Closure of this right-of-way will have no adverse effect on any property or owner. A list of the property owners whose lots border or abut the subject right-of-way is attached as Exhibit B.

(2) The right-of-way to be vacated is presently being used as the side yards of the adjacent parcels.

(3) Vacating the right-of-way will remove the encumbrance and allow the property owners full use of the property.

WHEREFORE, the petitioners respectfully request that the above-described right-of-way be permanently vacated; discontinued and closed by the Council of the City of Roanoke in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Date: July 1, 2002

Respectfully submitted,

Kitina A. Gimbert

Kitina A. Gimbert

Sue E. Harrison

Sue E. Harrison

Exhibit A

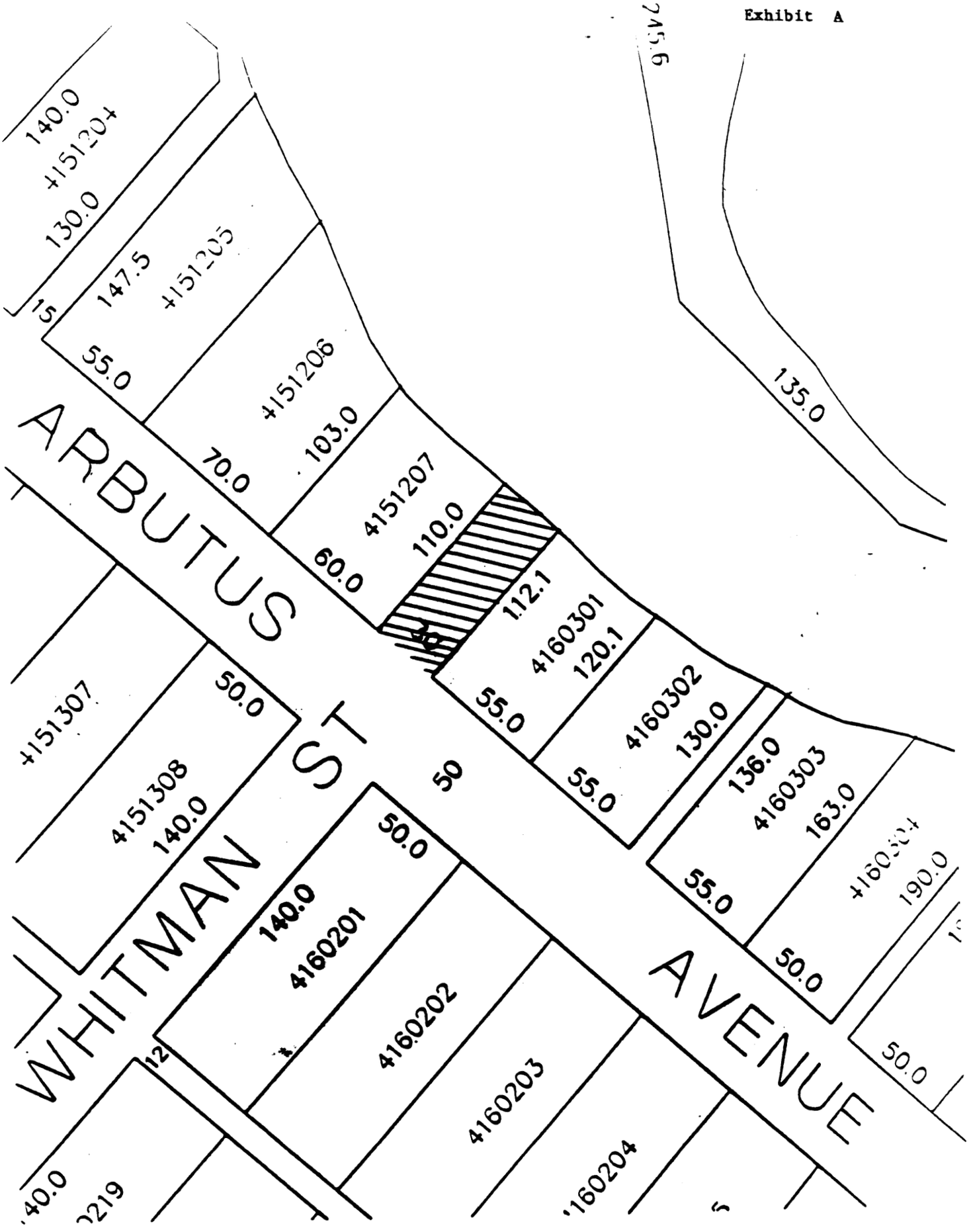

ARBUTUS ST
WHITMAN AVENUE
140.0
4151204
130.0
147.5
4151205
55.0
4151206
103.0
70.0
4151207
110.0
60.0
112.1
4160301
120.1
55.0
4160302
130.0
55.0
136.0
4160303
163.0
55.0
50.0
4151307
50.0
4151308
140.0
50
140.0
4160201
50.0
4160202
4160203
135.0
190.0
50.0

Exhibit "B"

LIST OF ADJACENT PROPERTY OWNERS

Owner	Tax Number
Kitina A. Gimbert 630 Arbutus Avenue Roanoke, VA 24014	4151207
Sue E. Harrison 702 Arbutus Avenue Roanoke, VA 24014	4160301

SS 6/24/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

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

WHEREAS, Kitina A. Gimbert and Sue E. Harrison, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on July 15, 2002, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

> That certain unopened portion of Whitman Street, S.E., from the southerly boundary of Arbutus Avenue, lying between parcels identified by Official Tax Nos. 4151207 and 4160301

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of six (6) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

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

ATTEST:

City Clerk.

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Request from the City of Roanoke, represented by Darlene L. Burcham, City Manager, that a 30' public right-of-way, known as Mason Mill Road, N.E. extending from the southerly boundary of tax parcel 7230101 to the northerly boundary of said parcel, be permanently vacated, discontinued and closed

Planning Commission Action:

Planning Commission held a public hearing on June 20, 2002. By a vote of 5-0 (Mr. Butler absent), the Commission recommended approval of the requested closure.

Background:

The right-of-way proposed for closure is part of Mason Mill Road N.E. (formerly Manning Road). The petitioner owns all the adjacent property and wishes to vacate the right-of-way to allow the development of an additional parcel in Roanoke Centre for Industry and Technology (RCIT). Blue Hills Golf Corporation owns the property northwest, which includes the Blue Hills Golf Course. The Clifton Heights area and the industrial park are located to the southeast of the petitioner's property. The public right-of-way is accessible only from Mason Mill Road.

The right-of-way requested for closure formerly served as an entrance road to access Blue Hills Golf Course and a farm northeast of the golf course. The right-of-way has not been used for several years and is no longer needed, as Blue Hills Drive will be extended to serve the RCIT parcels.

Planning Commission held a public hearing on June 20, 2001. Mr. Greg Reed from the Roanoke City Engineering Department presented the closure request for the City. Jacques Scott, City Planner, presented the Planning staff report and recommended approval of the request, advising that the right-of-way will be of no use since Blue Hills Drive will be extended to serve RCIT parcels. Adjoining zoning to the proposed rights-of-way is LM, Light Manufacturing, and used in such nature. Vacating the right-of-way will allow the development of an additional parcel in the RCIT.

Considerations:

All property adjoining the right-of-way is zoned LM, Light Manufacturing. The uses of the adjoining property, except for the golf course (zoned RA, Residential Agricultural District), are industrial in nature.

American Electric Power has no facility located in the subject area. Staff received comments from Verizon and Roanoke Gas Company, who expressed no objection to the request.

In addition, staff received comments from the City's Traffic Engineer who expressed no objection to the request, noting that closure would not affect traffic circulation.

Vision 2001-2020 recommends:

1. That underutilized and vacant industrial sites be evaluated and redevelopment encouraged.
2. Local policies and incentives and state economic incentives will strengthen the businesses and industries in the enterprise zone and provide jobs.
3. Identify underutilized industrial sites and promote redevelopment as part of Roanoke's economic development strategy.

Recommendation:

Planning Commission recommends the City Council approve the request. The portion of the street will serve no purpose to the City after Blue Hills Drive is extended.

Respectfully submitted,

Robert B. Manetta

Robert B. Manetta, Chairman
City of Roanoke Planning Commission

cc: Darlene L. Burcham, City Manager

Rolanda Johnson, Assistant City Manager for Community Development
William M. Hackworth City Attorney
Steven J. Talevi, Assistant City Attorney
John Bowman, City Engineering Department

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:	)	
	)	APPLICATION FOR VACATING.
APPLICATION OF THE CITY OF	)	DISCONTINUING AND
ROANOKE FOR VACATION OF A	)	CLOSING A PORTION OF
PORTION OF MASON MILL ROAD, N.E.	)	MASON MILL ROAD, N.E.

MEMBERS OF CITY COUNCIL:

The City of Roanoke ("Petitioner") applies to have the right-of-way of a portion of a public street across Tax Parcel 7230101, permanently vacated, discontinued and closed pursuant to Virginia Code Section 15.2-2006, and Section 30-14, Code of the City of Roanoke (1979), as amended. This public right-of-way is more particularly described on the attached map (Exhibit A) and as follows: A thirty foot (30') public right-of-way extending from the southerly boundary of Tax Parcel 7230101 to the northerly boundary of said parcel, known as Mason Mill Road, N.E. (formerly Manning Road). A legal description of the area is attached as Exhibit B. The total area is accurately defined on a plat of survey recorded in Map Book 1, at Page 2409.

(1) The adjacent property is owned by the City of Roanoke. Closure of this portion of right-of-way will have no adverse effect on any property or owner. A list of the property owners whose lots border or abut the subject street is attached as Exhibit C.

(2) The property to be vacated is presently being used as a street that serves the Roanoke Centre for Industry and Technology. This street will no longer be needed as Blue Hills Drive will be extended to serve these parcels.

(3) Vacating the right-of-way will allow the development of an additional parcel in Roanoke Centre for Industry and Technology.

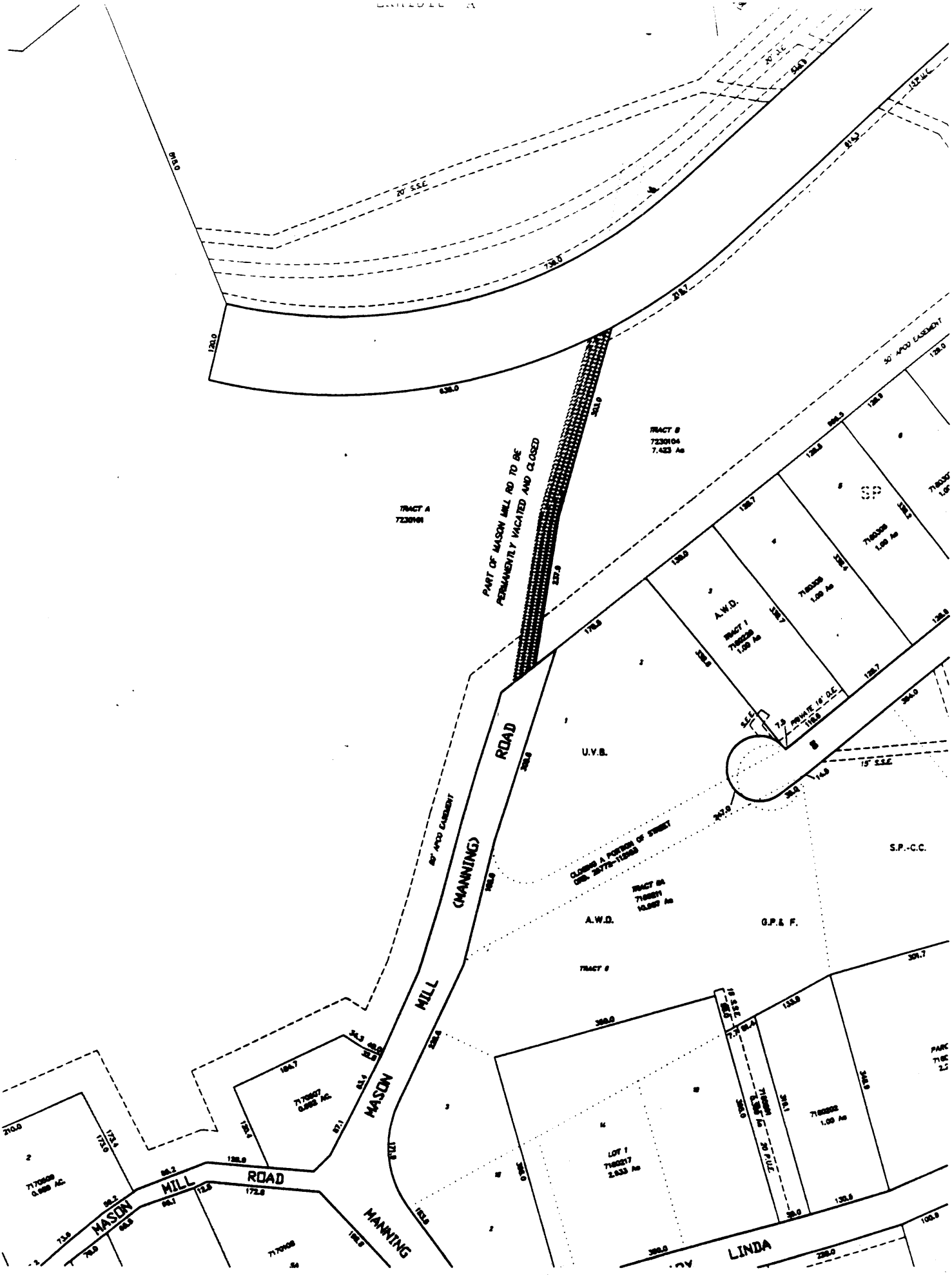
WHEREFORE, the City of Roanoke respectfully requests that the above-described right-of-way be permanently vacated, discontinued and closed by the Council of the City of Roanoke in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Date: 5/2/02

Respectfully submitted,

Darlene L. Burcham
City Manager

vacate-masonmill



PART OF MASON MILL RD TO BE PERMANENTLY VACATED AND CLOSED
TRACT A
TRACT B
7230104
7.423 Ac
TRACT 1
A.W.D.
U.V.B.
S.P.-C.C.
G.P.& F.
MASON MILL (MANNING) ROAD
MASON MILL ROAD
MANNING
LINDA
20' S.S.E.
50' APCO EASEMENT
15' S.S.E.

Exhibit B
Legal Description

Vacation of a portion of Mason Mill Road, N.E., City of Roanoke, Virginia

Beginning at a point on the center line of Mason Mill Road, a right of way 30 feet wide, formerly known as Manning Road, and formerly known as State Route 812, said point of beginning being aligned with the extension of a southerly boundary line of Roanoke Centre for Industry and Technology and bearing S 49°40'30" W, 22.37' from an iron pin marking a property corner of same, thence following said center line of a right of way 30 feet wide, hereby vacated, N 07°33'25" E, 255.34' to a point, thence N 14°14'57" E, 303.22' to a point, thence N 09°29'54" E, 250.09' to an end point, containing 0.5569 acres of land, more or less.

vacate-masonmill

Exhibit C
LIST OF ADJACENT PROPERTY OWNERS

Owner	Tax Number
City of Roanoke 215 Church Avenue, SW Roanoke, VA 24011	7230101
City of Roanoke 215 Church Avenue, SW Roanoke, VA 24011	7230104

vacate-masonmill

SST 6/24/02

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

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

WHEREAS, the City of Roanoke, filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council; and

WHEREAS, a public hearing was held on said application by the City Council on July 15, 2002, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said application; and

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing said public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

> That 30' public right-of-way, known as Mason Mill Road, N.E., extending from the southerly boundary of tax parcel 7230101 to the northerly boundary of said parcel

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across said public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with said plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, and retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in said Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in said Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of six (6) months from the date of the adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

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

ATTEST:

City Clerk.

Office of the City Manager

July 15, 2002

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

Dear Mayor Smith and Members of City Council:

Subject: Conveyance of Property and Execute Subgrant Agreement with the Blue Ridge Housing Development Corporation (BRHDC)

Background:

The City of Roanoke receives entitlement grants each year under the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) programs of the U.S. Department of Housing and Urban Development (HUD). HUD approval of the City's FY 2002-03 CDBG Application is forthcoming. The letter of approval is pending the routine Congressional release process. As part of the HUD Entitlement Consolidated Plan application, approved by Council on May 13, 2002, by Resolution No. 35848-051302, City Council authorized funding for the Employer Assisted Housing Program.

In October 2001, City Council authorized the City Manager to purchase, on behalf of the City, two properties located at 1224 Rorer Avenue, SW, and 719 Dale Avenue, SE, from HUD. Under the Employer Assisted Housing Program, the BRHDC is to renovate these two properties and make them available for rent and/or lease-purchase by eligible low/moderate income families. Through December 31, 2002 these properties will be marketed solely to low/moderate income Roanoke police officers and teachers and/or other City employees, at below market rate rents, as a recruiting inducement and to benefit an older neighborhood through the presence of positive role models. If the properties are still available January 1, 2003, BRHDC may begin marketing the properties to the general low/moderate income public, as well.

Considerations:

A. A subgrant Agreement with BRHDC is necessary in order to provide CDBG funding for the rehabilitation of the properties involved in the Employer Assisted Housing

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

Program. Funding is available in Account No. 035-G03-0320-5368 in the amount of $150,143.

As part of the subgrant Agreement, $150,143 in CDBG funds will be provided to the BRHDC in the form of an interest-free, 10-year forgivable loan to assist with the rehabilitation of the properties. In the event the Employer Assisted Housing Program is discontinued prior to full forgiveness of the loan, the BRHDC is required to pay the balance remaining to the City.

B. A public hearing is required to convey these two properties to BRHDC.

Recommended Action:

Following the public hearing on the conveyance of 1224 Rorer Avenue, S. W., and 719 Dale Avenue, S. E., and contingent upon approval by HUD of the FY 2002-03 Annual Update to the Consolidated Plan, which provides for the Employer Assisted Housing Program, authorize the City Manager to execute with BRHDC a CDBG Subgrant Agreement, similar in form and content to the attached draft, and such other documents as may be required to convey and renovate these properties. All documents are to be approved as to form by the City Attorney prior to execution.

Respectfully submitted,

Darlene L. Burcham
City Manager

DLB:dsm

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda A. Johnson, ACM for Community Development
F. Mike Etienne, Acting Director of Housing & Neighborhood Services
Frank E. Baratta, Budget Team Leader

CM02-0155

DRAFT AGREEMENT

This Agreement is made and entered into this first day of August, 2002, by and between the following parties:

The Grantee	City of Roanoke, Virginia 215 Church Avenue, S.W. Roanoke, Virginia 24011
The Subgrantee	Blue Ridge Housing Development Corporation, Inc. 510 11th Street, N.W. Roanoke, Virginia 24017

W I T N E S S E T H:

WHEREAS, by Resolution No. 35848-051302, the Roanoke City Council approved the FY 2002-03 Community Development Block Grant (CDBG) program and by Ordinance No. XXXXX-061702 appropriated funds therefore; and

WHEREAS, by Resolution No. XXXXX-071502, Roanoke City Council approved the execution of a subgrant agreement between the Grantee and the Subgrantee; and

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

Article 1. SCOPE OF SERVICES:

A. General - The project to be undertaken by the Subgrantee under this Agreement shall be known as the "Employer Assisted Housing Program," and shall have as its purpose the rehabilitation of housing per attached specifications of two properties, which are to be offered for rent and/or lease purchase to eligible families.

B. Rehabilitation Component - It is the intent of the Grantee to transfer title to both vacant properties in its possession to the Subgrantee. Through CDBG funding provided by the Grantee and other funds secured by the Subgrantee, it is mutually agreed that the Subgrantee will rehabilitate the two properties located at 719 Dale Avenue, S. E., and 1224 Rorer Avenue, S. W. Both properties shall be deemed affordable housing and are to be rented and/or lease-purchased by "eligible families," as described in section E. below.

C. Property Management – Further, responsibilities of the Subgrantee under this Agreement shall include the following:

1. The Subgrantee shall own and manage the properties, including rent collection and maintenance.

2. If either property is offered as a rental property, the successful, eligible family shall pay the amount of $375 in monthly rent to the Subgrantee. The collected $375 is to be utilized in the following manner by the Subgrantee:

Escrow	$150.00	
Maintenance	50.00	
Management Fee	100.00	
Utilities	75.00	*
Total	$375.00	

* Tenant shall be responsible for securing and paying for heat and electricity services.

3. If either property is offered as a lease-purchase, the Subgrantee shall enter into a three-year lease-purchase agreement with the tenants. The Subgrantee agrees to provide mandatory homebuyer counseling to the tenants. The Subgrantee shall also set up an escrow account, whereby a portion of each lease payment, as stated under section C. above, shall be used as down payment and closing cost assistance to the tenant (buyer). Tenants can purchase the property anytime within the three-year lease-purchase period. If the tenant moves prior to the end of the three-year lease-purchase period, the escrow funds will be forfeited, unless the tenant purchases a home within the city boundaries within the three-year lease-purchase period.

   The sales price of the property will be determined jointly by the Grantee and Subgrantee, through such means the appraised value of the property.

D. CDBG Funding – CDBG funding is contingent upon approval by HUD of the FY 2002-03 Annual Update to the Consolidated Plan, which provides for the Employer Assisted Housing Program. Funding provided by the Grantee shall be in the form of an interest-free, 10-year forgivable loan. Specifically, beginning upon completion of the rehabilitation, one-tenth (1/10) of the loan shall be forgiven at the end of each subsequent twelve-month period that the Subgrantee continues to conduct the activities described herein (see Attachment A for Loan Forgiveness Schedule). In the event the activities described herein are discontinued prior to full forgiveness of the loan, the Subgrantee shall pay the balance remaining to the Grantee within ninety (90) calendar days of such discontinuance.

E. Eligible Families - For the purposes of this Agreement, this term shall mean a family that will use the respective home to be rented and/or lease-purchased as its principal residence and whose income, adjusted for family size, does not exceed 80% of the area median income established by HUD and in effect at the time the family applies to rent or lease-purchase the property. The Subgrantee shall prepare, and retain with records of the project, documentation of its determination of each homebuyer family's income. Such documentation shall include the name, age, and the sources and estimated amount of income anticipated for the succeeding twelve months for each individual related by birth, marriage or adoption living in the same household at the time of the determination.

F. Allowable Expenditures - Funds provided by the Grantee under this Agreement shall be used by the Subgrantee for the costs associated with the rehabilitation of the affordable housing units to be rented or lease-purchased by "eligible families," as described in section E above. Except as indicated below, funds under this Agreement may be expended for any necessary, reasonable and allowable CDBG costs, including, but not necessarily limited to, construction labor and materials, including the costs of related infrastructure, title and recording, counsel's fees, property appraisal, surveying, taxes, or extermination and inspection.

G. Period of this Agreement -- The rehabilitation part of this Agreement shall be effective as of August 1, 2002, and, unless amended, shall end July 31, 2003. Property management activities under this Agreement shall be effective as of August 1, 2002 and, unless amended, shall end July 31, 2012.

H. Schedule – Contingent upon HUD approving the FY 2002-03 Annual Update to the Consolidated Plan, the Subgrantee shall complete the rehabilitation activities indicated by the specified dates as noted below:

August 1, 2002	Bid out project.
August 15, 2002	Secure contractors.
August 15, 2002	Select qualifying employee(s) to lease properties.
August 26, 2002	Begin rehabilitation of property located at 719 Dale Avenue, S. E.
October 14, 2002	Begin rehabilitation of property located at 1224 Rorer Avenue, S. W.
November 29, 2002	Complete rehabilitation of property located at 719 Dale Avenue, S. E.
December 4, 2002	Hold open house for property located at 719 Dale Avenue, S. E.
February 28, 2003	Complete rehabilitation of property located at 1224 Rorer Avenue, S. W.
March 5, 2003	Hold open house for property located at 1224 Rorer Avenue, S. W.

I. Budget -- The amount of CDBG funds to be provided by the Grantee under this Agreement shall be as $150,143. Of the CDBG funds provided, not more than $5,000 shall be expended for "project support costs" such as project management staffing and related support costs (see Attachment B for estimated CDBG budget and uses of funds). At the sole discretion of the Grantee, any funds remaining unexpended at the end date of this Agreement may be deobligated from the Agreement and made available for other CDBG projects, as appropriate. The commitment of funds to this Agreement by the Grantee shall not be construed as a commitment by the Grantee to provide further funding to this project.

J. Marketing – The Subgrantee agrees that marketing of the two properties shall be restricted through December 31, 2002, and partner with the City of Roanoke to market said properties solely to eligible Roanoke City police officers and teachers and other eligible City employees. If said properties are still available January 1, 2003, the Subgrantee may market the said properties to the eligible public, as well.

Article 2. REQUESTS FOR DISBURSEMENTS OF FUNDS:

A. Disbursement of funds under this Agreement shall not be requested until the funds are needed for payment of eligible costs. The amount of each disbursement request must be limited to the amount needed.

B. Requests for disbursement of funds shall be submitted to the Grantee's Project Manager, if any, or Department of Management and Budget and shall include copies of invoices or other appropriate documentation from contractors or other entities for work performed or costs incurred. The use of standard American Institute of Architects (AIA) forms is preferred for requesting disbursement of funds for construction costs. Upon approval of the request by the Project Manager and/or Department of Management and Budget, the Grantee shall disburse the funds to the Subgrantee. Approval of disbursement requests will be subject to timely receipt of monthly Subgrantee reports (see Article 6 below).

C. All requests for disbursements with respect to costs incurred during the period of this Agreement must be received by the Grantee within 30 calendar days of the ending date of this Agreement. The Grantee shall not be bound to honor requests for disbursements received after this 30-day period has elapsed.

Article 3. PROGRAM INCOME AND REPAYMENTS:

A. Payment of Proceeds from Sale - Upon the sale of a CDBG assisted property as referenced in Article 1, Section C.2. above, gross proceeds shall be distributed as follows: first, outstanding loans from private lending institutions shall be repaid; second, the Subgrantee shall recover its eligible funds invested in the project. Thereafter, the Grantee will share in any proceeds remaining. The Grantee's share will be equal to the percentage of the total cost to develop the property which has been paid for by the CDBG funds provided under this Agreement. Should the gross proceeds be insufficient to allow the Subgrantee to recover its invested funds, the Grantee shall not be liable for the insufficiency.

B. Repayments - All repayments, interest, and Grantee shares of proceeds or other returns on the investment of CDBG funds shall be submitted by the Subgrantee within 15 days of receipt.

Article 4. ENFORCEMENT OF THE AGREEMENT:

A. In the event the Subgrantee materially fails to comply with any term of the agreement, the Grantee may suspend or terminate, in whole or in part, this Agreement or take other remedial action in accordance with 24 CFR 85.43. The Agreement may be terminated for convenience in accordance with 24 CFR 85.44.

B. In the event the Subgrantee, without prior written approval from the Grantee's Department of Management and Budget, terminates the project prior to completing all units for which CDBG funds have been disbursed, the Subgrantee shall be liable for repayment of all CDBG project, administrative or operating funds disbursements, whether or not expended.

Article 5. REVERSION OF ASSETS:

Upon expiration of this Agreement, including any amendments thereto, the Subgrantee shall transfer to the Grantee any CDBG funds or CDBG Program Income on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds.

Any real property under the Subgrantee's control that was acquired or improved, in whole or in part, with CDBG funds in excess of $25,000:

A. Shall continue for a period of not less than five years following expiration of this Agreement, including any amendments thereto, to be used to meet one of the CDBG national objectives cited in 24 CFR 570.208; or

B. If the property is not used in accordance with 5.a. above, the Subgrantee shall pay the Grantee an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the improvement to the property. The payment shall be considered Program Income to the Grantee.

C. In the event the Subgrantee goes out of business or fails to abide by the terms of this agreement, the said property shall revert back to the City of Roanoke with no consideration to the Subgrantee.

Article 6. RECORDS AND REPORTS:

A. The following shall apply to financial and project records pertaining to this Agreement:

1. Records to be Maintained - At a minimum, the Subgrantee shall maintain financial and project documents and records which comply with the requirements of 24 CFR 570.506, and 570.507, as applicable.

2. Period of Records Retention - The Subgrantee shall retain financial and project documents and records pertaining to this Agreement for a period of four (4) years in compliance with the requirements of 24 CFR 570.502(a)(16), as applicable.

3. Access to Records - The Grantee and other entities shall have access to financial and project documents and records pertaining to this Agreement in compliance with the applicable requirements of 24 CFR 84.53.

B. The following Subgrantee reporting requirements shall apply to this Agreement:

1. On a monthly basis, the Subgrantee shall provide a narrative report to the Grantee which summarizes progress on the project to-date. A table providing data on each housing unit and eligible family assisted by the project shall be included with each monthly report (see Attachment C).

2. The Subgrantee agrees to submit such other reports as may be requested by the Grantee concerning the activities conducted under this Agreement.

Article 7. MONITORING:

The Subgrantee shall monitor progress of the project(s) covered by this Agreement, and shall submit appropriate reports to the Grantee's Department of Management and Budget. Not less than annually, the Grantee shall monitor the Subgrantee for records retention and compliance with the regulations of 24 CFR Part 570, as referenced herein.

Article 8. ANNUAL AUDIT:

As an entity receiving more than $300,000 in federal funding from the Grantee, the Subgrantee shall complete an annual independent audit of the CDBG/HOME expenditures under this Agreement which complies with OMB Circular A-133. Within 15 days of its completion, two (2) copies of the audit will be provided to the Grantee's Department of Management and Budget.

Article 9. OTHER PROGRAM/PROJECT REQUIREMENTS:

In addition to other requirements set forth herein, the Subgrantee shall likewise comply with the applicable provisions of Subpart K of 24 CFR 570, in accordance with the type of project assisted. Such other requirements include, but are not necessarily limited to, the following.

A. Property Standards and Lead-based Paint - Those assisted with HOME and/or CDBG funds shall meet the Statewide Building Code. All properties assisted with CDBG funds shall meet the lead-based paint requirements in 24 CFR 570.608, including assessment, treatment and clearance, as applicable. In accordance with regulations, the Subgrantee shall adhere to lead-based paint abatement practices, as applicable, and in no case shall use lead-based paint in the construction or rehabilitation of the properties assisted under this Agreement.

B. Affirmative Marketing and Affirmatively Furthering Fair Housing - In accordance with 24 CFR 570.601 and the Grantee's Affirmative Marketing Procedures, the Subgrantee shall provide information and otherwise attract eligible persons in the housing market area to the available housing without regard to race, color, national origin, sex, familial status or disability.

C. Section 109 - In accordance with Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 3535(d)), no person in the United States shall on grounds of race, color, religion, sex or national origin be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity funded in whole or in part with funds available under this Agreement. (See also Attachment D.)

D. Conditions for Religious Organizations - The Subgrantee shall not grant or loan any CDBG funds to primarily religious organizations for any activity including secular activities. In addition, funds may not be used to rehabilitate or construct housing owned by primarily religious organizations or to assist primarily religious organizations in acquiring housing. In particular, there shall be no religious or membership criteria for tenants or buyers of any CDBG-assisted properties.

E. Environmental Standards - In accordance with 24 CFR 570.604, the activities under this Agreement are subject to environmental review requirements. Such requirements may include, but are not necessarily limited to, historic significance, floodplain, and hazardous sites. No CDBG funds may be expended prior to the Grantee's completion of the environmental review and the Subgrantee's completion of any required remedial actions.

F. Employment and Contracting Opportunities - In accordance with 24 CFR 570.607, the activities under this Agreement are subject to the requirements of Executive Order 11246, as amended, and Section 3 of the Housing and Urban Development Act of 1968. The former prohibits discrimination on federally-assisted construction contracts and requires contractors to take affirmative action regarding employment actions. The latter provides that, to the greatest extent feasible and consistent with federal, state and local laws, employment and other economic opportunities arising housing rehabilitation, housing construction and public construction projects shall be given to low- and very-low-income persons. (See also Attachment D.)

G. Debarment and Suspension - In accordance with 24 CFR 24, the Subgrantee shall not employ or otherwise engage any debarred, suspended, or ineligible contractors or subcontractors to conduct any of the activities under this Agreement. The Subgrantee will submit to the Grantee's Department of Management and Budget the names of all contractors and subcontractors selected under this Agreement to determine if such contractors or subcontractors are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in federal transactions.

H. Uniform Administrative Requirements - The Subgrantee shall comply with the requirements and standards of OMB Circular No. A-110, "Uniform Administrative Requirements ..."; OMB Circular No. A-122, "Cost Principles for Non-Profit Organizations"; and OMB Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Institutions" or the related provision specified in 24 CFR 570.502.

I. Conflict of Interest - In accordance with 24 CFR 570.611, no covered individual who exercises any functions or responsibilities with respect to the program during his tenure, or for one (1) year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. The Subgrantee shall incorporate, or cause to be incorporated, in any contracts or subcontracts pursuant to this Agreement a provision prohibiting such interest pursuant to the purposes of this section.

Article 10. EMPLOYMENT DISCRIMINATION PROHIBITED:

Pursuant to §23.1-20 of the Code of the City of Roanoke (1979), as amended, this Agreement being valued at over ten thousand dollars ($10,000.00), the Subgrantee shall be subject to the following:

A. During the performance of this Agreement, the Subgrantee agrees as follows:

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

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

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

B. The Subgrantee will include the provisions of the foregoing subparagraphs a.(1)(2),and (3) in every subagreement, subcontract or purchase order of over ten thousand dollars ($10,000), so that the provisions will be binding upon each Subgrantee, subcontractor or vendor.

Article 11. DRUG-FREE WORKPLACE TO BE MAINTAINED:

Pursuant to §23.1-20.1 of the Code of the City of Roanoke (1979), as amended, this Agreement being valued at over ten thousand dollars ($10,000.00), the Subgrantee shall be subject to the following:

A. During the performance of this Agreement, the Subgrantee agrees to:

1. Provide a drug-free workplace for the Subgrantee's employees;

2. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

3. State in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee that the Subgrantee maintains a drug-free workplace; and

4. Include the provisions of the foregoing clauses in every subagreement, subcontract or purchase order of over ten thousand dollars ($10,000), so that the provisions will be binding upon each Subgrantee, subcontractor or vendor.

B. For the purposes of this section, "drug-free workplace" means a site for the performance of work done in connection with a specific Agreement, subagreement or contract awarded to the Subgrantee in accordance with this chapter, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the Agreement, subagreement or contract.

Article 12. FAITH-BASED ORGANIZATIONS:

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

Article 13. THIRD-PARTY CONTRACTS:

The Grantee shall not be obligated or liable hereunder to any party other than the Subgrantee.

Article 14. INDEMNITY:

The Subgrantee agrees and binds itself and its successors and assigns to indemnify, keep and hold the Grantee and its officers, employees, agents, volunteers and representatives free and harmless from any liability on account of any injury or damage of any type to any person or property growing out of or directly or indirectly resulting from any act or omission of the Subgrantee including: (a) the Subgrantee's use of the streets or sidewalks of the Grantee or other public property; (b) the performance under this Agreement; (c) the exercise of any right or privilege granted by or under this Agreement; or (d) the failure, refusal or neglect of the Subgrantee to perform any duty imposed upon or assumed by Subgrantee by or under this Agreement.

In the event that any suit or proceeding shall be brought against the Grantee or any of its officers, employees, agents, volunteers or representatives at law or in equity, either independently or jointly with the Subgrantee on account thereof, the Subgrantee, upon notice given to it by the Grantee or any of its officers, employees, agents, volunteers or representatives, will pay all costs of defending the Grantee or any of its officers, employees, agents, volunteers or representatives in any such action or other proceeding. In the event of any settlement or any final judgment being awarded against the Grantee or any of its officers, employees, agents, volunteers or representatives, either independently or jointly with the Subgrantee, then the Subgrantee will pay such settlement or judgment in full or will comply with such decree, pay all costs and expenses of whatsoever nature and hold the Grantee or any of its officers, employees, agents, volunteers or representatives harmless therefrom.

Article 15. INDEPENDENT CONTRACTOR:

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

Article 16. SUCCESSORS:

This Agreement shall be binding upon each of the parties, and their assigns, purchasers, trustees, and successors.

Article 17. AMENDMENTS:

The Grantee may, from time to time, require changes in the obligations of the Subgrantee hereunder, or its City Council may appropriate further funds for the implementation of this CDBG rehabilitation project. In such event or events, such changes which are mutually agreed upon by and between the Grantee and the Subgrantee shall be incorporated by written amendment to this Agreement.

Article 18. GOVERNING LAW:

This Agreement shall be governed by laws of the Commonwealth of Virginia.

Article 19. AVAILABILITY OF FUNDS:

CDBG funding to be made available by the Grantee under this Agreement is contingent upon necessary appropriations by the U.S. Congress. In the event that sufficient funds are not appropriated, at the sole discretion of the Grantee, this Agreement may be terminated in whole or in part.

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

ATTEST:

By _____
Mary F. Parker, City Clerk

FOR THE GRANTEE:

By _____
City Manager/Assistant City Manager

ATTEST:

By _____
Cyndi Stultz, Secretary

FOR THE SUBGRANTEE:

By _____
Alvin Nash, Executive Director

APPROVED AS TO CDBG ELIGIBILITY

_____
Department of Management and Budget

APPROVED AS TO FORM

_____
City Attorney

APPROPRIATION AND FUNDS REQUIRED FOR THIS CONTRACT CERTIFIED

_____

Director of Finance

Date: _____

Account #: 035-G03-0320-5368 ($150,143)

APPROVED AS TO EXECUTION

_____
City Attorney

Attachments

Attachment A -10-Year Loan Forgiveness Schedule

Attachment B - Estimated CDBG Budget and Uses of Funds

Attachment C - Housing/Beneficiary Reporting Elements

Attachment D - Special Federal Terms and Conditions

10-Year Loan Forgiveness Schedule

Beginning Balance	$150,143
Balance at End of:	
Year 1	$135,129
Year 2	120,114
Year 3	105,100
Year 4	90,086
Year 5	75,072
Year 6	60,057
Year 7	45,043
Year 8	30,029
Year 9	15,014
Year 10	0

FY 2002-03 CDBG Agreement
("Employer Assisted Housing Program")
Estimated CDBG Budget and Uses of Funds

Project Support Costs	$5,000	
Architecture & Engineering	3,000	
Rehab/Construction:		
1224 Rorer Avenue, S. W.	70,000	(approximate)
719 Dale Avenue, S. E.	55,000	(approximate)
Taxes	500	
Maintenance	650	
Utilities	450	
Construction Management	10,500	
Other Miscellaneous Expenses	5,043	
Total	**$150,143**	

Housing/Beneficiary Reporting Elements

On a monthly basis, the Subgrantee shall provide a narrative report to the Grantee summarizing progress on the project to-date. Accompanying the narrative, the Subgrantee shall submit data in a table or spreadsheet format that is needed in order that the Grantee may complete its required reports to the U.S. Department of Housing and Urban Development.

The data provided by the Subgrantee shall include:

- ✓ Property address
- ✓ Number of bedrooms
- ✓ Status (pending, under construction, completed or sold)
- ✓ Estimated total hard and soft costs to produce the unit
- ✓ CDBG funds committed to property
- ✓ Prime Contractor Name
- ✓ Federal I.D. Number (or Owner Social Security Number)
- ✓ Whether Minority-Owned, Women-Owned or Both
- ✓ CDBG funds committed to Prime
- ✓ Subcontractor Name (Provide separate data for each subcontractor)
- ✓ Federal I.D. Number (or Owner Social Security Number)
- ✓ Whether Minority-Owned, Women-Owned or Both
- ✓ CDBG funds committed to Subcontractor
- ✓ Name of Homebuyer
- ✓ Total Family Income (projected for 12 months following determination)
- ✓ Number in family
- ✓ Ethnic Group: White, Black (non-Hispanic), Hispanic, Asian/Pacific Islander, American Indian/Alaskan Native, or Other
- ✓ Whether family is headed by a single female
- ✓ Whether head of household is disabled
- ✓ Unit Sale Data
- ✓ Sales Price of Unit (excluding settlement charges)
- ✓ Closing Date

U.S. Department of Housing and Urban Development
Community Development Block Grant Program
Special Terms and Conditions
(Agreements $10,000 or Over)

1. "Section 3" Compliance -- Provision of Training, Employment and Business Opportunities:

   A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 170. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.

   B. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

   C. The Subgrantee will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

   D. The Subgrantee will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the contractor is in violation of regulations issued by the Secretary of Housing and Urban Development 24 CFR Part 135. The Subgrantee will not subcontract with any contractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR part 135 and will not let any subcontract unless the contractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued hereunder prior to the execution of the contract, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successor and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Subgrantees and contractors, its successors and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

2. Equal Employment Opportunity: Contracts subject to Executive Order 11246, as amended: Such contracts shall be subject to HUD Equal Employment Opportunity regulations at 24 CFR Part 130 applicable to HUD-assisted construction contracts.

The Subgrantee shall cause or require to be inserted in full in any non-exempt contract and subcontract for construction work, or modification thereof as defined in said regulations, which is paid for in whole or in part with assistance provided under this Agreement, the following equal opportunity clause: "During the performance of this contract, the Subgrantee agrees as follows:

A. The Subgrantee will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The Subgrantee will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Subgrantee agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

B. The Subgrantee will, in all solicitations or advertisements for employees placed by or on behalf of the Subgrantee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

C. The Subgrantee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the Contract Compliance Officer advising the said labor union or workers' representatives of the Subgrantee's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

D. The Subgrantee will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

E. The Subgrantee will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records and accounts by the Department and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

F. In the event of the Subgrantee's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part, and the Subgrantee may be declared ineligible for further Government contracts or Federally-assisted construction contract procedures authorized in Executive Order 11246 of September 24, 1965, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

G. The Subgrantee will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (G) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each contractor or vendor. The Subgrantee will take such action with respect to any subcontract or purchase order as the Department may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Subgrantee becomes involved in or is threatened with litigation with a contractor or vendor as a result of such direction by the Department, the Subgrantee may request the United States to enter into such litigation to protect the interest of the United States."

The Subgrantee further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in Federally-assisted construction work; provided, that if the Subgrantee so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract. The Subgrantee agrees that it will assist and cooperate actively with the Department and the Secretary of Labor in obtaining the compliance of Subgrantees and contractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor; that it will furnish the Department and the Secretary of Labor such compliance; and that it will otherwise assist the Department in the discharge of its primary responsibility for securing compliance.

The Subgrantee further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a Subgrantee debarred from, or who has not demonstrated eligibility for Government contracts and Federally-assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon Subgrantees and contractors by the Department or the Secretary of Labor pursuant to Part II, Subpart D, of the Executive Order. In addition, the Subgrantee agrees that if it fails or refuses to comply with these undertakings, the Department may take any or all of the following actions: cancel, terminate or suspend in whole or in part the grant or loan guarantee; refrain from extending any further assistance to the Subgrantee under the Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from such Subgrantee; and refer the cause to the Department of Justice for appropriate legal proceedings.

3. Nondiscrimination Under Title VI of the Civil Rights Act of 1964: This Agreement is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and HUD regulations with respect thereto, including the regulations under 24 CFR Part 1. In the sale, lease or other transfer of land acquired, cleared or improved with assistance provided under this Agreement, the Subgrantee shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis or race, color, religion, sex or national origin, in the sale, lease or rental, or in the use of occupancy of such land or any improvements erected or to be erected thereon, and providing that the Subgrantee and the United States are beneficiaries of and entitled to enforce such covenant. The Subgrantee, in undertaking its obligation in carrying out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant and will not itself so discriminate.

4. Section 504 and Americans with Disabilities Act:

   The Subgrantee agrees to comply with any federal regulation issued pursuant to compliance with the Section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act, which prohibit discrimination against the disabled in any federal assisted program.

5. Obligations of Subgrantee with Respect to Certain Third-party Relationships: The Subgrantee shall remain fully obligated under the provisions of the Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program with respect to which assistance is being provided under this Agreement to the Subgrantee. Any Subgrantee which is not the Applicant shall comply with all lawful requirements of the Applicant necessary to insure that the program, with respect to which assistance is being provided under this Agreement to the Subgrantee is carried out in accordance with the Applicant's Assurances and certifications, including those with respect to the assumption of environmental responsibilities of the Applicant under Section 104(h) of the Housing and Community Development Act of 1974.

6. Interest of Certain Federal Officials: No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit to arise from the same.

7. Prohibition Against Payments of Bonus or Commission: The assistance provided under this Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such assistance, or HUD approval or applications for additional assistance, or any other approval or concurrence of HUD required under this Agreement, Title I of the Housing and Community Development Act of 1974, or HUD regulations with respect thereto; provided, however, that reasonable fees or bona fide technical, consultant, managerial or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

8. "Section 109": This Agreement is subject to the requirements of Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. 3535(d). No person in the United States shall on the ground of race, color, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds available under this title.

9. Access to Records and Site of Employment: This agreement is subject to the requirements of Executive Order 11246, Executive Order 1375, Civil Rights Act of 1964, as amended. Access shall be permitted during normal business hours to the premises for the purpose of conducting on-site compliance reviews and inspecting and copying such books, records, accounts, and other material as may be relevant tot he matter under investigation and pertinent to compliance with the Order, and the rules and regulations promulgated pursuant thereto by the Subgrantee. Information obtained in this manner shall be used only in connection with the administration of the Order, the administration of the Civil Rights At of 1964 (as amended) and in furtherance of the purpose of the Order and that Act.

10. Legal Remedies for Contract Violation: If the Subgrantee materially fails to comply with any term of this Agreement, whether stated in a Federal statute or regulation, an assurance, in a State plan or application, a notice of award, or elsewhere, the City may take one or more of the following action, as appropriate in the circumstances:

    A. Temporarily withhold cash payments pending correction of the deficiency by the Subgrantee,
    B. Disallow all or part of the cost of the activity or action not in compliance,
    C. Wholly or partly suspend or terminate the current Agreement, or
    D. Take other remedies that may be legally available.

WMH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE, authorizing the fee simple conveyance of properties located at 1224 Rorer Avenue, S.W., and 719 Dale Avenue, S.E., to the Blue Ridge Housing Development Corporation; authorizing the execution of a Subgrant Agreement between the City and Blue Ridge Housing Development Corporation in order to provide Community Development Block Grant (CDBG) funds for the rehabilitation of such properties, and to provide housing available for rent and/or lease purchase by eligible low/moderate income families; and dispensing with the second reading of this ordinance by title.

WHEREAS, a public hearing was held on July 15, 2002, pursuant to §§ 15.2-1800(B) and 1813, Code of Virginia (19550), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on this proposed conveyance.

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

1. The City Manager is authorized to take the necessary action to convey City-owned property, located at 1224 Rorer Avenue, S.W., and 719 Dale Avenue, S.E., to the Blue Ridge Housing Development Corporation upon the terms and conditions set forth in the letter to this Council dated July 15, 2002. All documents necessary for this conveyance shall be upon form approved by the City Attorney.

2. The City Manager, and the City Clerk, are further authorized, for and on behalf of the City, to execute and attest respectively, a Subgrant Agreement with Blue Ridge Housing

Development Corporation, for funding through Community Development Block Grant funds, in the amount of $150,143.00, to provide for rehabilitation of the two properties located at 1224 Rorer Avenue, S.W., and 719 Dale Avenue S.E., upon the terms and conditions set forth in the City Manager's letter to this Council dated July 15, 2002.

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.